Vulnerability, decision-making and the protection of prisoners in Scotland and England

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Abstract

Vulnerable and protection prisoners currently make up a sizeable proportion of the prison populations in England and Scotland, and designated physical space to house them, an approach that has developed significantly in both countries since the 1960s, remains under studied. Within research on prisons, vulnerability has been predominantly associated with risks to the self, for example, mental health problems, self-harm and suicide, internal vulnerabilities that prisoners either bring into an establishment or which are a consequence of the stressors of prison life. This literature further tends to focus on certain categories of prisoner, namely those who have committed sexual crimes. This framing of vulnerability in prison means academic research typically studies vulnerability as a settled status, and there has been a move away from exploring meanings, experiences and determinations of vulnerability as these arise and change at different points of a person's journey through prison. This study addresses these gaps by sharing the perspectives directly from those at risk of victimization in prison as well as from those in charge of deciding who will get protection from risks. The focus is on prisoner and staff decisions to relocate to protective housing (vulnerable prisoner units (VPU) in England and protection halls in Scotland).

This research utilised qualitative methods, interviewing staff (13) involved in designating or managing vulnerability in prison as well as prisoners (23) who had been identified as needing protective housing. The research was conducted in one prison in England and two prisons in Scotland. It highlights the significant levels of victimization, trauma and fear experienced by prisoner research participants, and in doing so complicates prevailing ideas of vulnerability in prison. The findings chapters show: staff perspectives on what counts as a valid basis of vulnerability and therefore how it is managed and to some extent rationed (Chapter 5); the importance of journeys into and through prisons which shape and intensify experiences of vulnerability (Chapter 6); the perspectives of prisoners housed in a VPU in England which reinforced the idea that vulnerability is fluid and that there are some common factors affecting decisions to relocate from mainstream wings, but ultimately each decision is situated in the personal circumstances of an individual (Chapter 7); the perspectives of prisoners housed in protection halls in Scotland highlighting the factors that influence decisions to seek out or resist protective accommodation where, like England, common factors influenced decisions but were situated in highly individual circumstances (Chapter 8), and how these feelings were managed. The conclusion (Chapter 9) summarises key findings and calls for a sociology of

the vulnerable prisoner (building on a conceptualisation of vulnerability in Chapter 3) to understand not only how they navigate risk from others and the prison itself, but how they make sense of their newly acquired yet further stigmatized identity. Finally, it sets out some implications and suggestions for policy based on its new contribution to a sociology of vulnerability.

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underdog, especially those who have lived experience of the criminal justice system, is matched only by her energy, enthusiasm and desire to hold those in power to account. I am therefore very lucky to have had such a great supervisory team, whose unfailing support and hard work have made a seriously tough undertaking, even less painful than it might have been.

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Although it may not be typical within an Acknowledgements section, I would also like to thank those back in my hometown whose judgment and discrimination, given my own imprisonment, triggered an energy, motivation and desire to see this project through. To the doctor who told me what jobs I couldn't do, so I proved him wrong, to the recruitment agency who offered work then withdrew it, the landlady who denied accommodation, the psychiatrist who labelled without even having met me and the criminal justice charity who ensured I sat in a different part of the building, until I was deemed safe enough to be integrated with the rest of the team. Thankfully, I could use this judgement and stigma, purposefully. I hope others coming out of the prison systems in Scotland and England, including vulnerable and protection prisoners, continue to be given the same opportunities.

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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Abbreviations

ACCT	Assessment, Care in Custody and Teamwork
HMPPS	Her Majesty's Prisons and Probation Service
NOP	Non-offence protection (Scotland)
OLR	Order for Lifelong Restriction (Scotland)
OP	Own Protection (England and Wales)
PSI	Prison Service Instruction (England and Wales)
PSO	Prison Service Order (England and Wales)
SPS	Scottish Prison Service
VP	vulnerable prisoner, vulnerable prisoner unit
VPU	Vulnerable Prisoner Unit

Chapter 1. Introduction

Overview

Whilst academics, policymakers and prison staff are well aware of heightened risks of victimization faced by some prisoners, for example, those charged with sexual offences, the voices of the most at risk and marginalised within a prison are rarely heard. This research aims to redress this imbalance by promoting the voices of the vulnerable and protection prisoner, those rejected not just by wider society but also by mainstream prisoners within the establishment, effectively forced to withdraw to protective housing. As prison sociologists and criminologists have observed and written much about the mainstream prisoner both within custody and after release, this study questions why the vulnerable and protection prisoner has not been consulted about their status and struggles, given their potentially very different experiences to the mainstream prisoner. In this study, I will therefore highlight the journeys of vulnerable and protection prisoners, from the moment they are first identified by staff, through to their relocations and day to day lives within specialist housing. By learning more about the experiences of this minority of prisoners, how sense is made of their new status and subsequent adaptation to prison life, a knowledge base can be built that, in theory, will help to make prisons safer places, especially for those at risk of victimization.

The focus of this study is therefore on the characteristics of vulnerability that result in potential victimization from others, rather than vulnerabilities which are directed inward through self-harm or suicide. There is crossover, however, as prison bullying may result in self-harm, and vice versa, as the stories of some research participants sadly demonstrate. One of the aims of the study is to make an academic contribution, given the lack of knowledge and conceptualisation of vulnerability in prisons. However, I would also like to contribute to improving the information provided to those considering relocation to a vulnerable prisoner unit (VPU) in England or protection unit in Scotland, given my own personal experiences of imprisonment and prison victimization and consequently, my deeply held desire to help other prisoners struggling to cope within mainstream prison life. Whilst this lack of scrutiny may not directly impact the academic community, it has significant implications for prisoners, staff, policy and practice, and I note there have been numerous self-inflicted deaths by prisoners awaiting relocation to VPUs in England (PPO, 2013a, 2013b).

A sociology of the vulnerable prisoner, rather than an odd study or passing interest, is proposed because vulnerable and protection prisoners currently make up approximately 15 per cent of the prison populations in England and up to 26 per cent in Scotland (see Chapter 2), a system that has developed significantly since the small-scale experiments undertaken in the 1960s (e.g. in HMP Manchester). This strategy of penal management and significant growth is particularly interesting given vulnerable prisoners have traditionally been hard to accommodate in constructive ways (Sparks, Bottoms and Hay 1996). Explanations for an escalation in the numbers of vulnerable and protection prisoners will be discussed in this thesis but one of the major drivers has been the increasing numbers of prisoners remanded and convicted of sexual offences in both criminal justice systems. Given this significant, sizeable growth, it is even more surprising that prisoner vulnerability and its management, in the form of protective housing, has been so neglected within academic literature. This study therefore aims to fill this void by examining decision-making of both staff and prisoners in determining who is moved to protective housing (and who is not), the reasons behind these relocations, at what point decisions are made in a prisoner's journey and experiences of individuals now classified and living in VPUs and protection housing.

Original contribution of the thesis

This research seeks to significantly contribute to knowledge about the subjective experiences of vulnerable and protection prisoners, in response to a lack of recent, qualitative academic research. For example, the Scottish Prison Service first and last conducted research into the protection system (Waterhouse, Dobash and Carnie, 1995) in the mid 1990s, at the same time as a valuable study that compared and contrasted the management of vulnerable prisoners in HMPs Albany and Long Lartin (Sparks et al., 1996) in England. Although both studies have stood the test of time, their predominant focus was on notions of control, operations of power, regimes and day to day life within protective housing, rather than a specific concern with decision-making of staff and prisoners prior to relocation.

This research builds on these previous studies therefore by examining staff management of vulnerability before prisoners relocate, whilst highlighting decision-making of prisoners and pathways to protective housing. In fact, with so little research having been conducted into decision-making and determinations of vulnerability, this study also provides a voice to prison staff by highlighting the challenges they face in identifying, classifying and managing vulnerability and at risk prisoners, amidst often acute pressures of population supply and demand. Whilst this study therefore introduces the neglected

voices of the vulnerable and protection prisoner and the staff who identify, classify and support them, its broader aim is to promote a sociology of the vulnerable and protection prisoner given their contributions are as vital to research, policy and practice as those of the mainstream prisoner.

This originality of the research also lies in its comparison of characteristics of vulnerability of prisoners in both Scotland and England; two penal systems that are rarely contrasted despite their geographical proximity. The study is furthermore original in broadening the vulnerability debate away from the predominant focus on sexual offending, and towards the risks and needs faced by those who require a VPU or protection for reasons other than a sexual offence, analysing the complicated pathways of these prisoners who are often moved from mainstream populations to non-offence protection units. The day to day life within VPUs and protection units has also mostly been overlooked by the academic community, in favour of research into monocultures, treatment hubs and prisons solely dedicated to people convicted of sexual offences. Whilst daily living is not the main focus of this research, I highlight the atmospheres and relationships within these units, in particular, the tension and stigmatisation expressed by non-offence protections, sometimes forced to share with prisoners convicted of sexual offences. The stigmatisation of relocating to a VPU or protection unit, a stigma felt even after release, has also been largely ignored within the academic literature, a neglect that my research goes some way to addressing.

Aims of the study

Whilst the research aims to contribute to academic knowledge about the subjective experiences of prison staff and vulnerable and protection prisoners, it also aims to impact prison policy and practice in both Scotland and England thereby ultimately benefiting those most at risk within an establishment. To work towards this goal, I devised four main research questions as the basis for this study, as follows:

a) How do prison staff understand, identify and manage prisoners with 'vulnerabilities' who require relocation to a VPU or protection unit?

b) For prisoners who request and are granted vulnerable prisoner or protection status, what is their decision-making process prior to asking for help?

c) Do staff and prisoners interpret 'vulnerability' in the same way?

d) What are the thoughts of staff and prisoners about the regime within VPUs and protection and how are these units conceptualised within the wider prison?

The research utilised semi-structured interviews to help answer these research questions. Further sub questions aimed to learn how staff conceptualise vulnerability in practice, whether the term is contested amongst staff, their management of at risk prisoners and support provided once prisoners are relocated to specialist housing. The research questions also shed light on how individual prisoners perceive risks from others, request help and relocation, understand their pathways and journeys and experience life within vulnerable prisoner and protection units once relocated.

Structure of the Thesis

In this opening chapter, I lay out the context in which this research study evolved; how the burgeoning number of vulnerable prisoners has informed penal policy towards separate protection units within establishments; and how the academic literature has marginalised the voices of prisoners and prison staff about what constitutes vulnerability and how to manage it. It highlights the originality of the thesis and describes the research aims and objectives.

In Chapter 2, I provide a history of the development of vulnerable prisoner and protection housing in England and Scotland during the twentieth century, bringing the reader up to the present day. The chapter highlights the international and national frameworks of law, policy and practice governing protection of the vulnerable, including the development of a penal management ideology and strategy that separates out at risk prisoners and spatial-physical accommodation intended to achieve this aim in both penal systems. The bureaucratic process and operational challenges faced by the two countries are remarkably similar and this is reflected when analysing the Prison Rules, duty of care, response to risks, penal history and current management of vulnerable and protection prisoners. The final section of the chapter profiles the three fieldwork sites, namely HMP Durham in England and HMPs Glenochil and Edinburgh in Scotland.

A case has been made for raising awareness of and researching the needs of vulnerable prisoners (Ahmad, 1996; Sparks et al., 1996; Liebling et al., 1997; Drake, 2006; Ievins, 2013: 4) but in Chapter 3, I suggest these voices have largely been ignored. There has been growth in research on particular populations in prison and the dynamics of these groups, but what is missing are how people come to gain the status of vulnerability, in their own minds and officially designated as such. This gap reflects an opportunity to bring together work on flows through and spaces of prison with ideas of vulnerability, particularly from the moment a person is first identified as vulnerable and requiring relocation to protective housing. In this chapter, I critically review the literature on

vulnerability as a more general concept in order to develop a theoretical frame that can be used in this research. I also focus upon academic research that conceptualises the prison as a social system, in addition to the literature analysing prisoner masculinities, out of which emerges the concept of prisoner vulnerability. The gap in the literature is not about characteristics of vulnerability, the reasons why someone is at risk, but how the prisoner and staff respond to and manage these risks, more specifically in terms of decision-making and protection housing. This thesis addresses this gap by analysing prisoner pathways to protective housing, including the often more complicated journeys of those individuals relocated for reasons other than their offences. The chapter also goes further by examining the very limited literature on the daily lives, relationships and stigmatisation of those now living in VPUs and protection, exploring prison life from the perspectives of those whose voices rarely come to the fore, within two rarely contrasted penal systems.

In Chapter 4, I outline the methods used to produce and analyse the data on which this thesis is based. Although the chapter typically addresses the research aims, design and implementation, and reasons for choosing particular approaches, it includes a deeply personal reflexive account for doing this research. In the chapter, I reflect on the long, drawn out ethical process, adaptation of the project and concerns about whether my previous criminal conviction would hinder the project from progressing. The Methodology therefore pays much attention to researcher positionality and the exhausting performance required to navigate the prison environment during fieldwork. I move on to describe the qualitative research methods chosen for the study, namely semi-structured interviews, and how I prioritised sensitivity, ethical and moral integrity given operations of power within prisons and the nature of the vulnerable populations that I was interviewing. Much of the chapter is therefore a reflection on how best to manage subjectivities, in order to reduce their impact on the quality of the research.

In the findings chapters (Chapters 5-8), attention initially turns to staff assessment, classification and management of vulnerability and risk of assault within a variety of different penal spaces in HMPs Durham, Glenochil and Edinburgh. The first part of Chapter 5 therefore profiles who is vulnerable, at risk and in need of protective housing whereas the second half analyses the different stages of decision-making in the establishment, with particular reference to HMP Durham. Prison staff in both systems interpreted characteristics of vulnerability in similar ways, albeit with a few exceptions given a great deal of staff discretion. I found that vulnerability is interpreted normatively, in that prisoners who commit sexual offences are seen as 'deserving' of protective housing in both penal systems, a normativity into which new prison staff are

socialised. However, I will also suggest that vulnerability is also rationed and contested by staff based on risks, needs and priorities, further determined by penal space and moral judgements at both the individual and collective staff level. The chapter highlights how a moral economy of vulnerability is employed by staff to govern people and space, and this interacts with ideas of vulnerability that have emerged over time determining both the hierarchy of vulnerability, its fluidity and its geography. Vulnerability or risk assessments are made on a case-by-case basis within this broader normative framework of who is deserving and undeserving of relocation to protective housing.

Chapter 6 profiles the broad range of journeys that prisoners take to protective housing in both Scotland and England, suggesting that although prisoners end up in the same place, their pathways to these units are unique, individualised and contextual. Although the focus of Chapters 7 and 8 is the decision-making of prisoners, I introduce this issue here, too, highlighting how decision-making is influenced by either a masculine or a vulnerable identity, a weighing and balancing of options, albeit made within a wide variety of circumstances. No two journeys to a VPU or protection unit are the same. The theme of identity is a recurring one throughout the thesis and it is the identity of masculinity or vulnerability that is drawn upon within different penal spaces, influencing circumstances of departure from mainstream, arrival onto a VPU or protection unit and emotions felt by each prisoner, as they try to adapt to their new environment.

In Chapter 7, the focus turns to the specific, unique influences on the decision-making process of 10 research participants who relocated to the VPU in HMP Durham, where a masculine or vulnerable identity lay at the heart of every decision made, just as it did in Scotland. In the chapter, I profile the case studies of Jack and Bobby who, although charged with sexual offences, were able to draw upon their masculine identities and survive in mainstream populations for a period of time. The theme of a small number of prisoners convicted of sexual crimes or who denied sexual offences being able to initially access mainstream populations also emerged within Scotland. Access to mainstream populations or to the institutional gateway of vulnerability, namely the VPU or protection unit, therefore requires a dialogue and negotiation between staff and prisoner and can be contested, as it was by Jack and Bobby who feared a risk to their pride if they relocated to protective housing. The chapter then turns to those prisoners, like Ray, whose decision-making was entangled within a vulnerable rather than masculine identity. Interestingly, there were common influences on the decision-making process across both England and Scotland, in addition to identity, including the influence of media reporting of crimes, prisoner escort staff, prior experience in protection housing and the perceived nature and quality of the protection regime.

In the penultimate chapter, Chapter 8, consideration is given to the specific, unique influences on the decision-making process of 13 research participants in Scotland, 10 in Glenochil and 3 in Edinburgh, thereby building on the pathways to protective housing analysed in Chapter 6 and providing an interesting comparison with the decision-making of Durham prisoners in Chapter 7. In the two research sites in Scotland, a similar pattern emerged where first-time prisoners convicted of sexual offences were happy to embrace vulnerability and relocate upon the advice of staff, whilst those more concerned with preservation of a masculine identity tended to head to mainstream populations. This chapter therefore profiles the stories of John, Gordon and Archie, who started off in mainstream populations, yet were all moved to protection with little apparent negotiation, dialogue or choice in the matter. Although there are many parallels between assessments of vulnerability and the decision-making of both prisoners and staff across the Scottish and English establishments, the existence of a separated non-offence protection area in HMP Edinburgh has created some interesting, yet unanticipated, impacts on designations of vulnerability and moral economy of people and space.

Finally, in Chapter 9, the thesis brings together and synthesises the arguments made in the preceding chapters, with a focus on the contributions generated by the research and the key thematic findings. The chapter emphasises how my work may be able to contribute to future research, policy and practice, reinforcing the need for improvements in this area. There are a rising number of people in prison who fit official understandings of vulnerability and others who may be for some reason at risk of harm. Further research is merited to understand the experiences of this group not only of vulnerability but how prisons respond to this. I will also draw attention to parallels that have emerged in this research between Scotland and England, emphasising how staff management of those at risk and experiences of vulnerable and protection prisoners have many similarities that far outweigh any differences between the two penal systems.

Chapter 2. Setting the Scene: The emergence and operation of housing for vulnerable prisoners in England and Scotland

Introduction

In this chapter, I will show how physical risks to a minority of prisoners and the emerging concept of 'vulnerability' was officially managed by staff in British prisons from the 1950s and early 1960s. This management embraced a policy of separation of those 'at risk' and 'vulnerable' prisoners, a penal ideology that resulted in an ever-burgeoning network of specialist, protective accommodation, developed within an elusive and complicated history. The chapter will initially outline international and national legislation governing protection of vulnerable prisoners, highlighting a duty of care that should, in theory, keep all prisoners safe from threats, intimidation and assaults in both Scotland and England. I will then reflect on a penal ideology that has, most recently, prioritized separation over integration, in addition to the functional, bureaucratic process and the spatial-physical accommodation intended to achieve this. The broader focus of 'setting the scene' is to therefore explain how and why a minority of prisoners are relocated to protective housing, rather than examining personal stories, characteristics, or the point in a prisoner's journey when they are relocated. In sections four and five, I will offer an approximate chronology of the development of vulnerable prisoner units (VPUs) in England and protection areas in Scotland, proposing that although each separate Prison Service forged their own paths, the rules, policies and approaches to managing 'at risk' prisoners are remarkably similar. These parallels are, perhaps, unsurprising, given geographical proximity and, at times, exchange of penal concepts and ideas, for example, through shared Governor training programmes prior to the 1990s. Further comparisons will be drawn through data provided by Scottish Prison Service (SPS) and Her Majesty's Prison and Probation Service (HMPPS), detailing the more general rise in prisoner numbers, and, more specifically, in the numbers of prisoners remanded and convicted of sexual offences in both systems, with noticeable effects on protection and vulnerable prisoner populations in Scotland and England, respectively. Finally, I will profile my three fieldwork research sites, giving information about their current populations, recent policy changes and histories of protective housing in HMPs Edinburgh, Glenochil and Durham. These histories support the argument that, traditionally, staff have encountered problems

in trying to accommodate vulnerable prisoners in constructive ways (Sparks, Bottoms and Hay, 1996: 218).

Legislative and rights frameworks governing vulnerability and separation of prisoners

United Nations

Although the prison systems of Scotland and England and Wales are separate entities, both have a statutory 'duty of care' to all prisoners, a duty re-enforced under the United Nations Standard Minimum Rules (the 'Mandela Rules') and Article 2 of the European Convention on Human Rights. The first Minimum Rule, for example, states that the '*safety and security of prisoners.........shall be ensured at all times*' (United Nations 2016: 8), a duty requiring all prison administrations to take preventative operational measures to protect and keep safe those who may be 'at risk' of assault. Whilst the 'Mandela Rules' makes no specific mention of what form these operational measures should take, protection regimes in Scotland and VPUs in England and Wales are one strategy used to manage such risks.

The Mandela Rules do not provide a definition of 'vulnerability', effectively leaving interpretation of the concept and subsequent management of 'at risk' and therefore 'vulnerable' prisoners to national policy, local guidelines and staff discretion within each establishment. Prison administrations are encouraged to ....*take account of the individual needs of prisoners, in particular, the most vulnerable categories* (ibid: 8) and *to identify any risks prisoners....might be exposed to* (ibid: 6), though little further guidance is offered. The short guide to interpreting the Mandela Rules does advise (under Rule 11), however, that *certain groups of prisoners must be housed separately as a means of protection (ibid*: 6), thereby acknowledging an ideological strategy of separation, rather than providing specific guidance as to who, where and why some individuals require protection housing.

European Convention on Human Rights (ECHR)

Prisoners in Scotland and England are also protected by the Human Rights Act (1998), European Prison Rules and the Articles of European Convention on Human Rights (ECHR), which imposes a positive obligation on member states, to protect those in their (prison) jurisdictions, from imminent and foreseeable risks to their lives (Cooke, Wozniak and Johnstone 2008: 1066). Under the Convention, the authorities have a duty to take

measures of good order to protect prisoners from acts of intimidation and violence from other prisoners (ECHR 2021), measures including, but not limited to, protective housing. The European Prison Rules (2006), which contain the key legal standards and principles for prison management were updated in 2020, where Rule 52 expects procedures to be in place to ensure the safety of prisoners, including their separation from mainstream populations. The European Rules neither offer a classification of vulnerability nor what protective housing should look like, again, leaving the onus on national and local policy and staff practice. The recent withdrawal of Britain from the European Union may have future implications for prisoners in Scotland and England seeking legal recourse under ECHR legislation, for example, by those who do not feel their protection and safety is prioritised.

Emergence of Scottish Prison Service (SPS)

Scotland has always had a separate criminal justice and penal system to England and Wales but parallels in terms of ideology, bureaucratic process and spatial accommodation to house protection and vulnerable prisoners can easily be drawn. Historically, the Treaty of Union in 1707 (Smout 1963 as cited in Dobash 1983: 20), guaranteed the perpetuation of distinct Scottish institutions such as education and law which, although separate, usually had analogous, administrative arrangements (Dobash 1983: 20). The prison system in Scotland reflects this, in that it has always been distinctly organised and administered (Dobash 1983:20), ruled by a separate bureaucracy and legislation (Brangan 2019:782). Prior to devolution in 1998, Scottish prisons had been controlled by a separate administration called the Prisons Division but the late 1980s saw progressive penal transformation after a sustained pattern of disorder and rioting (Brangan 2019:783), a transformation also embraced by England and Wales in response to the Woolf Report (Woolf and Tumin, 1991) into the Strangeways riot. This transformation saw the emergence of the Scottish Prison service (SPS) in 1993 (Brangan, 2019: 786), replacing the Prisons Division and it is therefore SPS who are currently responsible for safety and order in Scottish Prisons, just as there is a separate Her Majesty's Prison and Probation Service (HMPPS) is accountable for safe custody of all prisoners in England and Wales.

From separation to protection: safe housing for a minority of prisoners?

Background

This section will now focus on how prisoners are functionally separated from mainstream populations, a separation that requires firstly, an ideology, secondly, legislation, as outlined previously, thirdly, a bureaucratic process requiring, for example, specific Prison Rules and finally, named accommodation set aside to house prisoners now classified as vulnerable and requiring protection.

It is important to emphasize that not all carceral systems or individual prisons feel it necessary to separate prisoners; some establishments adopt regimes where all prisoners are 'integrated', as was the policy until 2016 in HMP Durham, one of my fieldwork research sites. During international visits that formed part of The Woolf Report (1991) into prison disturbances in England and Wales in 1990, it was discovered that, in addition to the United Kingdom, only Canada, the United States and France separated particular categories of prisoners, though, from my own investigations, Australia (Harding, 2003) was also separating out 'at risk' prisoners at this time. It has proved impossible to provide a comprehensive picture as to exactly which penal systems integrates or separates internationally, but, HMP Durham notwithstanding, the sorts of conditions that favour full integration, where all prisoners regardless of offence will be safe, for example, have not been possible in English prisons since 1950s or 60s (Sparks et al., 1996) or in Scottish prisons.

Whilst the need for 'separation' and protection is thus recognised in international law and policy, a lack of ideological uniformity may, in theory, create legal challenges, reminding us that although prison systems face similar difficulties, their approaches to penal management and problem solving remain individualised.

The provision of separate, specialist accommodation is a deliberate, organisational penal strategy and ideology, partly influenced by wider political and criminal justice demands, alongside operational influences. For example, elsewhere in this chapter, I demonstrate how demand for separate, protective and vulnerable prisoner accommodation has recently increased in both Scotland and England as a consequence of greater numbers of sexual offenders entering the criminal justice system and, more specifically, prisons. The decision to separate prisoners will also be influenced by the size, location and purpose of the establishment, the discretion of senior managers, staff culture and the nature of the prison population within that specific institution. Prison managers may be ideologically

reluctant to separate out vulnerable prisoners, taking this as a personal failure of staff to manage bullying within mainstream populations. Decisions to separate or integrate prisoners are therefore a valuable prism through which to glimpse the essential nature of an individual prison and wider system at a point in time (Bird, 2017: 20).

Who needs to be separated?

The concept of vulnerability and characteristics that may result in classification as a vulnerable or protection prisoner will be analysed in Chapters 3 and 5 but in the United Kingdom, as in other international prison systems outlined earlier, those who have offended against prisoner 'norms' or 'values' by committing either sexual or violent offences against children or sexual offences against adults often face targeting by other prisoners, and may need to be protected. In England and Wales these prisoners are called vulnerable prisoners (VPs), whereas in Scotland they are known as offence protection prisoners. No official distinction or classification appears to be made amongst this group of vulnerable or 'offence protection' prisoners, despite the huge diversity of crimes the sexual offence category includes. In both prison systems of England and Wales and Scotland, relocation to vulnerable prisoner units (VPUs) and protection regimes can occur at the remand stage or post-conviction, provided suitable accommodation exists.

Prisoners may also be relocated to specialist housing for reasons other than their offence, however. These 'own protection' (OP) prisoners in England and Wales or 'non-offence' protections (NOPs) in Scotland cover a range of categories, many of which are familiar to prison researchers, but which can fluctuate in importance from prison to prison. The importance and priority given to these characteristics will be discussed in subsequent chapters but may include police or prison informers ('grasses'), debtors, older prisoners, gang members, first time prisoners, gay and transgender prisoners, religious and ethnic minority groups and former police, prison officers and legal professionals.

Both offence and non-offence characteristics will be further discussed as an issue in the literature in Chapter 3 and as staff perceived these, in Chapter 5, which draws on data that emerged during staff fieldwork interviews in HMPs Durham and Edinburgh.

Where do vulnerable and protection prisoners live?

A decision-making process

It may sound obvious, but it is not for prisoners to decide where they are to be housed within an establishment; prisoners can request location to a protection hall or a VPU but, ultimately, it is a decision-making process that belongs to staff (see further, Chapter 5.) Deciding where to locate prisoners situates such questions within physical constraints of space and motivations and practices of staff in making these assignments therefore merits study, especially as there are major research gaps in the literature concerning the decision-making process of both staff and prisoners in Scotland, England and Wales.

Integration

Where specialist protective housing does not exist, prison staff in both Scotland and England can remove aggressors from the situation or relocate potentially vulnerable prisoners to other landings, halls or wings in the host prison. In 'integrated' regimes prisoners mix freely, whilst staff vigilance, dynamic security, robust anti-bullying procedures and restorative justice can help to reduce prisoner on prisoner assaults and therefore the demand for protective measures elsewhere in the system. In effect, staff are continually moving prisoners around their establishment but also the wider system for reasons of protection and safety, but as mentioned, there is scant research which assesses these motivations from both the perspectives of prisoners and front-line staff.

Segregation within mainstream populations

If protection regimes or VPUs are full or separate accommodation does not exist, prisoners can be removed from associating with others and confined to their cells under 'own protection' measures in mainstream halls, wings or segregation units (units which are separate accommodation not to be confused with protection halls and VPUs). These measures are made under Prison Rule 95 in Scotland and Rule 45 in England and Wales and will be discussed in due course. This situation is far from ideal because staff must continue to run a mainstream regime whilst, simultaneously, supporting these 'at risk' prisoners, kept theoretically safe behind their cell doors, unable to mix with mainstream prisoners and therefore participate in the full regime.

The effect of being on Rule 95 in Scotland or Rule 45 in England and Wales will differ from one establishment to the other, depending on facilities (Ministry of Justice 1989).

Protection and vulnerable prisoners will, in theory, be protected from physical assault (Ministry of Justice 1989), as they are only unlocked among mainstream populations when it is safe to do so. This running of a separate regime is both resource intensive and stigmatising however, potentially leading to threats and intimidation from mainstream prisoners. The length of time that someone is separated within a mainstream population will be analysed elsewhere but will ultimately depend on a prisoner and staff decision-making process and the availability of a safe, alternative option, further influenced by forces within the wider prison and elsewhere in the penal system.

Separation and Re-integration units (SRUs) (Scotland) and Separation and Care Units (SCUs) (England and Wales)

More colloquially known as Segregation Units, SRUs and SCUs are separate units within a prison that may hold prisoners segregated under Rule 95 in Scotland and Rule 45 in England and Wales. Prisoners are segregated here as punishment under terms of Good Order or Discipline (GOOD), or for their Own Protection (OP) (Shalev and Edgar, 2015); in conditions amounting to solitary confinement, although levels of association vary between individual prisons and jurisdictions (Shalev, 2008). The justifications for using Rule 95 and Rule 45 controls in segregation units are that a prisoner is deprived of activities that he would otherwise enjoy (Ministry of Justice, 1989), as either punishment or protection. Whilst these units provide protective sanctuary for some, they can provide an extremely confined existence that hinders both development and potential for change (Sparks et al 1996: 1), damaging psychological and physiological health (Shalev, 2008: 15).

In addition to the deprivation of association, residence in an SRU or SCU for reasons of protection can also limit access to work, education and recreation and result in a 'stigma' that labels a prisoner throughout their sentence (Ministry of Justice, 1989: 7), hence the need for independent safeguards and thoughtful, critical appraisal from staff. Regime quality is affected, firstly, by the intensity of staff resources required to look after segregated prisoners, particularly in keeping apart those separated for reasons of good order or discipline and protection and, secondly, because vulnerable prisoners are often either too few or too many in number within the units. With effort, innovation and imagination, prison staff can produce positive regimes (Ministry of Justice, 1989: 42) but regimes will also be influenced by the 'population mix' on the unit and the stability of the prison more widely. These factors, combined with concerns about 'stigmatisation' after having been protected, will influence the decision-making process of vulnerable and protection prisoners and staff in determining whether to stay segregated or risk moving to alternative accommodation.

Protection Regimes and Vulnerable Prisoner Units (VPUs)

Protection areas in Scotland and VPUs in England and Wales are 'specialized accommodation' but, as the regime within them is meant to approximate conditions of normal location (Sparks et al., 1996: 4), Rule 95 and Rule 45 controls are no longer required. Protection halls and VPUs tend to be discrete and self-contained and, as previously mentioned, are a 'managerial strategy of segregative control and risk management' (Sparks et al., 1996: 4), holding prisoners with a range of 'vulnerabilities' who are 'at risk' and may have been 'targeted.' Life within these specialist units is the focus of discussion elsewhere in this doctoral study.

Prison Transfer

The transfer of prisoners between halls, wings or institutions has, and continues to be, an option open to staff managing protection and vulnerable prisoners. In effect, prisoners can be strategically moved around an establishment or to an alternative prison, so as to avoid threats, intimidation or identification (Ministry of Justice, 1989) if they have previously been relocated to a protection regime or vulnerable prisoner unit (VPU). Prisoners can also move between penal systems and I will show how HMP Durham is often used as a throughway for prisoners transferring between Scottish and English prisons in Chapter 5. When transferring prisoners to alternative establishments precautions have included advising prisoners to not disclose either their offence or reasons for previously accessing protective custody, briefing prisoners on their 'conduct' or moving on a particular day so as to avoid unwanted attention (Ministry of Justice, 1989: 32).

England and Wales: Origins and Development of VPUs

Legal and order-based rationales of segregation

This section will analyse the functional practices and processes that enable separation to work and the different rules that govern this separation, with an initial focus on England given different Scottish Prison Rules and legislation (Loucks, 2000: 2). Thereafter, I will examine the origins and development of vulnerable prisoner units (VPUs), paying particular attention to Rule 43 which became Rule 45, rising numbers of vulnerable prisoners during the 1980s and changes to their management in the aftermath of The Woolf Report in 1991.

There is no specific Prison Rule referencing 'management of vulnerable prisoners' or 'vulnerable prisoner units' in England and Wales; rather, a number of different Prison Service Orders, Instructions and Frameworks combine to influence both Prison Rules (Loucks, 2000:1) and management of vulnerability. Enshrined within HMPPS policy is a 'duty of care', where all members of staff are expected to take 'reasonable care in the circumstances' to protect a prisoner from injury, a duty re-enforced by Article 2 of the European Convention on Human Rights (Segregation Prison Service Order 1700, HMPPS, 2016), as suggested previously. The duty of care imposes a positive obligation on staff to take preventative operational measures to protect an individual (Id.) and relocation to vulnerable prisoner units (VPUs) is one such management option, as outlined in the previous section. Staff are liable in law if they fail to take all reasonable precautions to prevent attacks between prisoners (Ministry of Justice, 1989: 85) but what is 'reasonable' is open to scrutiny, interpretation and debate, especially given the dynamic, individual nature of a prison hierarchy at a point in time. Whilst I find the lack of Rules and specific guidance for the management of vulnerable prisoners both surprising and concerning perhaps, like the Mandela and European Rules, guidance is intentionally flexible, as a rigid policy, framework and conceptualisation of vulnerability may not be user friendly and helpful to any staff decision-making process.

'Safer Custody' is a principle, theoretically embedded throughout every establishment but is a misnomer as over 31,000 incidences of prisoner assaults were recorded in the 12 months prior to March 2020 (Ministry of Justice, 2020a), a likely under-representation of the true extent of safety problems in England and Wales. Every prison has a Safer Custody team with responsibility for the implementation and development of policy, whilst Governors, through Prison Service Instruction (Ministry of Justice, 2020b) must have procedures in place to identify, manage and support prisoners who are at risk from others (Ministry of Justice, 2020a). Other PSOs and PSIs will be referred to under the umbrella of Safer Custody, for example those referring to Reception, Allocation of prisoners, Cell Sharing Risk Assessments (CSRAs) and Segregation, as these provide reference points in the safe relocation of potentially 'at risk' or vulnerable prisoners. As with Prison Rules, no mention is made of specific vulnerabilities or VPUs in PSOs, PSIs and policy frameworks, however. This is because, as I show in Chapters 3 and 5, identification and management of vulnerability has evolved normatively and is an embedded part of staff culture into which new staff members are socialised. A 'way of working', identifying, classifying and managing vulnerable prisoners appears to have therefore been established as an informal policy and practice that does not require formal legislation to guide it.

Rule 43 becomes Rule 45

In England and Wales, HM Prison Rule 45 currently permits a prisoner to be segregated for reasons of Good Order or Discipline (GOOD), or for their Own Protection (OP) (Shalev and Edgar 2015: 5); but the origins of this rule are, supposedly, 'shrouded in obscurity' (Priestley, 1980: 11). Prison Rule 45 was previously known as Rule 43 (Ievins, 2013: 4) and, before this, was originally on the statute book as Rule 36 (Priestley, 1980: 11). The 'obscure origins' of the Rule, relate to a story told by prisoners in HMP Shepton Mallett in the mid 1960s, who had, themselves, been transferred to Shepton for their own protection (OP), under Rule 43 legislation. Their story refers to a prisoner who, at some time prior to the 1960s, had requested segregation, as a result of being threatened. (Priestley, 1980). No official action was apparently taken and the prisoner, who was subsequently badly assaulted, sued the then Prison Commission, for substantial damages in the civil courts (Priestley, 1980: 11). Vulnerable prisoner status supposedly came into existence after this event, although nobody in Shepton Mallett, was ever able to confirm the prison, the prisoner or the court case in question (Priestley, 1980).

The criticisms levelled at Rule 43 procedures by a Prison Department Working Group on Vulnerable prisoners (Ministry of Justice, 1989), were also identified by The Woolf Report (Woolf and Tumin, 1991) and led to, not only, a new Prison Rule but to a fresh policy aimed at sexual offenders. Lord Woolf's report into the Strangeways riot and other prison disturbances in 1990, argued that, whilst vulnerable prisoners needed protection, Rule 43 did not 'supply the kind of protection they required' (Woolf and Tumin, 1991: 22). His principal criticism was that Rule 43 was used to deal with two very different circumstances; namely, the segregation of prisoners who affected Good Order or Discipline (GOOD), whose situation needed to be enforced, and the separation of vulnerable prisoners, who needed protection but for 'no longer than was necessary' (Woolf and Tumin, 1991: 22). Vulnerable prisoners often took 'indefinite refuge' in segregation units (The Woolf Report 1991: paras.12.185-12.215 as cited in Sparks et al., 1996: 2), an 'unacceptable situation' that favoured the 'victimiser above the victim' (Loucks, 2000: 97) and placed 'considerable strain' on staff resources (Hawkins and Evans 1980: 1). Lord Woolf's recommendations were accepted (Loucks, 2000: 97) and Prison Rule 45 replaced Rule 43 (Ievins, 2013: 4), but, from the early nineties, the government also pursued a twin track policy, improving regimes and opportunities for those held in protective segregation under Rule 45, (Loucks, 2000: 97) whilst prioritising 'monocultures', where people convicted of sex offences are held together in a smaller number of safe and supportive, specialist treatment hubs (Ievins, 2013:4).

Development of Vulnerable Prisoner Units (VPUs)

In the 1930s and 40s, men who served sentences for sexual offences, claimed that no one cared about their offence and physical attacks upon them were almost unthinkable (Priestley, 1980), hence, there was little need for protection. Older prisoners at HMP Shepton Mallett felt that the risk of violence increased during the 1950s, as a result of the abolition of the 'silence rule' and the introduction of association, which allowed bullying to flourish (ibid: 11), exposing the weak and necessitating legislation to protect the vulnerable. By the 1960s separation of 'at risk' prisoners had therefore become a definite management option (Jewkes, 2012: 172) in England and Wales but also in Scotland (see below), Canada (Gendreau, Tellier and Wormwith, 1985), the United States (Robertson, 1987) and Australia (Harding, 2003): evidence of a formalised penal strategy, mechanism and accommodation emerging throughout the Anglophone world, in response to liberalisation of prison regimes at some point during the 1950s.

The origin of Vulnerable Prisoner Units (VPUs) in England and Wales appears to be a social experiment between Strangeways, now HMP Manchester and Shepton Mallett in the 1960s, an experiment rooted in 'humanity' and set up as a consequence of greater numbers seeking protection (Priestley, 1980: 144). The rise in 'scapegoating' and the increase in attacks on people with sexual offence convictions and others (Priestley 1980: 144), during the 1950s, was, as suggested, a consequence of more association between prisoners and the emergence of 'deeply held common values' and 'outrage' at certain types of offender (Id.: 7). The Prison Service, in response to this rising demand for protection, alongside a liberal, humane desire to remove vulnerable prisoners from isolated segregation units and cells, therefore made special arrangements to house a number of Rule 43 men in one large wing at Strangeways prison (Priestley, 1980). Rule 43 conditions were unnecessary as the men could mix easily and follow normal prison routines, whilst freed from their 'common plight' of fear of attack (Priestley, 1980: 4). In August 1966, those convicted of sexual offences in Strangeways, with others from elsewhere in the country, were then moved to 'A' wing at Shepton Mallett; a small, discrete but specially allocated prison in Southwest England, containing within it a population as unusual as any from its past and one, aside from other countries previously mentioned, with few parallels elsewhere in the world (Priestley, 1980).

Rising Numbers of Rule 43s during the 1980s

During the 1980s the number of prisoners seeking, and gaining, protection increased substantially (Sparks et al., 1996: 3) as a result of a combination of a larger overall

population, more sexual offenders and a lack of Home Office scrutiny and policy guidance towards vulnerable prisoners. The total population of prisoners increased from 24,326 to 28,571 between 1983 and 1988, whilst the number serving sentences for rape and other sexual offences rose from 1,254 to 2,421 and those on Rule 43 from 632 to 1,632, respective percentage increases of 93% and 157% (Ministry of Justice, 1989). Whilst this suggests some of those designated as 'sex offenders' remained in mainstream populations (see Chapter 3, 6 and 7 for an explanation of this decision-making process), not only did the number of sexual offenders and Rule 43 prisoners increase in aggregate terms over this period but did so at a much faster rate than the overall prison population (Ministry of Justice, 1989), having previously increased at similar levels between 1978 and 1985 (Ministry of Justice, 1989). Wider societal and criminal justice influences, for example, sending more people to prison, including those convicted of sex offences, therefore impacts upon the effectiveness of internal prison policy and management of 'at risk' prisoners, challenges still reflected in the system today.

A lack of national policy and guidance as to eligibility criteria for vulnerable prisoner units is also part of the explanation for rising numbers and the ad-hoc, individualised approach adopted by establishments during the decade. The review of segregation conducted by Her Majesty's Chief Inspectorate of Prisons (HMCIP) in 1986, was the first such review of segregation policy since the early 1970s (Ministry of Justice, 1989), whilst, in the same year, concern was expressed at the growth in numbers and lack of facilities for vulnerable prisoners (Ministry of Justice, 1989: 4). This lack of leadership led to the instigation of a Prison Department Working Group in 1989 to consider future policy development (Ministry of Justice, 1989), acknowledging that a fear of litigation had created a culture of 'immediate recourse' to protection. Whilst the Group accepted they could not provide 'guidance' for every case, they re-enforced the need to critically appraise any Rule 43 requests, thus avoiding any unnecessary placement and keeping segregation numbers to a minimum (Ministry of Justice, 1989: 29). This policy of contain and control, rather than 'tinkering' with Rule 43 procedures or building their way out of the problem (Ministry of Justice, 1989) came up in my findings, presented in Chapter 5.

Eligibility to VPUs is determined by conceptualisations of vulnerability, a recurring source of conflict amongst staff in the 1980s, as highlighted in academic research within HMPs Long Lartin and Albany (Sparks et al., 1996) in the 1990s. By the time that HMP Albany, on the Isle of Wight, and HMP Wandsworth, in London, had been established as 'regional resources' for vulnerable prisoners, in 1984 and 1986 respectively (Ministry of Justice, 1989: 35), strict entry criteria had been established. For example, vulnerable prisoners applying to VPUs had to be serving sentences of more than two years, previously to have

been segregated under Rule 43, to have been 'tried out' elsewhere, to have indicated a willingness to move and to have been recommended by staff (Ministry of Justice, 1989: 88). For those prisoners deemed 'unsuitable', staff had to find safe and alternative accommodation, creating a merry-go-round of transfers between cells, landings, wings, segregation units and other prisons, placing strain on accommodation and staff but, more importantly, on already potentially 'vulnerable' prisoners. A lack of formal eligibility criteria and conflict over admissions to protective housing is a major theme to have emerged within this research in both Scotland and England, consequences of which will be discussed at length in Chapter 5.

The Woolf Report, 1990s and beyond in England and Wales

The numbers of people with sexual offence convictions entering prisons in England and Wales continued to grow during the 1990s but their longer-term management also developed with the introduction of a national structured treatment programme in 1990 (Jewkes, Bennett and Crewe, 2016), alongside a number of specialist treatment hubs. Whilst the capacity of VPUs increased during the 1970s and 80s, the growth was insufficient to cope with the approximately 3,000 prisoners seeking protection by 1990 (Sparks et al., 1996: 3, citing the 1991 Woolf Report). The proportion of people with sexual offence convictions had reached ten per cent of the overall prison population by 2000 and increased to sixteen per cent or 11,119 prisoners within the system by 2014, (Ministry of Justice, 2014 as cited in Jewkes, Bennett and Crewe 2016). This was due in large part to offences governed by a new piece of legislation, namely the Sexual Offences Act of 2003 (Id.).

Priestley (1980) correctly predicted that the practice of segregating those with sexual convictions would continue (Jewkes, et al., 2016) but during the 1990s, the Prison Service adopted a twin track policy of both integration and separation, including to newly developed 'sex offender' only establishments. During the 1990s, Prison Service opinion was increasingly *integrationist* (Sparks et al., 1996: 3), as both policymakers and staff felt vulnerable prisoners should be entitled to stay on normal location, rather than capitulate to pressure from 'bullies' (Sparks et al., 1996: 3). Vulnerable prisoner units continued to exist however, as did Rule 45 controls for own-protection prisoners held in other parts of the establishment, but opportunities and regimes were improved in response to Lord Woolf's recommendations. (Loucks, 2000: 97).

A system of prisons housing only sexual offenders was also developing: monocultures, where prisoners were held together in a smaller number of safe and supportive, specialist

treatment hubs (Ievins, 2013: 4). Here, prisoners could relax, address their offending behaviours, safe in the knowledge they were apart from mainstream populations and the relative restrictions of a VPU regime (Jewkes, Bennett and Crewe 2016). Whilst monocultures have undoubtedly helped promote the safety and management of persons convicted of sexual offences, demand currently outweighs supply for these establishments. In other words, prisoners remanded for sexual offences and those recently convicted are often left languishing in VPUs within local prisons, waiting for spaces in these longer-term treatment establishments.

Current picture

Through a personal communication with the Capacity Management team within HMPPS, I was provided with data for the current numbers of 'vulnerable' prisoners within the adult, male prisoner population of England and Wales.

Table 2.1 Number of adult male prisoners living in prisons housing only sexual offenders in England and Wales, April 2021

Prison	Total
Ashfield	386
Bure	577
Isle of Wight	708
Littlehey	1159
Rye Hill	629
Usk	214
Whatton	763
Total	**4436**

In April 2021, as Table 2.1 demonstrates, there were 4,436 prisoners, convicted of a range of sexual offences and living in seven specialist treatment hubs, effectively, monocultures solely housing prisoners designated as 'vulnerable.' At the same time, a further total of 7,738 prisoners were held within vulnerable prisoner housing within 42 separate establishments, although these prisons also hold mainstream populations who, as established, are kept separate. The data provided below in Table 2.2 suggests a broad range of accommodation assigned to the 'vulnerable', reflective of local penal policy therefore, where, for example, HMP Bedford held 22 vulnerable prisoners compared with HMP Oakwood, a much larger prison, housing 647 individuals designated as vulnerable.

Table 2.2 Number of adult male prisoners living in certified VPU accommodation in England and Wales, April 2021

Prison	Total
Altcourse	122
Bedford	22
Belmarsh	47
Berwyn	140
Birmingham	62
Bristol	78
Bullingdon	189
Channings Wood	265
Chelmsford	117
Doncaster	329
Dovegate	94
Durham	128
Elmley	296
Exeter	61
Forest Bank	178
Frankland	392
Full Sutton	279
Garth	172
Hewell	96
High Down	191
Holme House	196

Hull	375
Leeds	189
Lewes	133
Lincoln	125
Liverpool	100
Long Lartin	135
Manchester	163
Moorland	359
Northumberland	476
Norwich	77
Nottingham	103
Oakwood	647
Parc	260
Pentonville	159
Peterborough	82
Preston	110
Risley	388
Swaleside	247
Wandsworth	83
Wealstun	26
Winchester	47
Grand Total	**7,738**

In April 2021, 12,174 prisoners across 49 establishments therefore required some form of vulnerable prisoner housing but, disappointingly, the VPU figures provided by HMPPS do not distinguish between those separated for their offence and those own protections (OPs) relocated for other reasons. As the total adult male population consisted of 77,738 prisoners on 23rd April 2021 (Ministry of Justice and HMPPS, 2021), the proportion of prisoners separated from mainstream on grounds of safety stood at just over 15 % of the total population, which is comparable to the 2014 figures (Ministry of Justice, 2014, cited in Jewkes, Bennett and Crewe, 2016). Whilst the numbers of sexual offenders and, more broadly, vulnerable prisoners have therefore remained relatively constant over the last few years, the longer-term growth in numbers and subsequent expansion of the

vulnerable prisoner housing system must be acknowledged and understood. It is difficult to gauge whether the risk from other prisoners in England and Wales has increased so significantly since the original experiment in HMP Shepton Mallett in the 1960s or does the explanation lie, as will be discussed in Chapter 3, in the way the penal system interprets and manages the concept of 'vulnerability?'

Scotland: A different yet similar path to house the 'protection' prisoner?

Background

This chapter has shown how separation from mainstream populations requires an ideology, functional process and discrete, named accommodation, with a focus, thus far, on the history of separating vulnerable prisoners in England and Wales. Although Scotland has a distinct Prison Service with its own set of Rules and practices, the management of protection prisoners is very similar to England and Wales. In this section, I will therefore analyse the different Scottish Prison Rules that govern this separation, the piecemeal, poorly documented history of protection housing and changing attitudes towards the management of vulnerability, in particular of sexual offenders, across the Scottish penal estate during the 1990s. A significant feature of this policy change was the gradual transition of HMP Peterhead into an establishment holding only prisoners convicted of sexual offences; the emergence of a monoculture that highlights further parallels in penal policy between Scotland and England and Wales at this time.

The Scottish Prison Service (SPS) has a duty of care administered through national legislation, supported by international law, as suggested previously, yet is also failing to keep all its prisoners safe and protected. SPS aims to provide 'safe and secure' custody by promoting 'good order and stability' (https://www.sps.gov.uk/Corporate/AboutUs/Vision.aspx) but rates of (minor) prisoner on prisoner assaults rose by 38 per cent across the penal estate in 2018-19 (Prison Reform Trust, 2021), amounting to 2,994 recorded incidences (Audit Scotland, 2019), again a likely underestimate of safety problems in Scotland's male establishments. Numbers of assaults in both Scotland and England and Wales were rising, at least prior to the outbreak of the pandemic in the United Kingdom in 2020, with similarity in rates of assault per capita, given England and Wales has an adult male prison population approximately ten times that of Scotland. The existence of specialist protective housing in Scotland, alongside other operational measures, is therefore as ineffective in preventing all assaults as the protective measures in England and Wales.

Prison Rules in Scotland

The amended, and most recent, Prison Rules of Scotland (2011) make no reference to protection or who or what equates to a protection prisoner but, as with England and Wales, relies on a 'normative', established practice, alongside other Rules and reference points to manage vulnerability. In addition to the Prison Rules, the SPS utilises various statutory instruments covering reception, allocations, cell sharing and removal of prisoners from mainstream populations, rather than the PSOs and PSIs administered in England and Wales. For example, Prison Rule 14 states that every *prisoner must be categorised by their age, gender, offence…..previous criminal record or any other matter which the Governor considers appropriate*, whilst Rule 15 expects that parts of prisons are set aside for particular categories of prisoners for particular purposes. A relatively new Prison Rule, Rule 41, also allows for prisoners to be accommodated in a specified part of the prison or separately from other prisoners to protect their health or welfare, though this appears more concerned with relocation on grounds of healthcare needs. No specific mention of protection housing is therefore made in either Rule 14, 15 or 41. Since protection has no legal basis and is not mentioned in Prison Rules, staff have considerable levels of discretion in their management of vulnerability, as is the case in England and Wales. Prison staff can use offence, previous criminal record or any other matter in assessing suitability for protection, which obviously provides broad criteria for assessment. Prison staff in Scotland therefore also rely on established practice and normative expectations when identifying and classifying protection prisoners, in addition to legal rules and statutory instruments, none of which refer to protection directly.

The ideology and bureaucratic process for separating prisoners prior to potential relocation in Scotland is remarkably similar to England and Wales, although, it appears, without such a well-documented history. Prison Rule 95 in Scotland is the equivalent of Rule 45 in England and Wales and is therefore used to maintain good order or discipline, protect the interests of any prisoner or ensure the safety of other persons (Prisons and Young Offenders Institutions (Scotland) Rules 2011). Within both systems, the respective rules are used for purposes of protection and punishment, so a prisoner who makes a protection request from mainstream will stay in their cell for up to 72 hours initially or is moved to a separation and re-integration unit (SRU) whilst enquiries are made, an exact time frame that is the same as the one used in England and Wales. During this period, a prisoner's request will be assessed and suitability for protection discussed, a decision-making process that will be analysed within Chapter 5. If a prisoner is subsequently relocated to a collective form of segregation within a dedicated protection regime, Rule

95 controls are no longer required, the same bureaucratic process and lifting of Rule 45 restrictions as in England and Wales.

History of protection prisoners and housing

Although I have conducted a literature review and made a number of requests to the Scottish Prison Service for information, there appears a paucity of accessible material with regard to history of specialist housing units, including protection regimes. This summary is therefore based on information gleaned from a small amount of literature providing only a limited and, at times, conflicting history, certainly in comparison to England and Wales. Although there has been a general reluctance to adopt wholesale policies proposed in England and Wales, given an entirely separate legal and criminal justice system, protection became a firmly recognised, ideological concept in Scotland around a similar time, mirroring the chronology of VPUs. Although protection in Scotland appears to have had a less heralded, well-documented introduction, the concept here too developed in response to the liberalisation of prison regimes and subsequent bullying of 'undesirables' at some point in the 1950s and 60s. Good practice and learning were obviously also shared between the two separate yet proximate systems, though given smaller numbers of prisoners and different pressures (Coyle, 1991:128) the network of protection housing developed at its own pace and extent in response to purely Scottish demands.

The state of protective segregation appears virtually unaccounted for until the 1990s, giving the impression that the concept was only formally invented over the last few decades with only, or especially, the population of those with sexual convictions in mind (Bird, 2017: 32). Fleeting references are made to a vulnerable prisoner wing, as opposed to a protection regime at HMP Peterhead in the 1940s (Bird, 2017:32), which is entirely plausible given Peterhead's subsequent long and interesting relationship with prisoners convicted of sexual offences. In a fieldwork interview with Archie in Glenochil (see Chapter 8), who was first in prison during 1970s, he proposed that the protection phenomenon grew very quickly from 1969, firstly in HMP Barlinnie, spreading to HMP Edinburgh and then to Peterhead, in contrast to the previous reference to Peterhead from the 1940s. The earliest academic reference I have located, directs attention to separation of "twenty-one inadequates in Peterhead in the 1980s, living together in a twilight world to protect them from the wrath of other prisoners" (Cameron, 1983: 228), a timeframe supported by another fieldwork interview with Gordon, who had a memory of protection from 1984. The geographical dispersal of both punishment and protection units was therefore particularly unbalanced between 1960 and the late 1990s (Bird, 2017:9), so it is

unsurprising that origins of offence protection and, most certainly, non-offence protection housing remains unclear. It is to the important transitional era of Scottish penal history in the 1990s that this chapter now turns.

Establishment of a monoculture at HMP Peterhead

Although HMP Peterhead housed a small number of people with sexual offence convictions in the early 1980s, the prison was transformed into a monocultural establishment by the early 1990s, in part as a result of a series of prison disturbances throughout the Scottish estate in the mid-1980s (Cooke, Wozniak and Johnstone, 2008: 1065). The first of these major incidents occurred at Peterhead in January 1984, followed by further riots, hostage taking and rooftop demonstrations at Peterhead and several other establishments (Brangan, 2019) over the next three years. A sense of conflict had engulfed the prison system (Brangan, 2019) and 60 prisoners believed to pose the greatest threat within mainstream populations were therefore removed to Peterhead (Brangan, 2019: 784), although kept separate from existing protection prisoners. Many of those involved in disorder to a lesser degree were dispersed to other prisons, including Shotts, Perth and Glenochil (Spencer, 2002) but to facilitate their transfer, spaces had to be created elsewhere. Protection prisoners from throughout the country were therefore transferred to Peterhead to free up cell space, arguably an experimental penal policy along similar lines to the collective transfer of vulnerable prisoners, first to Strangeways and then to Shepton Mallett that occurred in England twenty years previously.

The balance between disruptive and vulnerable prisoners changed in Peterhead during the late 1980s and early 1990s, with implications for protection prisoners both within the establishment and elsewhere in the system. As the balance grew in favour of protection prisoners, they were able to move more freely around the prison, since their likely assailants were locked up. Prisoners convicted of sex offences undertook domestic tasks of cleaning, cooking and tailoring in Peterhead, so work for this group gradually expanded until ultimately all workshops were staffed by such prisoners (Spencer, 2002: 62). In January 1992, the Scottish Prison Service therefore took the decision to make Peterhead a prison solely for those having sexual convictions (Spencer, 2002), whilst the Chief Inspector of Prisons praised the regime now available to protection prisoners, indicating it was superior to that found anywhere else in the system (Spencer, 2002). Peterhead's monoculture did not eradicate the need for protection in other establishments, however, as prisoners would only be transferred if they admitted their guilt and were willing to undertake treatment programmes. Those prisoners in denial or innocent of their offence or who maintained their innocence continued to require offence protection in other

prisons, in addition to those newly remanded or convicted of sexual offences or others requesting protection on non-offence related grounds.

Protection prisoners in Scotland today

The information on the current number of protection prisoners in Tables 2.3 and 2.4 below was provided via e mail through personal communication with Scottish Prison Headquarters on 23rd February 2021. In both tables I have excluded data from Cornton Vale, an establishment holding female prisoners and from HMYOI Polmont, as this establishment holds those under the age of 21 rather than those adult, male prisoners over the age of 21 on whom this research is focused.

Table 2.3 Adult males imprisoned in Scotland for sex offences, February 2021

	Convicted	**Untried**	**Total**
Addiewell	48	7	55
Barlinnie	229	18	247
Dumfries	106	2	108
Edinburgh	251	19	270
Glenochil	348		348
Grampian	34	7	41
Greenock	10		10
Inverness	9	2	11
Kilmarnock	15	6	21
Low Moss	30	9	39
Open estate	15		15
Perth	72	21	93
Shotts	1		1
Total	**1,168**	**91**	**1,259**

Table 2.4 Adult males housed protectively in Scotland due to non-offence reasons, February 2021

	Convicted	Untried	Total
Addiewell	48	21	69
Barlinnie	26	15	41
Dumfries	13	1	14
Edinburgh	72	14	86
Glenochil	9		9
Grampian	11	5	16
Greenock	13		13
Inverness	1		1
Kilmarnock	94	13	107
Low Moss	56	23	79
Open estate	1		1
Perth	27	6	33
Shotts	124		124
Total	**495**	**98**	**593**

Given these omissions referenced above, the data from Table 2.3 suggests that in February 2021, there were 1,259 prisoners in the Scottish adult male system who were remanded or convicted of a sexual offence. The data does not make the distinction, however, between whether these prisoners were, most likely, living in offence protection areas or navigating and surviving in mainstream populations. The table does indicate wide ranging numbers of people with sexual offence convictions in each establishment with HMP Barlinnie and Edinburgh, two large, local prisons, holding a significant number. This is in addition to sizeable numbers within HMP Glenochil, a dedicated site for the accommodation of sexual offenders and one of my fieldwork locations, whose further purpose will be discussed within the next section. Even though other establishments, including HMPs Dumfries, Greenock, Inverness and Kilmarnock, hold much smaller numbers of this group, there are still challenges in running separate regimes here, given these individuals will most likely have to be kept apart from mainstream populations. The current Scottish Prison Service policy of housing the majority of those convicted of sex offences in one site, HMP Glenochil, whilst dispersing the rest amongst various offence protection areas appears a similar policy agenda to that adopted in the 1990s where HMP Peterhead, as discussed, served as a monocultural environment, supported by other protection units within a variety of establishments.

There is also a broad range of non-offence protection prisoners housed across the Scottish penal estate (Table 2.4), although staff are dealing with much smaller numbers. As these prisoners have been already classified in the information provided, 593 individuals were recently living in either officially designated non-offence protection areas or under Rule 95 controls within mainstream, kept separate from both offence protections and mainstream populations. Unfortunately, the data from February 2021 provides only numbers rather than explanations but I am interested as to why there are relatively significant numbers of non-offence protections resident in HMP Kilmarnock, a private prison and HMP Shotts, a high-security establishment for longer term prisoners. These numbers may be reflective of local penal policy or, as I will discuss in subsequent chapters, a representation of a problematic mainstream population where, for example, drug debts force fearful prisoners to relocate to non-offence protection populations.

It is not sensible to claim any significant comparisons between the data provided by Her Majesty's Prison and Probation Service (HMPPS) and Scottish Prison Service (SPS) because the information is drawn from different months during the year and represents slightly different categories of vulnerable and protection populations. However, a simple, approximate analysis can be made in terms of proportion of the populations living in some form of protective housing. On 12th February 2021, the total adult male prison population in Scotland was 7,103 (Scottish Prison Service website, 2021), whilst in the same month, 1,882 prisoners were identified as either persons remanded or convicted of sexual offences or living as a non-offence protection (summing the tables above). Taking only those with sexual offences, this equates to 18 per cent of the total Scottish prison population compared to the 15 per cent of prisoners recently classified as living in vulnerable prisoner housing in England and Wales. If one adds the 8 per cent of the adult male population, 593 prisoners, living in non-offence protection housing in Scotland, that amounts to more than a quarter (26%) of the prison population in Scotland being housed on the basis of vulnerability. As few comparisons between vulnerable and protection prisoners have been made between Scotland and England, further quantitative research would be useful. Any analysis of the quantitative data between the two countries will shed further light on the numbers in vulnerable and protection housing but may also provide some insight into any changes to policy and practice; this can be supported by further qualitative research into the contexts and decision-making process of both staff and prisoners in terms of relocations.

Situating the research sites

Vulnerable Prisoner Unit at HMP Durham

Background

Opened in 1819 and rebuilt in 1881, Durham is a local prison and serves the courts of Tyneside, Teeside, Durham and Cumbria. Since May 2017, exactly one year prior to my fieldwork, HMP Durham was designated as a reception prison for adult men aged twenty-one and over and young adult men aged over eighteen. Her Majesty's Inspectorate of Prisons visited the establishment in October 2018, when the prison had a population of 872.

Accommodation

In Durham, mainstream population prisoners are housed in A, B, C and D wings, whilst E wing is the first night and induction unit. I wing is a 17-bed integrated support unit for those with significant mental health problems and G wing is used as both a segregation unit and hospital unit comprising six beds. Although I spent time conducting interviews within different parts of the prison, my research office was based on F wing, the Vulnerable Prisoners Unit, which had a capacity for 144 prisoners.

History of the Vulnerable Prisoners Unit at Durham

For a period prior to 2016, HMP Durham operated an 'inclusive' regime where prisoners who would otherwise have been classified as 'vulnerable' were integrated amongst mainstream prisoners. I will analyse the consequences of this integrative policy in later chapters, but it should be highlighted that an effective anti-bullying strategy eradicates the need for a vulnerable prisoner's unit altogether (HMCIP Durham Inspection, 1992 as cited in Harding, 2003). During 2016, Durham moved away from a policy of inclusivity, managing vulnerable prisoners in designated areas, namely C wing and B 1 landing. These areas held a capacity of 80 and 50 vulnerable prisoners, respectively and several research participants reflected on the difficulties of managing these prisoners over two separate wings. Indeed, the experience was poor during early days in Durham, as an HMIP Inspection team uncovered that '*vulnerable prisoners were inappropriately located with mainstream prisoners on the induction unit*' and '*did not feel safe until they got to C wing and B 1 landings.*' (HMIP, 2018). In June 2017, prison managers therefore steered a different course by relocating vulnerable prisoners to one dedicated unit, namely F wing.

This change of policy was a consequence of HMIP criticisms, re-roling as a reception prison in May 2017 and a change of senior management, an influence of management which will be discussed in Chapter 5. The relocation to F wing was recognised by the Inspectorate as an improvement in October 2018, however, ongoing demand meant a lack of spaces that created a backlog of vulnerable prisoners in mainstream populations, awaiting transfer to the vulnerable prisoner's unit (HMIP, 2018).

F wing (Vulnerable Prisoner Unit)

The vulnerable prisoner's unit (VPU) at Durham is housed in a separate building to the main prison although it adjoins I wing, the integrated support unit (ISU). To access the unit, you are taken from the administrative block, across an exercise yard and then into the ground floor of the building. Until 2005, F wing housed those women in England and Wales deemed to require conditions of high security but was closed after a series of suicides within a short time period (BBC, 2003).

In May 2018, during fieldwork, 144 prisoners lived on F wing. 14 staff were assigned to the VPU, with 4 to 5 staff working over a shift pattern. First impressions were of a very clean, light, and airy wing, standing in stark contrast to other dark and more threatening residential areas within the prison. The unit is divided into two sections, with separate regimes and, as a typical Victorian prison building, accommodates prisoners on a series of levels. 72 prisoners live on each side of the wing and if problems can't be resolved, individuals can be relocated to the alternative section, which staff believed was a useful management tool.

 In terms of the wider unit officers suggested that approximately 80 per cent had been assigned to the VPU as a result of a sexual offence. The other 20 per cent had been provided with 'own protection' (OP) status for a wide variety of reasons, including threats made as a result of drug debts, informant status and police intelligence of danger to life. All prisoners shared a cell on the wing, unless they were assessed as 'high risk', reasons for which might include an offence of male rape, either in custody or the community or having assaulted a previous cellmate. The vulnerable prisoner unit also had a clear view cell, nicknamed the 'goldfish bowl' for those prisoners requiring constant suicide watch.

Protection housing in HMP Edinburgh

Background

HMP Edinburgh is a large community facing establishment receiving prisoners predominantly from courts in Edinburgh, the Lothians and the Borders, but also from the Fife area. The prison manages adult male and female prisoners on remand, short-term sentences (serving less than four years), long-term sentences (serving four years or more), life sentences and Order for Lifelong Restrictions (OLRs).

The building of the prison started around 1914, replacing Calton gaol, with the first prisoner received about 1920. The prison has been completely rebuilt in recent years and was the first in Scotland to complete a refurbishment programme. The opening of Ratho Hall in January 2009 for female prisoners represented the completion of 10 years of redevelopment work. The oldest building within the grounds of the prison is Glenesk House which opened in 1998.

At the time of the most recent Inspection in October 2019, the design capacity was 867, however the prison was overcrowded with a population of 917. HMP Edinburgh therefore provides a useful comparison with HMP Durham in terms of size and function, although non-offence protection prisoners (NOPs) are managed very differently to own-protections (OPs) in Durham.

Accommodation

There are four accommodation halls: Glenesk holds predominantly untried prisoners; Hermiston holds male convicted and untried offence-protection prisoners; Ingliston holds male convicted mainstream prisoners, including non-offence protection prisoners on Level 3; and Ratho holds all female prisoners.

Prior to March 2018, both offence and non-offence protections were held together in Ingliston hall, albeit separated. In March 2018, the decision was taken to move all offence protection prisoners into Hermiston and to make Ingliston Level 3 a national facility for non-offence protection prisoners.

Glenesk

Glenesk is similar to E wing in HMP Durham in that it acts as a first night centre, holding prisoners awaiting relocation to other parts of Edinburgh or other establishments. It is the

hub of the institution and influences and is influenced by what is going on elsewhere in terms of population pressures. The capacity of Glenesk is 173 and prisoners are held over three separate flats (floors).

A major difference between Edinburgh and Durham is that Edinburgh separates its different types of protection prisoners in Glenesk, running separate regimes for offence and non-offence protection prisoners. Perhaps, one of the major explanations for this, is that Edinburgh has separate protection halls, Hermiston and Ingliston, for offence and non-offence protections respectively and prisoners destined for these locations are separated out in Edinburgh's induction unit. In Durham, both offence and non-offence prisoners are integrated together in the vulnerable prisoner's unit (VPU) so, arguably, there is less emphasis on separating these categories in the first night centre. Several different regimes are therefore running simultaneously in Glenesk.

As a result of population pressures, some non-offence protection prisoners are held within the offence protection area within Glenesk. Whilst these prisoners do not mix and staff believe this situation is not ideal or best practice, it is necessary on occasion, according to research participants. However, when prisoners move out of Glenesk they will be moved to their respective protection halls, either Hermiston or Ingliston.

The regime for both offence and non-offence protections is very limited in Glenesk, a criticism recently levelled by HMIPS, who Inspected the prison approximately 6 months after my fieldwork in the establishment. (HMIPS, 2017).

Hermiston (offence protection hall)

Hermiston holds prisoners who are remanded or convicted of sexual offences. Its capacity is 282 prisoners, a large population spread over 4 flats. At the time of fieldwork, 15 to 20 were living in Glenesk awaiting a move to Hermiston, providing further evidence of high demand for spaces, given the significant number of people with sexual offence convictions entering the system.

Although I did not spend long in Hermiston, the atmosphere and regime fits with the academic literature that characterises the sexual offender populations as quieter, more compliant and passive than mainstream prisoners (Ievins, 2013) or non-offence protections. The aim of the hall is to look after sexual offenders safely and securely and try to progress them to alternative establishments as part of their sentence progression.

Ingliston Level 3 (non-offence protection)

As mentioned, Ingliston Level 3 is a national resource for prisoners requiring protection for reasons other than their offence, developed relatively recently in March 2018. The capacity is 88 prisoners, held on one specific level, whilst the remaining three levels hold both short term and long-term adult male mainstream prisoners. The South section holds a long-term non offence population whilst the West section houses short-term more *general run of the mill guys,* according to a fieldwork interview with Billy, the hall manager of Ingliston. The description given to non-offence protections in South section, is slightly confusing. These prisoners have not been convicted of sexual offences primarily but are protected precisely because of the nature of their offences, thereby potentially making them a target for other prisoners. Offences include nonsexual crimes against women, children or elderly people or murders with a sexual motive which, for example, was either not proven or dropped by the procurator fiscal. Prisoners in South section may also have fallen foul of high-profile, organised crime groups who might seek revenge. West section on Ingliston Level 3 holds more 'typical' short-term, non-offence protection prisoners, for example, those who are unable to repay drug debts or have particular enemies within the establishment. A relatively small number of non-offence protections are held in Glenesk awaiting a space in Ingliston or a transfer to an alternative establishment, especially if their safety is not guaranteed in Ingliston Level 3.

Protection housing in HMP Glenochil

Background

HMP Glenochil is a large, community facing prison giving priority to Forth Valley and Fife postcodes. It was initially built as a detention centre in 1966 and began holding long-term prisoners in the 1980s. The establishment does not take prisoners directly from the courts, unlike HMPs Durham and Edinburgh, but has intake from other prisons throughout the Scottish estate, either because of the nature of the conviction or as part of a wider management plan. The prison manages adult sentenced males who are categorised as either short-term, long-term, life sentence, extended sentence and OLR prisoners.

Accommodation

At the time of its most recent Inspection in May 2019, HMP Glenochil had a design capacity of 668 prisoners, held over two distinct halls, Harvieston and Abercrombie. Harvieston holds over 300 mainstream prisoners but does have one small 'flat' which

holds non-offence protection prisoners, for example, prisoners who are unable to repay debts and therefore seek protection.

Abercrombie holds approximately 350 prisoners, almost all of whom have been convicted of sexual offences and this was my base during fieldwork in the prison. It is one of the major sites in Scotland for managing this group and those with an OLR. Abercrombie only holds prisoners who need protection because of their offence, with a few exceptions (including one research participant), whereas Durham integrates and Edinburgh separates out their non-offence protection prisoners. There is very rarely movement between Harvieston and Abercrombie halls, though this might happen on occasion, for example, where a prisoner has a historical sex offence that comes to light with other mainstream prisoners. Under the SPS 'duty of care', prisoners convicted of sex offences in Abercrombie would never be transferred to Harvieston, given its function in holding mainstream prisoners.

Conclusion

Any reader of this chapter will, quite rightly, gain the impression that vulnerable and protective prisoners have traditionally been hard to accommodate in constructive ways (Sparks, Bottoms and Hay, 1996). I have provided a chronology of vulnerable prisoner and protection units since the 1960s, investigating their almost obscure origins and piecemeal development, whilst bringing the reader up to the present day. This qualitative history has been supported by quantitative data outlining the significant growth in vulnerable and protection prisoner numbers, an increase, arguably, hard to imagine by those who conducted the micro- social experiments at HMPs Shepton Mallett in the 1960s and Peterhead in the early 1990s. Providing a comprehensive history has proved very difficult, however, and I was surprised that neither SPS or HMPPS had an easily accessible archives to explain the origins, development and chronology, though perhaps this is reflective of the localised way establishments appear to 'consume their own smoke' in dealing with vulnerability, given a lack of rigid national or international guidance. The term vulnerable or protection is an artificial, man-made creation and in this chapter, I have also explained the necessary ingredients of ideology, legislation, bureaucratic decision-making and specialised, named accommodation required to create a newly classified vulnerable or protection prisoner. Although the terminology and Prison Rules are subtly different between Scotland and England, the constituents and process required to relocate to protective housing is remarkably similar, which is unsurprising, given geographical proximity and often analogous, previously outlined, penal policy. From setting the scene, in which I have aimed to provide background, the following chapter will aim to organise,

summarise and highlight the many gaps in the literature surrounding the vulnerable and protection prisoner across both England and Scotland.

Chapter 3. Conceptualising & Researching Vulnerability in Prison

Introduction

A case has been made for researching the needs of vulnerable prisoners (Sparks, Bottoms and Hay, 1996; Liebling et al., 1997; Drake, 2006; Ievins, 2013) but the voices of these prisoners continue to be neglected, particularly from the moment they are first identified as vulnerable and requiring relocation to a vulnerable prisoner or protection unit in England and Scotland, respectively. Although there is a great deal of research about particular kinds of prisoners once in prison, within particular units or groups, surprisingly little is known about the pathways and transitions to specialist housing of prisoners who may have convictions (e.g. for sexual offences) or other reasons (e.g. triggered by an 'incident' within a mainstream prison population) which lead them to be classed as or feel vulnerable in prison. For example, only two significant, yet now dated studies from the mid 1990s analyse these pathways and journeys, one to protection units in Scotland (Waterhouse, Dobash and Carnie, 1995) and another to the VPUs at HMPs Albany and Long Lartin (Sparks et al., 1996) in England. This chapter reviews literature on vulnerability and in so doing critically engages the concept of vulnerability in order to develop a theoretical frame for it that can guide the analysis. It then considers vulnerability in its practical context of imprisonment, looking at how academic and policy literature have framed and analysed this.

Overall, I will summarise the vulnerability literature more generally, demonstrating the use of the concept across a wide variety of research and policy fields. I will show how vulnerability has been used as a term of description, a quality, status or identity but also used normatively (Honkasalo, 2018). The prison literature on vulnerability often has failed to analyse how this normativity influences penal management, by which some prisoners are seen not just to need, but to deserve, specialist housing, whilst other prisoners, debtors for example, are seen as 'less deserving'. Though prison research has tended to focus on dominant and hegemonic masculinities of mainstream prison populations (Maguire, 2019), I will suggest that forms of masculinity and vulnerability are not fixed but dependent on different periods of time and carceral space, and on how subordinated prisoners negotiate their masculinities at the bottom of prisoner hierarchies (Maguire,

2019) both in mainstream populations but also within specialist housing[1]. My aim is to organise and summarise the literature which focuses on these hierarchies, relationships and stigmatisation of living within both specialist housing and in particular groups (such as those with sexual offence convictions) within prison. Whilst research into the experiences of people with sexual offence convictions in custody is sporadic and under-developed (Ievins, 2013: 4), I agree with Drake's wider proposal for a sociology of imprisonment with respect to the vulnerable (and protection) prisoner (Drake, 2006: 31). In line with this, there is a need for a broader understanding of vulnerability than the risks and needs related to a prisoner's offence. Hence, this chapter, seeks to build an understanding of vulnerability that takes into account each point of a prisoner's journey from arrival into the penal establishment, through different spaces of prison, and beyond the institution. These moves shape both a prisoner's felt experience of vulnerability as well as prison staff's classification of a person as vulnerable.

The concept of vulnerability

I noted in Chapter 2 that there is no international or national definition of vulnerability in SPS or HMPPS policy or practice and, therefore, who is entitled to classification as a vulnerable or protection prisoner. This lack of a standard threshold or definition is unsurprising given the variety of penal systems internationally but also because vulnerability is used as a descriptive term (Hufschmidt, 2011: 6) across such a wide variety of policy and research fields, including the environment, health, education, social and legal policy, immigration and refugees and, of course, criminal justice systems, including prisons. As well as a term of description, vulnerability can also be understood as a quality, a status or an identity (Honkasalo, 2018), which is important for this study because vulnerability in prison is both dynamic, shifting or a 'one off' dependent on time and place. However, some prisoners, once classified as vulnerable, will embrace this identity both throughout their current sentence and subsequent periods of imprisonment. Vulnerability is therefore a highly individual phenomenon (Hufschmidt, 2011) but also a collective one, given the term denotes a 'grouping' of individuals despite the often-heterogeneous reasons people can be vulnerable in prison.

Across diverse fields of research, vulnerability has mostly taken on a 'dark' character (Honkasalo, 2018: 1) with a negative emphasis on danger, disaster, suffering, weakness, lack of agency and social control. For example, in Amartya Sen's work on famine and poverty, vulnerability is about exposure and relations (Honkasalo, 2018) whilst in

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[1] Throughout this thesis, I focus on male prisoners and therefore use the pronoun 'he' throughout.

healthcare research, it has been used as a negative term of description, a tool of governance frequently applied to at risk individuals (Id.). Vulnerability also relates to the internal where an individual is at risk with deficient means to cope within deficiently functioning social institutions (Id.), for example, prisons, that fail to provide their duty of care. Taking these interpretations of vulnerability together, a person who becomes exposed to risk through relationships or bullying and who has deficient means to cope with this exposure and subsequent risk may therefore require special treatment (Uusitalo, 2018) to ensure he is not subject to any unnecessary harm (Uusitalo, 2018). In prison, these measures may include relocating a person to specialist housing for vulnerability (Sloan, 2016).

Risk and vulnerability

Risk and vulnerability are terms that sometimes are used interchangeably and, as such, an understanding and interpretation of risk will also vary depending on the research field in question. Within prison, risk is social (Edgar, 2014: 1) and multi-dimensional and can vary by setting or institution (Hay and Sparks, 1992). Risk of or vulnerability to assault requires interactions with other prisoners, can arise for many different reasons and is dependent on time, place and prison establishment. Hufschmidt's (2011) explanation of risk is helpful to this research project as it captures both the probability of potentially harmful events occurring and consequences if these events do occur, probabilities and consequences applicable to the decisions and assessments of both prison staff and prisoners. That is, in prison, being most at risk is widely understood as being most vulnerable. The academic literature has, quite rightly, questioned what happens to those individuals within a variety of research fields who are considered at risk in a range of settings, prison, psychiatric hospital, living on a coastal floodplain, yet not provided with any special measures or help. Surely vulnerability loses its plausibility as a concept (Uusitalo, 2018) if we do not help all of those who are at risk. In other words, while vulnerable groups may acquire this status because they are understood to be at risk of harm in a given setting, not everyone who is at risk of harm is actually protected from this risk. This is an important insight for thinking about prison and the measures available within it to manage risk: what if there is insufficient capacity or resource to provide these to everyone who may be at risk?

Vulnerability and masculinity

To understand how a prisoner becomes vulnerable or at risk within prison we must first understand notions of masculinity and how these notions are both imported into and develop within different prison establishments. Penologists have debated whether prisoners adapt to the established codes and hierarchy of an institution, import their own characteristics, or utilise both. Gresham Sykes (1958) in his seminal text, *The Society of Captives,* argued that the roots of the 'inmate code', the set of values, norms and maxims that guide prisoners' behaviour, originate in the institution in response to the 'pains of imprisonment' (Id., and see Schinkel, 2014: 592) and, as such, can be found amongst diverse prison populations and regimes (Jewkes et al., 2012). The 'deprivation' or 'indigenous' theory proposed by Sykes, and since followed widely in prison sociology, explains prison culture, behaviour and adjustment in terms of prison specific variables, rather than how individual personalities or cultural orientations, prior to prison, exert influence (Jewkes et al., 2012: 128). The focus on indigeneity was critiqued by Donald Clemmer (Jewkes et al., 2012) and later, by Irwin and Cressey (1962), amongst others, who suggested that prison is not a closed culture, and prisoners 'import' characteristics and behaviour patterns from their communities, adapting in ways that maintain these pre-existing identities. More recently, Ben Crewe has argued that pre-prison identities are not disposed of by the institution nor completely surrendered but are drawn upon to navigate its demands (Crewe, 2009: 6).

These schools of thought have merit in creating the 'strikingly pervasive' (Jewkes et al., 2012: 125) tenets of the code that mainstream prisoners live by but the strength of the prisoner code and culture is also determined by the balance of solidarity amongst its prisoners (Sykes 1958). As a consequence of deeply held common values in mainstream populations, where men are meant to protect women and children (Maguire, 2019), people with sexual offence convictions against children provoke outrage (Priestley, 1980) because their 'taboo crimes' (Maguire, 2019: 5) do not fit with traditional masculine values. These offences can result in overt rejection and violent policing of perpetrators (Maguire, 2019), and these individuals sit at the bottom of prison hierarchies with 'no claim to ties of affinity with other prisoners, either of motive or common hardship' (Priestley, 1980: 17 as quoted in Mann, 2016: 249). Other defining characteristics of prison masculinities include never informing on fellow prisoners even when victimised by them, whilst adopting a stoical attitude to imprisonment where you 'do your own time' (Maguire, 2019: 5), thereby caring for oneself whilst remaining independent from the institution (Sloan, 2012). However, as each prison is its own unique social world (Jewkes et al., 2012), so too different penal spaces contribute to producing different types of

masculinities (Sim, 1994 as cited in Maguire, 2019: 5). For example, dominant masculinities may be very different in a high-security facility than in a low-security, open prison (Maguire, 2019: 5) where, as prisoners near release dates, there is arguably less pressure to adopt a hyper-masculine persona, enacting prisoner codes. As a culture of violence is not uniform (Jewkes and Johnstone 2006: 110), people with sexual offence convictions and informants are therefore more at risk in particular establishments or even different penal spaces within an institution, as I will suggest later in this chapter.

Many mainstream prisoners adapt to the pains of imprisonment by developing a front of 'hyper-masculinity' (Jewkes 2005: 61 as cited in Ievins 2013: 19); where celebrations of violence and toughness, stigmatization of weakness and fraternal codes of in group loyalty (Jewkes et al., 2012: 139) are embraced. As suggested above, this behaviour is imported, partly from lower working-class cultures, from which many prisoners originate (Ievins, 2013: 14) but also from living in institutions that deny men sources of masculine affirmation, including work, autonomy and heterosexual relations (Crewe, 2016: 139). Mainstream prisoners manage impressions (Sloan, 2016, citing Goffman) through a 'performance of masculinity' (Sloan, 2016: 5), a performance that is crucial to those prisoners trying to anything, such as a sexual offences conviction or physical attributes, which might otherwise undermine their toughness.

For those prisoners who do not fit and are rejected from the established masculine fold, the fear of physical assault renders them potentially vulnerable and in need of staff intervention and support (Sloan, 2016: 150). Where collective power around a hyper-masculinity is weak, prisoners who may be vulnerable (Drake, 2006) or for whom situations develop within the institution may be able to remain within mainstream prison communities, however. The extent to which prisoners are judged by others to be masculine or potentially weak, feminine or vulnerable therefore depends on existing prisoner hierarchies and codes and ease with which an individual can adapt to their new environment, given their pre-prison characteristics (Crewe, 2009), cultural and environmental influences, yet still shaped by institutional imperatives. In other words, a prisoner labelled as masculine, thereby accepted and left alone in one institution, may be rejected, victimized and labelled as vulnerable within another. Therefore, the literature on prisons masculinities helps us understand vulnerability as a relational and spatial issue in prisons. And it is the hyper-masculinity of prison that is behind the nature of risk of those seen as vulnerable, namely bullying and assault.

Operations of power

The nature of power within prisons, of which a particular masculinity is an important part, also led to emergence of vulnerability as an official classification during the 1960s, as suggested in the previous chapter. This then laid down the foundations I argue for a normative understanding of vulnerability, as to those prisoners who are 'deserving' or 'undeserving' of this status, and therefore institutional measures of protection. Prisoners are both 'subject to and the subjects of the workings of power relations' (Downing, 2008: 2), operations of power that both influence masculine hierarchy amongst prisoners but also determine who or what constitutes vulnerability, from both the perspectives of prisoners and staff. Vulnerability is therefore made in regimes of power (Honkasalo, 2018: 5) but is not a simple, one-way exercise of domination from up above, through staff management, for example, but a 'complex and multi-faceted, multi-directional, constantly shifting set of practices, intimately related to the knowledge of the different parties involved and the social discourse' (Cavadino, 2013: 449). Power operates within prisons by staff who are authorised holders of knowledge as to who or what constitutes vulnerability, who is at risk and therefore who is deserving of vulnerable prisoner or protection status. Of course, concepts of mental illness, masculinity and vulnerability are not constant, as recognised by Sparks et al (1996) who suggested vulnerability is both a static and dynamic concept, static because of established prisoner hierarchies and codes but dynamic because prisoners become vulnerable for different reasons (Sparks, Bottom and Hay, 1996: 16). Whilst I very much agree that vulnerability exists on a shifting continuum, I also believe even 'static' risk can be fluid, as, for example, one's criminal convictions never change but may create risk in one institution but not another (e.g. specialist prisons for those with sexual offence convictions compared to general prisons).

If vulnerability therefore emerges within regimes of power, the work of Foucault can help us to theoretically understand how and why the concept is classified and managed in such a way. This in turn will assist interpreting the impact of the development of vulnerable prisoner units in England and protection regimes in Scotland in the 1960s. Foucault (1991) argued that within disciplinary institutions examinations combine hierarchical observation with normative judgement creating categories of 'normality' and 'abnormality'. As part of these disciplinary techniques within institutions, individuals are judged not by the intrinsic rightness or wrongness of their acts but by where their actions place them in relation to everyone else (Gutting, 2005: 84). Disciplinary institutions therefore *compare, differentiate, hierarchize, homogenize and exclude* (Rabinow, 1984: 193), creating cases (Gutting, 2005: 8), formulating categories and classifying those with commonly occurring attributes and differences (Smart, 2002). Normative judgements as to who is normal or

abnormal can be applied to norms of vulnerability, and this research is alert to the normative uses of this status. As will be seen in subsequent chapters reporting on the research, normative judgements about vulnerability emerged based on cases, rankings, averages and categories.

Distilling the vulnerability concept for the research

In the next section, I explain how vulnerability cannot be understood without an analysis of prisoner hierarchies, established codes of masculine conduct and potential predation that can occur in many but not all penal spaces. However, before embarking on this discussion, I think it would be useful to distil the discussion on the vulnerability concept above to clarify how I use it, and how I see it in relation to other key ideas and especially masculinity. The broader academic literature has recognised that performances of masculinity vary within and between different penal spaces and can be influenced by a range of factors (e.g. Jewkes et al., 2012). Whilst academic work has also previously made a connection between masculinity and vulnerability, the focus has been on the performance of a hegemonic masculinity to hide or manage this, rather than on vulnerability 'at the bottom of prison hierarchies' (Maguire, 2019: 501), an imbalance my thesis aims to address. Like Maguire, whose work also is based on a study of men in VPUs, I emphasise the link between masculinity and vulnerability especially for those most stigmatised, but prioritise the performance of vulnerability, highlighting how vulnerability or risk of victimization, is fluid, influenced by penal space, point in sentence and mix of prisoners, for example.

Although masculinity and vulnerability are two distinct concepts, my work emphasises the interaction and changeability of these. Identities can quickly shift or even merge, given their fluidity, flexibility and dynamism. In other words, like the wider literature in this area I approach masculinity and vulnerability as mutually informing and intersecting, but my data suggests greater fluidity than the literature allows for, and a number of research participants described sudden transitions, from a position of masculinity, strength and acceptance in mainstream populations to one of risk, weakness and classification as vulnerable, through re-locations to specialist housing. A smaller number of participants had also previously transitioned from protective housing back to mainstream populations, thereby emphasising how even the stigmatising label of vulnerable or protection prisoner could sometimes be discarded. Indeed, some prisoners must perform hegemonic versions of masculinity and vulnerability simultaneously, when trying to navigate the demands of the institution. My work therefore emphasises the fluidity and inter-connectedness of

masculinity and vulnerability which, in the context of decision-making and relocation to specialist, protective housing, has been rather neglected in academic research.

The academic literature has tended to portray vulnerability as either risk to the self or risk towards those convicted of sexual offences. Whilst having a background of sexual offending did arise in interviews of staff and prisoners about vulnerability, many more dimensions of feeling vulnerable or being designated vulnerable also arose. In the following chapters, I will show how vulnerability is far more nuanced and covers a far broader set of personal characteristics and circumstances that place a prisoner at risk or make him feel unsafe, certainly than has previously been documented. Indeed, my data will show that even where participants were charged with sexual offences, a number were able to survive in mainstream populations by, for example, performing a masculinity that was still acceptable to the collective, masculine gaze. Whenever I refer to vulnerability henceforth in this thesis, I will therefore be referring to a broad, fluid concept and performance, which is closely tied to masculinity. This broadens the debate away from a narrow, normative focus where all persons convicted of sexual offences are seen as 'vulnerable', whilst those who display hyper-masculine behaviours and commit 'acceptable' offences can never be vulnerable or face risks of victimization.

Whilst existing scholarship on vulnerability connects to perceptions and social models of masculinity, the most significant gap in the literature concerns the process by which a prisoner is labelled as 'vulnerable' to the point of requiring separate, protective housing. The thesis addresses this gap by analysing ingredients and pathways in decision-making around vulnerability that results in someone being formally classified within the institution as a vulnerable prisoner in need of separate housing. These ingredients include a process of human interactions, decision-making of both prisoners and staff, official classification of vulnerabilities and spatial controls, in the form of protective housing, required to manage at risk populations within the institution. Designations of vulnerability therefore arise from relational, discretionary, historical and subjective factors that show it is as much constructed as an objective state or status (see Chapter 5).

In terms of how prisoners perceive vulnerability or self-identify as vulnerable (the empirical analysis in Chapters 5-8), I demonstrate how the process of re-location or movement to protective housing can be deeply stigmatising, impacting one's future identity, though whether this identity of vulnerability is internalised or rejected, replaced by a more masculine identity, will depend on individual characteristics and circumstances. Although notions of stigmatisation and identity are both influential and very well developed within a broad range of academic study including prison studies, key

work, like Goffman's on stigma (1963) for example, in the early 1960s pre-dates the emergence of vulnerable prisoner units and protection halls in the mid-1960s (see Chapter 2). As such, very little academic work has brought concepts of vulnerability to bear on the prison's spatial organisation, and specifically vulnerable prisoner housing, including movements into and out of it, to explore how these movements themselves might contribute to perceptions, experiences and performances of vulnerability. Academic research has therefore had little to say about how stigmatisation, identity and movements inter-connect or how stigma or a formal classification as vulnerable impacts any future decision-making process. Whilst stigma, identity and movements are therefore important in helping us to analyse decision making, if we are to understand the points at which vulnerability ebbs and flows in prison, we must look to the prisoner hierarchy and established codes of masculine conduct, alongside research on penal space and classifications. The rest of the chapter addresses these issues.

Vulnerability and prisoner category

Moving on to prisons research focused on particular categories of prisoner, this section summarises the literature acknowledging the most significant characteristics of vulnerability, namely the risks posed to people with sexual offence convictions, informants, transgender prisoners, minority groups and those who accrue drug debts, whilst appreciating that prisoners can become vulnerable for a variety of other reasons.

Prisoners with convictions for sexual offences[2]

> *'only a sex offender knows what it's like to do time under these conditions…I get abuse every night, shouted at me through the pipes and through the doors about being a nonce and a sex offender' (prisoner quote, Sparks et al., 1996: 19)*

People with sexual offence convictions are widely seen as highly vulnerable population both in and outside of prison (Akerstrom 1986, Blaauw et al 2001, Ricciardelli and Spencer 2014: 4). They are uniquely victimised within prison (see, among others, Akerstrom 1986, Vaughan and Sapp, 1989, Sparks et al 1996: 3, Mann 2016: 2, Ievins 2013) given their position at the bottom of the mainstream prison hierarchy. In the Society of Captives, Sykes describes how 'rapos' were held in contempt by everyone else in the prison (as

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[2] In this thesis I have attempted to avoid use of the phrase 'sex offender' on the grounds that it stigmatises and pathologizes people solely on the grounds of their criminal history. However, I have kept this phrase where it is used in literature, when quoting authors or as cited authors quote research participants. In subsequent chapters, my own research participants used this phrase and I have left this verbatim.

quoted in Priestley, 1980: 7), whilst in a more recent study of four English prisons, abuse was directed at people with sexual offence convictions as they moved around the communal areas (McNaughton Nicholls and Webster, 2018: 4; and see, Ievins, 2013). In some cases, the consequences of prisoner hostility can be grave, as with the Strangeways prison riot in Manchester in 1990, where a person with a sexual conviction who was attacked during the disorder, subsequently died in hospital (The Woolf Report; A summary 1991: 22). Detection and punishment of people with sexual offence convictions is dependent on specific establishment cultures and the strength of masculinist hierarchy; in therapeutic communities like HMP Grendon, there were few attacks on people with sexual offence convictions and an absence of targeting these and other conventionally bullied groups such as informants (Jewkes et al., 2012: 138). Whilst people with sexual offence convictions are generally, according to research, the most at risk within penal systems, these risks and vulnerabilities vary according to the contexts of individual establishments.

Whilst the academic literature is overflowing with references to verbal and physical risks faced by people with sexual offence convictions in prison (Prison Reform Trust, 1990; Hogue, 1993; Sim, 1994; Genders and Player, 1995; Sparks et al., 1996; O'Donnell and Edgar, 1999; Crewe, 2009; Mann, 2016; Spencer, 2002; Ricciardelli and Spencer, 2014), hierarchies of vulnerability and risk within this category in terms of gravity of sexual offence and age of victim. Rapists of adult women tend to have a higher status than paedophiles (Ievins, 2013: 4; Waterhouse et al., 1995) and this affects their relative risks to survive in mainstream populations. Relocation of people with sexual offence convictions straight to protection regimes is intended to reduce the risks of danger normally thought to be associated for people with sexual offence convictions held in mainstream populations (Dobash et al. 1995: 53). However, in research on Scotland conducted in the mid-1990s, only nine out of 25 prisoners convicted of sexual offences against adults were immediately placed into protection (id.: 6)[3]. Very few people convicted of sexual offences against children can survive in general population housing (Waterhouse et al: 1995: 3) but this does not mean that all sexual offenders against adults are safe in mainstream. For example, the same Scottish research found that sixteen out of the sample of twenty-five participants who had offended against adults, reported being assaulted prior to relocation (Waterhouse et al., 1995).

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3 The direct relocation of those without a sexual conviction was even more uncommon, with 70 per cent of those on protection having spent at least some period in mainstream (Dobash et al., 1995: 27), showing a distinction in the 'timing' of relocation of sexual and non-sexual offenders

Their experiences of vulnerability include not only verbal and physical assault, but also other types of fears, (Ievins 2013), including contamination of food, as all VPU or protection prisoners are stigmatised as sexual offenders. English studies have found that VPU prisoners feared their food had been contaminated with insects and bodily fluids (Mann, 2016: 249) by mainstream prisoners working in communal kitchens. Ievins' (2013) research showed that 'vulnerable prisoners' commonly reported rumours of foreign objects, including faeces, urine and broken glass, being found in food.

This discussion underlines two key points in understanding vulnerability in prison. Firstly, vulnerability has, since the original work in prison sociology been directly and predominantly connected to the nature of a prisoner's crime, specifically those with sexual offences in their conviction record. Secondly, the effects of vulnerability are about being exposed to a greater likelihood of being harmed (physically through attack or mentally through bullying) but also of suffering in prison because of a fear of being harmed (Ievins, 2013, describes a culture of fear among this group) as well as of knowing one is at the bottom of the prisoner hierarchy and the negative effects (isolation, depression, etc.) of being the most despised, ridiculed and avoided group in many prisons.

The next sections identify other situations where prisoners have been identified as vulnerable, but even in these, there are sometimes connections to or associations with a sexual criminal history.

Informants

Prisoners who violate the implicit code by cooperating with authorities is another common factor identified in research on prison vulnerability. Sparks et al found in the vulnerable prisoner unit at HMP Albany a significant proportion of 'grasses' and 'insolvent debtors' (Sparks et al 1996: 6). More recently, David Maguire interviewed ten prisoners who had informed on fellow prisoners (Maguire, 2019: 8) and were housed in a vulnerable prisoner's unit (VPU) in another English prison. In this small study of vulnerable masculinities, Maguire outlined the stigma felt by these informants now forced to live alongside people with sexual offence convictions, a stigma intensified by their involvement in, yet subsequent rejection from, mainstream prisoner hierarchies. More research with informants housed in protective wings would help untangle the associations and prisoners' own thoughts of now living alongside prisoners convicted of sexual offences.

Prisoners who have been 'outed' as informants are at risk (Dobash et al., 1999: 4) but their vulnerability to assault and subsequent need for protective housing will, ultimately, depend on the strength of the prison hierarchy. Much has been written about the prison code which reminds prisoners to 'never rat on a con' (Sykes and Messinger 1960: 8 as quoted in Jewkes et al., 2012: 125), providing information which may work to harm a fellow prisoner (Clemmer, 1958: 1 as cited in Maguire, 2019: 5). By informing, the grass, rat or snitch corresponds to the 'traitor' whose motivation is greed (Akerstrom, 1986: 6) and personal gain, although there are circumstances, such as prior to a serious assault, where 'grassing' may be justified (Jewkes et al., 2012: 138). The punishment of informants is to enact group norms, where common enemies tend to unite a group and clarify its moral boundaries (Akerstrom, 1986: 10); to transgress these moral boundaries therefore carries an increased risk of threats, ostracism, assault or even a death penalty (Maguire, 2019: 5).

Transgender prisoners

Transgender prisoners have been identified in more recent research as a vulnerable group (Atabay and Atabay 2009) within the literature (Bromdal et al., 2019). The stratification of prisoners renders those with non-normative gender identities near the bottom of the order and, consequently, as fair game for other prisoners to prey on (Sexton and Jenness, 2016). This is especially true for transgender women in prisons for men (Id.; and see, Howard League, 2014). Trans prisoners have therefore been identified as a potential management problem (Knight and Wilson, 2016). Protection or segregative housing may be required to secure their safety, but these can have potentially more punitive regimes (Id.).

Minority group status

Minority group membership is another area noted in research as creating vulnerability in prison, and as with other categories can vary by establishment, and this is important given the profile in Scotland and England both in their prisons and national populations. In HMP Rochester, for example, an institution for young offenders in Kent, prisoners adopted 'localized identities' and 'territorial, area based loyalties' from previous towns, housing estates and postcodes (Phillips, 2012: 58), as ignoring geographical allegiances can lead to prisoners feeling unprotected (Phillips, 2012). In HMP Greenock in Scotland, geography also provided a system of social support or targeting, as coming from a geographical minority could lead to being singled out (Shewan, Cooke and SPS, 1999) and subsequent victimization. In HMP Rochester, the minority of Muslim prisoners tended to 'stick

together' and white prisoners assumed this solidarity helped with mutual aid, group loyalty and protection (Phillips, 2012: 60). Living as part of a geographical, ethnic or religious minority within an establishment is not necessarily a characteristic of vulnerability nor a definite reason to relocate to a VPU or protection unit. However, the balance of a prison population mean these can be the basis of victimization, but also a basis of cohesive identity (Phillips, 2012).

Drug debts

Although geographical allegiances may provide a form of protection in some establishments, local associates, loyalties and friendships can turn sour, producing 'risk factors' and vulnerability, especially if prisoners are involved in the drug trade. By not displaying masculine norms of independence and self-sufficiency (Sloan, 2016: 38), prisoners who accrue drug debts may be at risk (Shewan et al., 1999) and, given the nature of the particular regime, can face retribution for offending against the prisoner code. Debts, stealing from associates and manipulation constitute serious breaches of the prisoner value system (Jewkes et al., 2012: 138) and, as such, debtors may request relocation to VPUs and protection units, as found in studies within HMPs Shepton Mallett (Priestley, 1980: 35); Albany (Sparks et al., 1996: 6) and Greenock (Shewan et al., 1999: 4).

In summary, as this range of prisoner categories shows, vulnerability to victimization arises for a range of reasons. While these bases of vulnerability have remained fairly consistent over decades of prisons research (even though transgender prison research is new it links to longer term findings about masculinity and binary gender hierarchies), they also do not always operate automatically to create vulnerability, but are dependent on time and place and to some extent the individual characteristics of a person (Hufschmidt, 2011). When asked about vulnerability in HMP Greenock, prisoners responded with a variety of characteristics, including 'it's the timid ones,' 'loners', 'drug abusers', 'ones who are in for the first time', ones that are young', 'if you can't fight', 'someone who has no family, visits or cash' and 'stuff to do with weans, stuff to do with women' (Shewan et al., 1999: 22). Other bases of vulnerability raised in research include prosecution witnesses, former police officers, victims of prisoner assault (Robertson 1987) and those with learning disabilities or difficulties (Talbot, 2008). As a consequence, it is perhaps unsurprising, that vulnerability is difficult to define or pin down to a single characteristic: prisoners are victimized for a broad range of reasons. What this discussion has shown is that vulnerability arises from a range of factors, including things beyond an individual's prisoner's control such as the nature and environment of a prison. That is, it

is not solely that a person is a debtor or a person who has committed a particular kind of crime, but how this is viewed and responded to within prison, which depends on factors of prison management and structure (such as providing separate housing or dedicated establishments for different groups).

Decisions about seeking protection by vulnerable prisoners

This thesis is interested in how vulnerability leads to decisions about relocating to protective housing by prisoners and prison staff. To evaluate a prisoner's decision-making process, it is important to analyse the concept of risk more closely. The word 'risk' conjures up notions of danger, hazard and harm but also relates to chance and uncertainty (Sparks et al., 1992: 3), two competing interpretations that prisoners weigh against each other when considering relocation to VPUs and protection units. The role of 'risky decisions' have also been discussed in Hay and Sparks (1992) who proposed that prisoners weigh up the risk of victimization on a normal wing against the risk of tedium, isolation and deprivation under Rule 43 (now Rule 45, see Chapter 2), as well as the risk that measures taken for your protection are inadequate; on top of this is the risk of potentially being unable to 'come off the Rule', even if you wanted to (Hay and Sparks, 1992: 6). That is, relocating to protective housing itself creates a new set of risks, because such housing is stigmatising. This issue arose in interviews of the present research and is explored in findings chapters. Risk is central to the notion of 'rational conduct', where one weighs up different options in an attempt to fix parameters of probability for unwanted events (Hay and Sparks, 1992: 3). Hay and Sparks were referring to risk of living under Rule 43 (now Rule 45) regimes many years ago so the decision-making process may now be slightly different given, for example, a better quality of regime in a self-contained VPU or protection unit, without the need for Rule 45 or 95 controls. Since this work, however, there has been little research about how prisoners perceive and make decisions about their own risk and vulnerability. In terms of risk, the academic literature appears more plentiful in understanding risks of re-offending, 'dangerousness' and risks prisoners pose to each other but a major gap exists as to how at risk prisoners attempt to negotiate, manage and reduce risks of assault through their decision-making process to relocate to a VPU or protection unit.

The academic literature has suggested the fear of assault is the driving force behind the decision to relocate for many vulnerable and protection prisoners, especially people with sexual offence convictions. Priestley (1980: 25) quotes a prisoner describing what they say to some seen as vulnerable: 'You'd better get on Rule 43 or we'll break your fucking neck.'

In Thornton's (1975) now dated research, people with sexual offence convictions entering custody applied for Rule 43 because they anticipated they would be assaulted or threatened. Therefore, they sought to escape the threat, even if threats had not yet materialised (and see also, Priestley, 1980). Interestingly, Priestley observed the goal of getting the prisoner to apply for Rule 43 was the desired end of much of the scapegoating activity, rather than any physical retribution (Priestley 1980: 24), and if the prisoner was less than willing to yield at this stage then the campaign was escalated (Priestley 1980: 25). In research from Scotland in the mid 1990s, from a sample of 230 prisoners who had committed sexual offences against adults, one third had relocated to protection because of a fear, threat or actual assault (Waterhouse et al., 1995). The fear of physical harm therefore appears to be a dominant factor driving the decision-making process for many people with sexual offence convictions.

The quality of life within specialist housing may also influence the decision-making process of an at risk prisoner in terms of wanting to relocate. Rule 43 was traditionally viewed as a crude instrument, where a stark choice had to be made between tenuous survival in mainstream locations or lonely, austere segregation (Sparks et al., 1996: 2) with subsequent severe restrictions placed on daily life (Sparks et al 1996: 2). David Thornton proposed that the person with a sexual conviction contemplating Rule 43 probably had considerable information available about its unpleasantness, having observed the prison routine of those subject to its measures or been told about it by other prisoners or staff (Thornton, 1975: 6). Part of the explanation for increasing numbers of Rule 43 prisoners in the 1980s, was the sporadic improvements in provision within these regimes, providing less incentive for prisoners to 'front it out' or stay afloat on normal locations (Hay and Sparks 1992: 6; see also, Hay and Sparks 1992: 9, Prison Reform Trust, 1990). The development of an established protection regime at HMP Glenochil, providing work opportunities, for example, also meant that protection became a more attractive option in some prisons in Scotland (Waterhouse et al., 1995).

A major critique, however, is how the English literature is dated, predominantly analysing how the quality of a Rule 43 regime has impacted the decision-making process, rather than providing analysis of how a more liberal VPU regime can impact decision-making, a gap in the literature also evident in Scotland. Risk is not evenly distributed either between prisons or between individuals and groups of prisoners and staff (Sparks et al., 1996: 4) and so the strategies prisoners adopt to respond to risk, which may include a decision to request specialist housing, will vary. As risk is multidimensional and fluid then prisoners' feelings of safety will vary across institutions of different security levels and prison spaces (Maier and Ricciardelli 2019). The particular institution generates the cues

which determine individual decisions (Thornton, 1975: 9), so prisoners will feel safer or more at risk within some establishments at different points in time with consequences for decision-making. Maier and Ricciardelli (2019: 4) reported on research that found that prisoners feel less safe in open spaces such as work and dining areas and safer in secluded areas such as their cell, where they can be alone. Within HMP Durham in the early 1990s, applications for Rule 43 increased during evenings and weekends, when prisoners were out associating with each other which provided opportunities for sustained pressure to be applied to some prisoners (Acheson 1994). Individual perceptions of prisoners therefore influence decision-making as each prisoner is constantly assessing and re-assessing levels of threat they feel as they move both between and within different prisons, even at different times of the day. To respond to these perceptions of threat, prisoners apply safekeeping strategies but not all safekeeping strategies are equally available and applicable, whilst contingent upon specific penal context (Maier and Ricciardelli 2018: 13). A person with a sexual conviction may avoid certain parts of the prison, an individual may not feel comfortable adopting a cover story or performing masculinity, a debtor may only perceive himself at risk in one specific prison, whilst an establishment may not have a VPU or protection, all examples of how different penal spaces will influence a prisoner's decision-making process and strategies to stay safe. This attention to different spaces of the prison has been poorly studied in terms of vulnerability, though it has arisen as a recent area of interest in other contexts such as the affect of feeling imprisoned (e.g. Crewe et al., 2014).

Specific impacts on decision-making of prisoners

This chapter has examined how mainstream prisoners react to those who have committed offences against children, particularly sexual offences but an aggravating factor to their harassment is degree, timing and type of media coverage surrounding the offence. Thornton's (1975) research demonstrated how newspaper publicity increases the number of prisoners who are aware of an offence where the type of victim, particularly a sex offence against a minor, affects reaction to this knowledge. Both Thornton and Hawkins and Evans proposed that the temporal proximity of the media coverage was important, where a prisoner was most at risk for the week following date of sentence (Thornton, 1975: 2, Hawkins and Evans, 1980: 2).

In addition to time elapsed, Thornton also identified the emotive language used in newspaper publicity, where individuals were described as 'sex crazed' monsters (Thornton, 1975: 4), emotive language that will, arguably, intensify any ill feeling towards a recently sentenced prisoner convicted of sex offences. It is not just the

reaction of others that influences decision-making process, however, as Thornton also identified a number of people with sexual offence convictions who applied for Rule 43 in direct response to reading a newspaper article describing their own offences, even though they had not been directly threatened (Thornton, 1975: 9), evidence of impact of media coverage on the reaction of the self as well as from others. The publication of a notorious case in the national press is obviously an extreme situation where a prisoner stands little chance of avoiding identification in the prison (Ministry of Justice, 1989: 25) but an experiment conducted between a number of prisons in the South West of England in the 1980s did show that it was possible for a person charged with sexual offences to avoid identification if he was sent directly from court to an establishment well away from the area of local publicity (MOJ, 1989: 25). Thornton, Hawkins and Evans and the Ministry of Justice Working Group on vulnerable prisoners have therefore all identified the reactions of others and of the self through emotive, recent newspaper publicity surrounding a sexual offence. As these studies were all from the 1980s, however, a concerning gap in the more recent literature therefore exists, particularly given the media landscape has changed so dramatically since then. This omission is equally concerning since the influence of the Internet and other forms of media played such a significant part in the decision-making process of some of my research participants, as will be discussed in Chapters 5 through 8.

The decision-making process of prisoners considering relocation to VPUs and protection housing may also be influenced by a cellmate, advice of a lawyer or by an individual's previous experience within specialist housing. Regardless of offence, the person with whom one shared a cell was often critical to a prisoner's settling in period (McNaughton, Nicholls and Webster 2018: 3), and generally I found in the literature that the positive and negative influence of a cellmate has been consistently ignored within research, particularly how a cellmate can influence the decision-making of a prisoner considering a request for specialist housing. In terms of the influence of criminal justice professionals, the Working Group on Management of Vulnerable Prisoners repeatedly heard of prisoners, where the offence was sexual in nature, being advised by lawyers, police or probation officers to apply for Rule 43 (now Rule 45) protection upon arrival into their receiving prison (Ministry of Justice 1989: 23). A prisoner remanded or convicted of a sex offence entering prison for the first time is likely, in my opinion, to take the advice of a criminal justice professional, including prison staff, even though, as the Working Group established, the individual who requested Rule 43 status was often, unnecessarily, condemning themselves to a deprived existence (Ministry of Justice 1989). A prisoner's previous experiences in specialist housing will inform him as to quality of life there (Thornton,1975: 8) and this will also have an influence on his current decision-making

process depending on whether the previous experience was a positive or negative one. The prisoner may also believe that specialist housing should always be the appropriate response to harassment should he again be victimised during imprisonment.

'Sex offenders' on mainstream

Although this research project is primarily concerned with decision-making process of prisoners who request relocation, a by-product of significant interest is the literature that analyses why some people with sexual offence convictions choose instead to try and survive within mainstream populations. Under a prisoner service's duty of care, explained in the preceding chapter, all persons charged with sexual offences entering prisons in Scotland and England should be offered relocation to protective housing. Research in Scotland from the mid 1990s explained how immediate relocation from reception to protection was intended to reduce the risks of danger for people with sexual offence convictions held in mainstream populations (Waterhouse et al., 1995) but established how only nine out of 25 such prisoners were immediately placed into protection housing (Waterhouse et al., 1995: 6) from prison receptions. The average length of stay for these prisoners in mainstream was eight months but the range was variable, given one participant lasted less than one day, whereas two other sexual offenders had spent over twenty-four months in mainstream circulation (Waterhouse et al 1995). The authors proposed that individual characteristics and backgrounds may have accounted for differences in those sexual offenders who chose to access mainstream populations (Waterhouse et al 1995) but, disappointingly, they did not detail these differences in character or background.

The academic literature has recognised a range of techniques utilised by those charged with sex offences to avoid being 'outed' within mainstream populations. The ability to pass is mediated by the normative masculinity and social hierarchy that exists among male prisoners (Ricciardelli and Spencer 2014), so some people with sexual offence convictions attempt a front stage performance (Maguire, 2019: 14, citing Goffman) by hiding or denying their breaches of the masculine, prisoner code. The performance of masculinity entails not acting or 'looking like' what prisoners consider indicative of a stereotypical person with a sexual conviction, namely a middle aged, tattoo-free Caucasian man that wears glasses (Ricciardelli and Spencer, 2014: 437). These conceptions of the stereotypical person with a sexual conviction are attached to broader societal conceptions of normative masculinities (Ricciardelli and Spencer, 2014: 437) and the successful performance of (hetero) normative masculinity is required to avoid the anxiety and stress of being potentially labelled and stigmatised. As a consequence, the

literature has therefore recognised how some prisoners try to establish a reputation as someone able to defend themselves, prepared to use violence (Mann, 2012: 254), whilst other people with sexual offence convictions try to manipulate their appearance to look more like a 'gangster' or a 'biker' (Ricciardelli and Spencer, 2014: 437), although this research is from Canada where 'masculinity' may be performed differently.

The use of cover stories within mainstream populations has also been recognised within academic research. During the 1980s and early 1990s the policy of integration adopted by the Home Office in England and Wales meant that prison officials encouraged people with sexual offence convictions to lie about their offences as the price of survival in mainstream locations (Sparks et al., 1996: 3). Although a policy of separating out people with sexual offence convictions to VPUs is now the norm, more recent research by HMPPS also established how a number of people with sexual offence convictions who had previously spent time in mainstream populations fabricated cover stories of a non-sexual conviction as a survival strategy (McNaughton, Nicholls and Webster, 2018: 3); given these participants were currently living in VPUs when interviewed, however, these survival strategies had clearly not worked. In a rare glimpse into the interactions between people with sexual offence convictions and mainstream prisoners, Blagden et al. (2019) profile the experience of prisoner 'S' who was, suddenly and unexpectedly, questioned about his crime and sentence length within a packed holding cell in an English prison reception. Although 'S' managed to deal with the accusations, he wished for a better understanding of how to counter any future rumours about his crime so his initial cover story could stand up better to any subsequent tests (Id.). The aforementioned studies are from England and I have not discovered any research in Scotland examining the use of cover stories but the ethical implications of interviewing people with sexual offence convictions living undetected within mainstream populations has and will surely continue to impact on the prevalence of such studies.

Decision pathways into protection

Those with sexual offences

Very little is known about the often emotive and challenging journeys prisoners make to vulnerable prisoner and protection units in England and Scotland, in part a result of poor recording practices by staff. Research from the mid 1990s in Scotland did investigate the reasons why, how and when prisoners ended up in protection (Waterhouse et al., 1995: 27), noting how very little was documented or known about the processes and pathways to protection housing (Waterhouse et al., 1995). For example, it was uncertain whether

the decision to go on protection was at the request of the individual prisoner, his legal agent or on recommendation of prison staff and management (Waterhouse et al., 1995). The research team did notice a growth in the amount and type of paperwork used to document the decision-making process (Waterhouse et al., 1995: 27), whilst also acknowledging that protection decisions sometimes had to be taken as a result of unpredictable and critical events, where information might not be so easily recorded. However, the research concluded that prison managers should develop a more specific system for documenting, guiding and reviewing decisions to designate an individual as vulnerable and requiring protection (Waterhouse et al., 1995), as this would help to assess whether a prisoner needed to remain in protective housing, thereby contributing to a rational use of protection resources (Waterhouse et al 1995). Documentation and recording practices may have improved, at least in England, as, in 2018, Her Majesty's Prison and Probation Service (HMPPS), analysed the pathways in four separate establishments, discovering that people with sexual offence convictions entered VPU housing by three different routes, either immediately from reception, after a prisoner's request to be allocated or through movement by staff following an initial period on the main location (McNaughton, Nicholls and Webster, 2018). The relocation of vulnerable and protection prisoners in terms of why, how and when, is intrinsically linked to decision-making process of both staff and prisoners and therefore constitutes an important part of penal management, hence why this is, surprisingly, a major gap in the academic literature.

Those without sexual offence convictions

The decision-making process of own protection and non-offence protection prisoners is often very different to sexual offenders, as many are transferred from mainstream populations rather than immediately from reception areas and for reasons other than sexual offences. In the most significant Scottish study into protections from the mid 1990s, researchers found that over half of people with sexual offence convictions had spent no time whatsoever in mainstream populations, effectively transferred straight from receptions, whilst seventy per cent of non-sexual offenders in protection had spent at least some time in mainstream (Waterhouse et al., 1995). In the same study, 14 per cent of the protection population had been relocated for disparate reasons, aside from their offence, including acting as an informant in a prison or court case and failing to smuggle drugs upon demand and to pay debts (Waterhouse et al., 1995). More recently, Maguire (2019) interviewed ten men resident on a VPU in England, relocated not because of their offences but because of transgressions against prison culture. One participant, Dilan, described being '*shrouded in suspicion as an informant, living with the constant*

*fear of being called out (*Maguire, 2019: 11) in mainstream, hence why he requested relocation to the vulnerable prisoner's unit. These prisoners described above had therefore transgressed against prison culture, sliding from a normative to a subordinate masculinity (Maguire 2019) and identity by accepting vulnerable and protection prisoner status. The pathways to protection for those who move through mainstream is therefore much more difficult to interpret (Dobash et al 1995) than for the person with a sexual conviction transferred straight from reception, a distinction that involves an often complicated decision-making process and journey to be discussed further in Chapters 6, 7and 8.

Although they have yet to be classified as vulnerable or requiring protection, some mainstream prisoners charged with violent offences may be at risk because of sexual elements to their crimes which are not officially recorded in the criminal charge or sentence and are yet to become common knowledge. In Waterhouse et al.'s (1995) study, a small sample of twenty-one prisoners who had sexually offended against adults was identified who were living in mainstream populations. Of this sample, five individuals had been imprisoned for offences that researchers noted were sexual in nature yet were not charged as sexual offences; for example, in three of these cases the victim had died, so the individuals were convicted under the more serious charge of murder (Waterhouse et al 1995). These prisoners, once eventually relocated, may have therefore been classed as 'non-offence' protections, even though their offences contained a sexual element. Through data gathered from fieldwork interviews, it seems there are currently a number of prisoners still living in mainstream populations in Scotland and England with 'hidden' sexual components (Waterhouse et al 1995) to their crimes, as I discuss further in Chapters 5 - 8.

Decision-making by staff

The relocation of prisoners for reasons of control or protection raises questions of a conceptual, operational, political and moral nature (Bird, 2017) and can therefore provoke deep controversy and contention between prisoners and staff (Sparks et al., 1996: 44) and even amongst staff, as reinforced during my own fieldwork (see Chapters 5-8). In theory, the identification and management of vulnerable and protection prisoners should not be required because, ideally, staff would like prisoners to be sustained on mainstream locations, where possible (Sparks et al., 1996: 3). Some staff may see relocation to VPUs and protection as an admission of failure to manage bullying and victimization in mainstream locations, whilst people with sexual offence convictions, for example, should be entitled to the same corresponding privileges and conditions found in

mainstream as any other long-term prisoner (Sparks et al., 1996: 3), a moral consideration in the decision-making process. Indeed, the Working Group for the Management of Vulnerable Prisoners (in England and Wales) (MOJ, 1989) provided guidance to avoid placing a prisoner on Rule 43 (own protection) whenever possible because the associated stigmatization could create further problems rather than providing a solution to assumed or anticipated difficulties within mainstream.

The literature has also recognised how the staff decision-making process involves questions of fairness, justice and legitimacy, part of broader moral and operational dilemmas. Sparks et al.'s (1996, see also Sparks and Bottoms, 1995, 2006; Hay and Sparks, 1992; and Sparks, Hay and Bottoms, 1990) work on VPUs remains, a quarter of a century later, the most comprehensive look at such units, as well as continuing to offer an important, cross-population, understanding and analysis of vulnerability in prison. Their work most directly inspires the present project in terms of its analytical framing of the problem. There is not space in this thesis to give due justice to the breadth and depth of their analysis, but this body of work is referred to throughout the thesis. Legitimacy and order are key concerns of this work, and within the subtopic of staff decision-making, it provides insights into how this works in relation to protecting the vulnerable in prison. Any decisions to relocate prisoners is an administrative one, involving the use of emergency powers, designed to prevent future harms by taking action at 'moments' of trouble (Sparks et al., 1996: 44). The importance of 'moments' is something rarely noticed in the present field of research, though it came to resonate with observations presented in subsequent chapters. As is generally the case with administrative control measures, problems arise when the prison and prisoner are speaking different languages; the prisoner uses a language which is mainly about justice, whilst prison managers use a vocabulary which is mainly about prudence and practicality (Sparks et al., 1996). Prisoners may also challenge the legitimacy of Prison Rules and administrative decisions because they perceive a lack of due process, appeal or redress, especially at the speed with which administrative segregations may take place (Id.). So, for example, a prisoner may arrive into an establishment to be told he is going to the VPU or protection unit, and although the prisoner has to consent to this relocation it can be perceived by the prisoner as punitive (Id.), especially if the VPU or protection regime is poorer than in mainstream or the individual is aware relocation and subsequent stigmatisation may cause problems further down the line.

Prison Governors and staff must make operational judgements as to which option is most likely to resolve a situation, judgements which are also 'political' within and outwith the establishment. Staff must consider the stability and security of the prison, the nature and

severity of the problem, the quality of the information and effectiveness of any action under consideration (Sparks et al., 1996: 246). Decisions may be based on rumour, intelligence received, induction, impression and reputation and, as such, raise problems of moral reasoning, consequences and justifications amongst staff (Id.). For example, in the VPU at HMP Albany, a tension existed between the unit's own priorities and the function it performed for the prison and wider penal system as a whole (Id.: 17). This tension will be further analysed in Chapter 5, as it was also a significant theme to emerge from fieldwork in HMP Durham, where issues of 'security' often provided a justification to relocate a particularly troublesome yet at risk prisoner to F wing, the VPU, much to the anger of the staff working on the unit.

Political, moral and operational concerns feed into the conceptual, as the literature has acknowledged how the concept of vulnerability can be interpreted in highly discretionary ways by staff and, hence, is open to ulterior motivations. As with the Barlinnie Special Unit, (Sparks et al., 1996: 18) or other specialist housing, prison staff must decide who should come to the VPU or protection, when they should arrive, how long they should stay and where they should go on departure. This is made more significant because the decision-making process around vulnerability is based on established yet informal norms of 'deserving' or 'undeserving' of relocation rather than on 'neutrality', the consistent application of rules based on proper procedure (Jackson et al., 2010: 4) or a standard definition as to who is a vulnerable or protection prisoner or what exactly vulnerability should look like. Even in the late 1980s, the Working Group on Management of Vulnerable Prisoners recognised that substantial justification for Rule 43 (now Rule 45) was required (MOJ, 1989: 28), justifications that, although dated, are still relevant today as prisons are environments that provide considerable opportunity for capricious and arbitrary exercise of power, where authorities can act based on personal prejudice and implicit bias (Jackson, et al., 2010: 4).

Sparks et al.'s work also led the way in arguing for the need to define more clearly what is meant by vulnerability and to articulate more precisely the criteria for deciding when protection is necessary. Even as VPUs were coming into being there were discussions amongst staff about how the wrong sort of prisoner, namely debtors, might end up allocated to the vulnerable prisoner unit. Attempts were therefore made to develop a set of criteria against which to measure vulnerability in England and Wales during the 1980s and 1990s, a threshold to be crossed before actions, namely relocation to VPUs, were deemed appropriate (Sparks et al., 1996: 251). For example, the Working Group on Management of Vulnerable Prisoners developed criteria where prisoners had to be serving less than two years, have been on Rule 43 (now Rule 45) for longer than three months

with no more than three months left to serve (MOJ, 1989: 88, Appendix 1). In the mid 1990s in HMP Durham, a set of criteria by which to judge applications to the vulnerable prisoner landing was developed in response to a culture of accepting every application for Rule 43 status. Within this, the Governor proposed a more positive, formalised procedure to be adopted by all mainstream, residential areas so that bullies who victimized those with poor coping abilities would no longer be admitted to the vulnerable prisoners landing (Acheson, 1994).

In Scotland, similar concerns were raised during the 1990s as policy makers were urged to consider the relationship between vulnerability and the use of protection, which might be facilitated by developing a set of criteria against which vulnerability could be measured and defined (Waterhouse et al., 1995: 91). In their research, Waterhouse, et al. established that a lack of agreed definition as to vulnerability contributed towards a practice which permitted some prisons to adopt a broad approach to including vulnerable prisoners on protection whilst other establishments were less flexible about whom they chose to include within protection regimes. Whilst the researchers were aware that staff often have to respond to ad hoc and immediate circumstances, an indiscriminate use of protection was contributing towards its ineffectiveness. The authors went on to suggest that a policy and administrative response should be devised to establish common parameters for decision-making as to the identification of vulnerable prisoners across the Scottish prison system and to consider in a more systematic way appropriate responses to a problem which, they recognised by its very nature is difficult to predict, to avoid a strategy of mainly being reactive.

The importance of journeys

This section highlights the journey for vulnerable and protection prisoners from reception through to living in, and moving in and out of, mainstream or protective housing in prison. Where above, I considered research illuminating how prisoners make decisions about seeking protection via prison rules or housing options, this section focuses on the emotional journeys (see Crewe et al., 2014) as people move through different stages of their imprisonment. It first explores the literature on the reception process before highlighting the dilemma for prison management of integration versus separation. It then focuses on the literature which explores the experiences of those living in protection or vulnerable prisoner units in both Scotland and England.

Various academic sources have detailed the importance of the reception process within prisons, a process that is particularly significant for those prisoners considering a request

for vulnerable prisoner or protection status for the first time or transferring in from a another VPU in England or protection hall in Scotland. Prison receptions are the area where the institutional culture is first set (Crewe, 2009: 52), a point of ritual degradation, involving a loss of status and autonomy, made clear through a range of procedures including body searches, showering and the surrender of personal possessions (Garfinkel, 1956; Goffman, 1961), a loss of status, arguably, more keenly felt by those who enter the prison having previously been classified as vulnerable or 'protection' and further separated from mainstream prisoners within reception areas. The reception process therefore arouses a great anxiety within sexual offenders because of a fear of identification (Priestley, 1980: 18), adverse attention to a remanded or convicted person with a sexual conviction that can begin in custody vehicles, as prisoners are escorted between court and prisons (Id.). This adverse attention may continue in reception as a consequence of a naïve, first-time prisoner who, disoriented by his experience or unaware of a prisoner code or hierarchy, may inadvertently reveal the nature of his (sexual) offence (Id.). Although officially forbidden, trusted reception prisoners even had access to the official records of people with sexual offence convictions as they entered establishments, a situation that led to several research participants making Rule 43 (now Rule45) applications for protection (Priestley, 1980: 18).

Policy documents, rarely analysed, discuss a duty of care of prison staff in reception to take precautionary measures to prevent the identification of vulnerable or protection prisoners, measures including allowing privacy for reception interviews, whilst acting with professional integrity in terms of discretion regarding, for example, revelation of sexual offences (MOJ, 1989). Staff must ensure privacy is maintained so a prisoner's identity is not revealed to other arrivals new into the establishment or prisoner orderlies working in reception (MOJ, 1989: 26), whilst a prisoner considering a request for vulnerable prisoner or protection status also needs to speak to a reception officer in privacy. The Ministry of Justice Working Group stated how no prisoner should be given an opportunity to see any record relating to another prisoner (ibid.), whilst calling for vigilance from courts, police and prison staff to ensure steps were taken to prevent, as far as possible, mainstream prisoners at court and in custody escort vehicles learning about other prisoners' cases. The Working Group, however, uncovered 'many stories' of thoughtless and uncaring acts by police and prison officers, which resulted in a prisoner's offences, coming to the attention of other prisoners (MOJ, 1989: 25). The necessity for staff vigilance has therefore been recognised in the literature, as has the importance of the reception room – a physically small yet significant area of the prison in terms of the revelation of vulnerabilities and decision-making of both staff and prisoners.

Integration or separation?

As suggested in the previous chapter, prisons adopt various strategies of separating or integrating prisoners who may be 'at risk.' It is a curious fact of prison life that once a prisoner is classified as a vulnerable or a protection prisoner then they must be kept separate (Sparks et al., 1996) whereas, within an integrated regime, the very same individual must attempt to live safely as a mainstream prisoner, employing strategies so that any potential 'risks' and vulnerabilities that may bring problems and therefore require relocation are not exposed. It is the classification, separation and stigmatization therefore that ensures subsequent negative attention and potential victimization, in addition to the offence or behaviour in prison.

Differences between integration and separation within prisons were observed in both Scotland and England in the mid 1990s, with implications for the regime that prisoners subsequently experienced. The newly created Scottish Prison Service decided to integrate its potentially at-risk prisoners in HMP Edinburgh in the early 1990s, whereas Barlinnie, Glenochil, Perth and Shotts all had separate, readily identifiable protection regimes (Waterhouse et al., 1995: 23). Contrasting approaches were evident within the high-security dispersal system in England, as HMP Albany operated a self-contained VPU with its own workshops and exercise area, whilst HMP Long Lartin enjoyed some success in integrating people with sexual offence convictions and other vulnerable prisoners into the main population, calling on potential predator's fears of being transferred elsewhere (Sparks and Bottoms, 2006). Varying degrees of integration are still a feature of contemporary penal policy, as a recent study with 27 people with sexual offence convictions across four prisons established varying levels of integration with others convicted of non-sexual offences (McNaughton Nicholls and Webster, 2018: 1). One of the explanations for a lack of research into integrative regimes is because of ethical implications of researchers drawing attention to people with sexual offence convictions who are living within mainstream populations, methodological concerns from my project that I discuss within Chapter 4.

Living in VPUs and protection

A small number of studies have noted how the arrival into VPUs, protection areas and establishments for those with sexual convictions are viewed by prisoners as positive and a relief. In Sparks et al.'s study of HMP Albany, most prisoners who relocated to the Vulnerable Prisoner Unit came from the austere conditions of Rule 43 in other prisons (Sparks et al 1996: 19), now Rule 45 as documented within the previous chapter. Many of

these men had experienced 'abuse every night' (Sparks et al 1996: 19), whilst held under Rule 43 conditions in mainstream, so were 'grateful' to come to the VPU with its stable relations, 'freedom from pressure' and some of the most advantageous conditions experienced. (Sparks et al 1996: 20). Mann (2016: 253) described a reduction in anxiety of prisoners on the VPU in one establishment and this sense of safety provided participants more cognitive capacity to contemplate psychological change. Similarly, a relatively recent HMPPS study of four separate VPUs noted more relaxed environments, where research participants described feeling much safer than if they had been integrated (McNaughton, Nicholls and Webster, 2018: 5), although peer support and being able to empathise with others in relation to fears about bullying was also a significant benefit. On the other hand, the VPU in HMP Bullingdon in Oxfordshire offered neither shelter nor feelings of safety, as life on the unit consisted of a constant battle between the people with sexual offence convictions and debtors (O'Donnell and Edgar 1999: 97) and in Scotland, some prisoners judged the protection regimes as failing to provide the security they sought (Waterhouse et al: 57). Whilst the literature has therefore tended to acknowledge the safety that specialist housing can bring, other studies have established that VPUs may be more frightening than mainstream wings (Edgar et al., 2002), demonstrating that a particular prison culture and environment depends on the prisoner population and staff management therein.

The literature has suggested that vulnerable and protection prisoners may experience poorer regimes than their mainstream counterparts which, I will argue, has implications for legitimacy of imprisonment, prisoner's decision-making and, potentially, post prison re-integration. Although the study is now dated, a considerable number of respondents in Scotland in the mid 1990s suggested that protection offered fewer facilities (Waterhouse et al: 1995). In these regimes, the men complained of restrictions placed on their daily routines whilst still appreciating protection from mainstream prisoners. Although there is no contemporary writing on the specific regimes of prisoners in protection areas in Scotland, my own observations during fieldwork suggested, at least anecdotally, that this remains the case. A more recent HMPPS study in England noted the verbal abuse experienced by people with sexual offence convictions as they moved between the VPU and other areas of the prison, reducing their motivation to engage in activities which could expose their contact with others (McNaughton, Nicholls and Webster, 2018). Vulnerable and protection prisoners may therefore live in often self-contained physical confines, where the length of sentences and stringency of regimes means the 'depth' (Sparks et al: 1996: 28) of imprisonment is even greater than in dispersal settings. A penal policy that dictates, within interests of safety and security, that prisoners must experience greater restrictions and deprivations (Waterhouse et al., 1995), does not

appear legitimate, however. By creating a narrow, restricted period of confinement (Waterhouse et al., 1995), potential vulnerable and protection prisoners may also decide to remain in mainstream rather than face a poorer regime in specialist housing. An inadequate regime that fails to 'normalise' the prison experience may, arguably, also make it more difficult for vulnerable and protection prisoners, than for mainstream prisoners, to navigate the challenges of release.

Relationships with staff

A limited body of literature provides a mixed picture of relationships formed between staff and prisoners in VPUs, protection and monocultural establishments. Priestley's work refers to relationships from the 1960s in HMP Shepton Mallet, where staff were affronted at granting privileges to people with sexual offence convictions (Mann, 2016: 252) rather than to 'normal' prisoners, attitudes which, arguably, may have been reflective of a particular period of time within the English Prison Service. Where segregated units do not have a strong rehabilitative purpose, staff may also hold prejudicial or hostile attitudes, leading to systematic, unofficially sanctioned poor treatment (Id.). Other literature has uncovered more positive relationships where, in contrast to Priestley's observations, the staff working on the VPU in HMP Albany were determined that vulnerable prisoners should not experience inferior conditions to mainstream prisoners (Sparks et al., 1996). In terms of monocultural environments, that is prisons or sections of prisons holding a single type of prisoner, Blagden argued that the traditional 'them' and 'us' culture was largely absent within a prison recently re-roled to house those with sexual convictions (Blagden et al., 2017: 159), whilst time, effort and leadership have more recently created a fully rehabilitative environment (Ievins and Crewe, 2015) within HMP Whatton, where feelings of safety allow prisoners to engage in treatment and other pro-social activity (Blagden et al., 2017: 163), an important aspect of the self-change process. As research suggests both positive and negative staff-prisoner relationships in VPUs, protection halls and monocultural prisons, more work is required to provide a comparison with staff-prisoner relationships in mainstream, whilst understanding more about how positive interactions may promote engagement with treatment and offending behaviour programmes and, potentially, more positive relationships amongst vulnerable and protection prisoners.

Relationships amongst prisoners

> *'the atmosphere here is non trouble…this is an ideal prison if you want to do your time without any trouble' (prisoner quote, Sparks et al: 20)*

The academic literature has mostly portrayed VPU prisoners as a calm, compliant and passive population, as the above quote from HMP Albany suggests. The numbers of assaults, levels of drug dealing and absolute amounts of debts were relatively low on the VPU in Albany (Sparks et al: 18) presenting fewer control problems, which, in part, was a result of the non-solidary nature of the population (Id.). This compliance was also observed by the Ministry of Justice Working Group into the management of vulnerable prisoners, which noted many on Rule 43 tended to be quiet, accepting of authority and anxious to avoid confrontation (MOJ, 1989: 42), requiring light supervision as they were seldom a control or security problem (MOJ, 1989: 42). Likewise, Phillip Priestley observed prisoners adopting a hesitant and diffident style in HMP Shepton Mallett, interactions that created a sense of distance from others (Priestley, 1980: 70). Explanations for compliant and passive populations, in addition to a lack of solidarity, are because these prisoners often come from more middle-class backgrounds where they are used to working with legal authorities (Ievins, 2013: 12), rather than refusing to co-operate with them, plus many have previously suffered violent rejection within mainstream populations with subsequent often prolonged periods of solitary confinement (Priestley, 1980: 67). Although some of these studies are now dated, the themes they identified still resonated during my fieldwork in HMPs Durham, Edinburgh and Glenochil.

Own protections (OP) and non-offence protections (NOPs)

Although a few studies have analysed the relationships between prisoners protected for their offence and for non-offence related reasons, there is still a definite gap in the literature in both England and Scotland. This section attempts to draw out the distinctions of these groups in the literature and consider the balance between them and its importance for the management of VPUs and protection regimes and, therefore, the safety of the 'most' vulnerable. As introduced in Chapter 2, I use the terms adopted by the prison services themselves to refer to prisoners deemed vulnerable for reasons not related to their offence, i.e. own protection (OP) in England and non-offence protections (NOP) in Scotland. The literature has, at least, acknowledged the shame and stigma expressed by the majority of those who have to share living space with people with sexual offence convictions, but there is also evidence of benefits that relocation brings to these groups, specifically in terms of relief and relaxation afforded to those who no longer have to maintain face or 'mix' it within mainstream populations.

Research has found that there remain deficiencies in managing and maintaining 'the right' balance of prisoner type within a vulnerable prisoner unit (McNaughton Nicholls and Webster, 2018: 7), a balance, as suggested significantly influenced by who staff admit to VPUs and protection housing. In the HMP Albany study, a significant proportion of the VPU were informants or insolvent debtors with previous histories of violence and consequences of this mix was of particular concern for both staff and prisoner (Sparks et al., 1996: 6). Indeed, risks posed to vulnerable prisoners by other vulnerable prisoners with different backgrounds can be so serious that the Prisons and Probation Ombudsman (2013a) has reported on prison homicides on VPUs where victims appear to have been targeted due to their history of sexual offending (Prisons and Probation Ombudsman, 2013a). Similar challenges have been observed in Scotland, where hierarchies and intimidation were noted within the group of protection prisoners in HMP Greenock in the late 1990s (Shewan et al., 1999: 25). In the mid 1990s, nearly one third (29%) of the protection population in Scotland was made up of prisoners who had been convicted of non-sexual offences (Dobash et al., 1995: 5), a diversity that also increased the risk of victimisation of sexual offenders from fellow protection prisoners rather than from mainstream prisoners (Waterhouse et al., 1995: 11), thereby undermining the very 'purpose' of a protection unit. According to Waterhouse et al., a by-product of including people without sexual offence convictions in protection regimes is to reduce the extent to which protection prisoners can be stigmatised and victimised as a group (1995: 21) but this is perhaps naïve and idealistic as I demonstrate in subsequent chapters how stigmatisation endures once relocated and again in the presence of mainstream prisoners. As the vulnerable and protection populations are not monolithic, Waterhouse et al.'s work suggests the need for more research, which the present study attempts to provide.

Prisoners who relocate to VPUs and protection areas are stigmatised and classified as 'sex offenders' by mainstream prisoners, even though they may have relocated for reasons other than their offence. In Maguire's (2019) study a prisoner in protective housing makes clear the extent of this associative stigma when he is housed amongst those with convictions for crimes against children:

> '*I believe there should be a death sentence for paedophiles because paedophiles can't change…. I am embarrassed, so embarrassed*' (Geoff, prisoner quote, in Maguire, 2019: 11)

To accept vulnerable or protection status shows extraordinary weakness consistent with subordinated masculinities, eroding any previous masculine status, regardless of circumstances and despite previous criminal exploits and hierarchical positioning (Maguire, 2019: 10). The reluctance to be housed in VPUs with people with sexual offence

convictions was also evident in a recent HMPPS research study (McNaughton Nicholls and Webster, 2018: 5), whilst prisoners in Scotland who did not have sexual offence convictions even requested different categories of protection so they were not mistaken as such (Shewan et al., 1999). In contrast, many of the 'straight', armed robbers in Albany, saw the advantages of living the quiet life alongside people with sexual offence convictions, no longer having to maintain face within mainstream populations (Sparks, Bottom and Hay, 1996: 21). The tarring of people with the brush of a 'sex offender' label was also a strong theme to emerge in my fieldwork but this stigmatisation is potentially reduced when separate non-protection areas are developed, such as in Ingliston Hall in HMP Edinburgh, profiled in the previous chapter. However, whether own-protection or non-offence protections are integrated with people with sexual offence convictions and other vulnerable prisoners or reside in separate protection areas, their voices have been rarely heard in the academic literature.

Hierarchies and safety dynamics in prison

Hierarchy of sexual offences

> *'I thought when it's all sex offenders it would be a more level playing field but there seems to be different levels of offences, so child sex offenders are sort of the lowest of the low' (prisoner quote, extract 16, Blagden et al., 2017: 162)*

Prisoners' perceptions of the hierarchy are dependent on their position within it (Crewe 2009), and academic evidence has pointed to the existence of hierarchies amongst sexual offenders (Blagden et al., 2017: 162) as the quote above suggests. As previously mentioned, rapists of adult women are positioned above those who have sexually assaulted children (Maguire, 2019; McNaughton Nicholls and Webster, 2018; Ievins, 2013; Priestley 1980), where aggravating factors include the age of the child, levels of contact and extent of harm caused (Blagden et al., 2017). This hierarchy was also observed in the 1990s within protection halls in Scotland, manifesting itself in bullying, as people convicted of sexual offences against children were prone to victimisation by other prisoners (Waterhouse et al., 1995: 21). These hierarchies may be explained in terms of configuration of masculinities, domination, and subordination in much the same way as within mainstream populations (Maguire, 2019: 9).

Other prison research has suggested more 'equality' amongst people with sexual offence convictions in offence protection areas or monocultural prisons (e.g. those holding only prisoners with certain offences), in other words suggesting there is a flattened hierarchy, where prisoners choose to ignore or at least not discuss in public, the sexual crimes of

others. In Alice Ievins' study of horizontal relationships amongst people with sexual offence convictions within HMP Whatton, prisoners claimed to judge people on their in-prison behaviour rather than their offences (Ievins, 2013: 19), effectively trying to separate identities from offences committed. This 'cool dissociation of equals' was, interestingly, also observed by (Priestley, 1980: 72) 50 years previously, where individuals lived in 'pluralistic ignorance of each other's misdeeds' (Priestley, 1980: 67) in order to live harmoniously. Ievins argues these attitudes are based on an 'equality of stigma', rather than guilt (Ievins, 2013: 19), where prisoners in Whatton could 'deny' their offences (Id.: 19), thereby coping with the destructive label of 'sex offender', through either 'looking down' at another prisoner, as per the hierarchy or associating, grouping and equalising offences, effectively 'losing oneself in the crowd'. By living in ignorance of other people's crimes, by just seeing everybody 'as equals', prisoners could try to prevent their own offences from becoming apparent (Ievins, 2013: 20) and therefore being judged, a fascinating interpretation, made more plausible given this psychological response is similar across both time and place in HMPs Shepton Mallet and Whatton yet also in my research findings, particularly within HMP Glenochil.

Social Isolation or supportive peers?

Ben Crewe explains how prisons impel their inhabitants to form social relationships, as these alliances help mitigate deprivations in physical security, material provision and social support, (Crewe 2009: 301), research conducted within mainstream populations but which is, in my opinion, still applicable to VPUs, protection and monocultures. According to Alice Ievins, supportive communities coalesce around stigmatized individuals (Ievins 2013), giving credence to theory that people with sexual offence convictions against children form a supportive community whilst in prison (Ievins, 2013: 5). Likewise, in HMP Shepton Mallett, Priestley observed a number of 'sponsors' where an older and more 'prison wise' individual would take a less experienced prisoner under his wing (Priestley, 1980: 102), though he explains observing too few instances to say whether 'sponsorship' is an important part of prison socialisation. On the other hand, within Shepton Mallet, men spoke of their need for 'privacy' and 'preference for their own company (Priestley, 1980: 73), whilst VPU prisoners in HMP Albany withdrew from social life in retreat from potential social and psychological harms (Hay and Sparks, 1992). The academic literature therefore presents a mixed picture of social relationships and support; more research into relationships formed in specialist housing would help us to understand ways in which vulnerable and protection prisoners manage their own identities and those of others, provide support and, consequentially, learn more about the extent and nature of the hierarchies formed.

Returns to mainstream

Prisoners in VPUs and protection tend more towards compliance because they fear a return to the mainstream, but this compliance may also have implications for quality of regime provided. In the 1980s, the Prisons Inspectorate in England and Wales noted how prisoners were unwilling to abandon the security provided by Rule 43 conditions (HMCIP, 1986 : 10), given the prospect of a return to mainstream populations, a theme also identified more recently in my fieldwork. The Inspectorate insightfully observed that the identity of vulnerable prisoners had now almost become fixed (Id.: 17), a vulnerable identity which, I argue, is embraced by many in specialist housing, partly out of a reluctance to put fears of violence in mainstream to the test. In the 1990s, the prospect of being moved from the VPU in HMP Albany was also demoralizing, meaning that prisoners felt they could not complain or risk incurring the displeasure of staff (Sparks et al., 1996: 21). At the same time, research in Scotland, revealed that 70 per cent of protection prisoners remained there until they were discharged from prison (Waterhouse et al., 1995: 11), unwilling to return to mainstream. The authors analysed the decision-making process of prisoners and staff, arguing that if a prisoner chose protection or prison management placed a man in protection, the decision was likely to be irreversible, although this did not need to be the case (Waterhouse et al., 1995: 11), as a return to mainstream may have been possible with the right levels of support. With little prospect of concerted resistance and fears that individual resistance would mean relocation back into general, mainstream populations, the weak, systematically disempowered social position that vulnerable prisoners occupied in HMP Albany (Sparks, Bottom and Hay, 1996: 23) was potentially reflected in the HMCIP and Scottish Prison Service studies, a position made even weaker if staff did not use their power appropriately.

Returns to protection

Research from both Scotland and England has shown how initial relocation to VPUs and protection impacts, not only, any potential return to mainstream populations but also progressions to alternative establishments and even future custodial sentences, such are the risks and stigma associated with often enduring labels of vulnerable or protection prisoner. In Waterhouse and colleagues' study, they suggested how protections in HMP Peterhead could not easily progress elsewhere through the system given the stigmatising labels of having been located within the prison, (Waterhouse et al., 1995: 58) given its strong association with sexual offenders. Indeed, their study, indicated that should a protection prisoner further offend and return to prison, he would again be placed on protection as an almost invariable consequence of the earlier protection outcome

(Waterhouse et al., 1995: 91). These findings from the 1990s are supported by more recent research in England, where David Maguire established that once it becomes common knowledge you have previously taken protection, then a return to mainstream, even under a new prison term, is both incredibly dangerous and doubtful to last (Maguire, 2019: 14). The academic literature has therefore at least recognised the significance of an initial move to a VPU or protection, where protective responses *to* stigma also *confer* stigma with a subsequent impact on decision-making process of both staff and prisoners for future periods of imprisonment. This is reflected in my fieldwork and discussed in Chapters 5 and 7.

Conclusion

Within this chapter, I have reflected on how vulnerability is theorised and applied generally and in prisons research. I have argued that vulnerability as a general topic, compared to specific studies of particular populations (especially those with sexual convictions), has fallen off the radar of research. Therefore there is a need for the voices of prisoners classified as vulnerable, regardless of criminal conviction type, and requiring some form of protective housing to be included in the penological literature in both Scotland and England. As such, a sociology of vulnerable imprisonment is needed that foregrounds voices and experiences of the potentially at risk or vulnerable from the point of entry into the criminal justice system through to release. This chapter has profiled some of the classic penal scholarship, where the emergence of prisoner codes and hierarchies has allowed researchers to see more clearly the associated risks of transgressing particular prison values, operations of power and the hyper-masculinity in certain penal spaces. The gap in the literature is not about who or why someone is at risk therefore but what happens to them, once these risks have been identified and some protective action taken. Academic research has thus neglected the initial decision-making process of both prisoner and staff, decision pathways, emotional journeys and vulnerability and geographies of the prison. This is particularly true of non-offence protections. There is almost nothing on the effects of being designated and housed as a vulnerable prisoner upon release. The major works on prisoner vulnerability from the 1990s, namely, Waterhouse et al.'s review of protection in Scotland and Sparks et al.'s comparison between HMPs Long Lartin and Albany have stood the test of time but remain the leading works on this topic. In the meantime, new penal vulnerabilities have emerged, in the risks posed to transgender prisoners, for example. The concept of vulnerability has been recognised in the social sciences literature, more generally, for its adaptable use, application to individuals or groups, temporal or permanent nature, normativity and links to the provision of special measures. However, research has failed

to critically analyse the conceptual, operational, political and moral dilemmas posed by prisoner vulnerability, including focusing on the decision-making process of staff and prisoner and the exact purpose and quality of specialist, protective housing, aside from its role merely to separate those at risk from the mainstream population of a prison. If the academic literature has failed to critically appraise the concept of prisoner vulnerability, to analyse decision-making and understand the day-to-day life in these units, including their impacts on wellbeing, relationships and risks of re-offending, then, unsurprisingly, no direct comparisons have been made between vulnerable prisoner units in England and protection units in Scotland. This is a major gap in research that the present study aims to address.

Chapter 4. Methodology

Introduction

This chapter will outline the methods used to produce and analyse the data on which this thesis is based. In the first section, I provide background by explaining how a most traumatic personal experience provided the catalyst for this research project. Following this, I outline my original research proposal and changes I made. I also explain my justifications for switching from a Mixed Methods approach to a purely qualitative research strategy, reinforcing the need for thoughtful, reflexive, adaptable and principled research within penal systems. I do not believe I would have continued with this project without access to prisons, so I next describe the drawn-out process of gaining ethical clearance from Scottish Prison Service, Her Majesty's Prison and Probation Service (HMPPS) and the University of Glasgow. The chapter moves on to contrast the differences between setting up and recruiting participants for fieldwork in England and Scotland, analysing the unique challenges posed in HMPs Durham, Glenochil and Edinburgh. Simultaneously to seeking research access, I also undertook a small project to pilot test my interview schedules (see Appendices). This provided an opportunity to reflect on reactions to declaring personal information, how I might approach 'outing' myself during broader PhD fieldwork and analysing if this could lead to 'boundary' problems and a lack of objectivity within the research project. My aim, however, was to manage any subjectivities and reduce their impact, aspiring to rigour in an admittedly partial view whilst maintaining emotional balance and, therefore, research quality. I outline the ethical implications of working with the most 'vulnerable' in prison society and thereafter, describe fieldwork in the three separate prisons. The final sections of the chapter discusses management of data and its analysis, alongside limitations of my methodologies and fieldwork.

Background to the research proposal

Finlay (2002: 536) argues that the process of reflection and reflexive analysis should start from the moment any research is conceived, but it was in depth reflection and analysis on a period in my personal life that provided an idea for a research project. In March 2004, I was sentenced to three years imprisonment for a violent offence and, as a first-time prisoner dealing with serious mental health problems, I was placed on suicide watch upon arrival into HMP Lincoln, observations that continued whilst living in the induction unit in

the early days of my sentence. Once processed into a mainstream population within the prison, my first cellmate was verbally abusive and so I requested to speak to a Listener to enquire about moving to a VPU. Although I had prior knowledge of the existence of such units, gleaned from time spent studying and working within the criminal justice system, I could find no easily available information for prisoners considering relocation to such a unit. Potentially life-changing questions raced through an already disturbed and anxious mind, including what will life be like on the VPU, am I jumping out of the frying pan into the fire and how do I actually request relocation without arousing the suspicion of others?

As a first-time prisoner who knew little about how the penal system operated in practice, I felt desperately helpless and alone, relying on my own survival skills and presence of mind to reach out to a Prison Listener. I was advised to stay on the mainstream wing by the Listener, until my situation could be resolved. Otherwise, if relocated to E wing (the vulnerable prisoner unit at Lincoln), I would be labelled and stigmatized as a sex offender throughout my sentence. A few days after my cellmate had been removed, replaced by a more supportive individual, a prisoner in a neighbouring cell was transferred to the VPU for informing or 'grassing' on a fellow prisoner. During the summer of 2013, nine years after these incidents, I reflected deeply on my decision to remain in the mainstream population and the decision-making of a neighbour to move to the VPU. I wondered how his prison journey and life had turned out and why his decision-making had differed from mine. It was at this point, with the help of others, including my Supervisory team, that an idea for a PhD emerged, a proposal was developed and a search for potential funding sources began.

A considered decision to 'out' myself

Once I had secured funding to do a PhD, deciding whether to 'out' myself to participants, as will be seen throughout this chapter, was something that created a great deal of pressure and which happened in sometimes planned and other times ad hoc ways. Declaring my former prisoner status in fact was something that hung over my entire journey as a PhD student. As part of a qualitative methods course, prior to my PhD fieldwork, I conducted interviews with two former Governors within the SPS. This assignment provided an opportunity to test 'outing' myself as a former prisoner in a relatively lower stakes setting (Finlay, 2002: 532) and to reflect on how revealing my previous custodial experiences might skew the research in particular directions.

I decided to be open and upfront about my personal history in interviewing the retired Governors, rather than maintaining a potentially emotionally draining mask of secrecy

and worsening 'researcher fatigue' which has been attributed to a 'constant management of self' when in the presence of those studied (Dickson-Swift et al., 2009: 69). The revelation of history, if successful, can provide 'relief' as sensitive information is now out in the open, as I describe below in an incident with a staff member from HMP Durham. Constant self-management was a major part of PhD fieldwork interviews with staff in both Scotland and England, as discussed previously but, in this instance, my openness appeared to facilitate transparency and trust, as the first research participant stated 'it made no difference to him', and it turned out the second interviewee had already known of my background because of his involvement with my ESRC collaborative partner, a charity run by those with lived experience of prison.

This assignment marked the start of a long-term process of personal reflection, internally debating whether 'outing' myself could lead to boundary problems and a subsequent lack of objectivity. Whilst reflexivity serves as a way to manage and neutralize the 'problem' of researcher subjectivity, too much reflexivity is unhelpful, risking precious self-consciousness or a blurring of distinction between subject and object (Rowe, 2014). The positive reactions from interviewees as well as the instructor of the course led me to think about how to approach this in my fieldwork and whether, if at all, I would disclose my prison experience.

Phenomenologists suggest that each person brings to bear his or her lived experience, specific understandings and historical backgrounds (Finlay, 2002) but researchers should be aware of how their personal experiences can impact the research process. Imprisonment was such a significant event in my life and as the catalyst for my choice of research topic, I felt I should acknowledge my past but reflect on how previous events could enhance rather than hinder the research. Some academics think research must be free of all external considerations and controls in order to produce valid and unbiased results (Barnes, 1996) but I recognise that my significant and deeply traumatic, sometimes terrifying personal experiences of imprisonment must have impacted my ability to be totally objective and neutral, at least to some extent. Other academics, including Barnes (1996), decry the myth of the independent researcher, however, arguing this independence only exacerbates the gulf between researchers and the researched. Prior to fieldwork starting, I again reflected on my prison experiences and realised how their significance could colour judgement.

For example, I needed to realise that my negative experiences could impact my ability to interpret other, more positive experiences of research participants. The catalyst for this research was what I felt was the lack of information available about vulnerable prisoners

and, without any reflection, this negative perception could have informed the nature of my research questions and the way in which questions were asked and answers interpreted. In preparation, I therefore tried to take my negative thoughts and emotions out of planning the research questions, whilst simultaneously trying to place myself in the shoes of research participants. By a leap of imagination, my aim was to understand how staff would, in theory, prioritise security, safety and good order, through assessments of vulnerability and management of populations, rather than letting a pre-occupation with availability of information to help with a prisoner's decision-making process overshadow other questions. By embracing my past yet simultaneously trying to reduce its influence, I aimed to devise research questions taking account of my dual perspective as a trained researcher and a human being who had once been imprisoned himself.

Prior to the fieldwork in HMP Durham, I decided I would 'out' myself to prisoners but not to staff, as I believed this could compromise staff's perception of my credibility, therefore potentially impacting the project. Qualitative research into sensitive topics creates a space for researcher self-disclosure that may not be appropriate in other types of research (Dickson-Swift et al.,2006). I believed my decision to disclose would create a 'safe space' for the prisoner interviewee and produce a more 'level-playing field' between researcher and research participant by putting the respondent at ease, building rapport and validating their stories (Dickson Swift et al., 2006), especially important due to the stigma surrounding relocation to a VPU or protection hall. Self-disclosure within interviews about highly charged topics could open the door to boundary problems (Id.), where prisoners saw an ally rather than an independent researcher. In depth and long-term preoccupation with my former prisoner status may also have resulted in a lack of clarity or fuzziness in boundaries (Id.) where, of course, I may also have seen participants as allies, united in our commonalities, including dislike for prison staff and injustices of the penal system. However, after much reflection on my motivations for disclosure, I felt there was enough distance, life experience, self-awareness and support from PhD supervisors to avoid any compromise of professional detachment (Id.).

By embracing my emotional subjectivities, I also felt I could get closer to prisoner research participants, thereby enhancing the quality of the interviews. Kleinman and Copp (1993: 2 as quoted in Dickson Swift et al., 2009: 63) suggest that 'according to the ideology of science, emotions are suspect......they contaminate research by impeding objectivity'. Camacho (2016) counters this by arguing emotions are present in research, whether they are acknowledged or unconscious. I agree, not only with this sentiment, but with Camacho's pursuit of emotional data as a vital component of the research process (Camacho, 2016), especially as observations of prison life have tended to avoid

acknowledging emotionality (Rowe, 2014). If we cannot escape emotion then surely the most important issue is how we use our emotional intelligence to 'monitor one's own feelings and emotions, to discriminate among them and to use this information to guide one's thinking and actions' (Camacho, 2016: 692). After all, it is only by bringing our implicit frameworks into relief do we stand a chance of becoming relatively independent of them (Finlay, 2002). By acknowledging yet monitoring my emotional subjectivities, I therefore felt able to 'out' myself to prisoners without undue negative influence; indeed, I anticipated it would strengthen my ability to connect, communicate and understand the world through the eyes of research participants.

I do not support the view that there is no middle ground when researching oppression, in which academics can only be with the oppressors or the oppressed (Barnes, 1996; and see Becker, 1967), siding only with staff or prisoners (Liebling, 2001). In addition to imprisonment, I have worked for the Probation Service, trained to be a social worker and gained employment in the voluntary sector with various criminal justice and prison reform charities. I am not prepared to be neatly fitted into Barnes' polarised debate between the oppressors and oppressed, as I have witnessed the criminal justice and penal system from a variety of perspectives. Of more importance is an awareness of how these lived experiences impact my research practice, transforming personal subjectivity from a potential problem into an opportunity (Finlay, 2002).

Changes to the original proposal

An interesting theme to emerge from fieldwork, analysed in Chapters 6, 7 and 8, was decision-making of a small number of prisoners, who have convictions for sexual offences, who chose to remain in mainstream populations; a decision-making process I wanted to investigate as part of my original research plans. Initially, I planned to compare two similar samples of those with such convictions, one group which had relocated to a Vulnerable Prisoner Unit with another, which had chosen to remain within mainstream populations. By comparing two similar population groups in terms of offence type, previous convictions, prison history and time spent in VPUs, the aim was to learn more about how individual characteristics of prisoners influenced their decision-making process. After some consideration, however, I realised that conducting interviews of those with sexual offence convictions who were living in mainstream areas was ethically unsound, potentially arousing suspicion amongst other prisoners, increasing their risk of being 'outed' and possibly destroying any strategies this cohort had employed to avoid detection (see Chapters 3, 6 and 7 for a further discussion of strategies). This change of research focus proved sensible, as during fieldwork it emerged that several research

participants who had committed sexual offences were previously 'outed' in mainstream populations, subsequently threatened, assaulted and relocated to protective housing in both Scotland and England. This reflection reinforces the importance of developing research proposals that are thoughtful, considered, flexible and ethically sound given heightened vulnerability and potential risks faced by many, if not all prisoners, across Scotland and England.

The essential components when deciding on a strategy in social research include an *overview* of the whole project, a *plan of action* and a *specific goal* that is achievable (Denscombe, 2010: 3). In the initial ESRC application and first year of the PhD, I intended to use a mixed methods approach to learn more about the concept of vulnerability and the decision-making process. My original plan, as outlined above, was to use quantitative surveys to locate a number of prisoners charged with sex offences yet living on mainstream and to then conduct qualitative interviews, comparing this group with a similar sample of prisoners who had relocated to vulnerable or protection housing. After considering the ethics of this approach, with the length of time research access was taking, I realised the project needed adjustment and scaling back. Consequently, I decided to adapt my plan of action to use only a qualitative research strategy, whilst also reducing the number of fieldwork establishments, adjustments that, with hindsight, were necessary.

Vulnerability is a negotiated concept, as proposed in the previous chapter and, as such, deserves a research strategy and method comfortable with producing detailed descriptions of experiences that do not gloss over the complexities and contradictions of real life (Denscombe, 2010). To best understand these experiences, I therefore decided to use in depth, transcribed interviews, and (non-participant) observation of prison environments, research methods chosen as part of a now purely qualitative research strategy. Interviews were also necessary as the Scottish Prison Service had declined my request to undertake focus groups, citing demands upon staff time. My sense was the in-depth interview would best help to understand lives, feelings and experiences (Hyden, 2014) of prisoners and staff, as I wanted to home in on their perceptions, attitudes, emotions and meanings associated with vulnerability. To guide development of interview schedules, I proposed four key research questions, as shown below; questions I believed would help to both conceptualise vulnerability and provide insight into the decision-making of prisoners and staff, as well as policy, practice and the bureaucratic process involved in relocations to VPUs and protective housing.

Research questions

a) How do prison staff understand, identify and manage prisoners with 'vulnerabilities' who require relocation to a VPU or protection unit?

b) For prisoners who request and are granted vulnerable prisoner or protection status, what is their decision-making process, prior to asking for help?

c) Do staff and prisoners view 'vulnerability' in the same way?

d) What are the thoughts of staff and prisoners about the regime within VPUs and protection and how are these units conceptualised within the wider prison?

Ethical processes governing the study

Scottish Prison Service (SPS)

After officially starting the PhD in September 2016, my supervisory team suggested first completing the SPS Research Access application. In the initial application to the Research Ethics Committee, I declared my former prisoner status and requested access to HMPs Barlinnie and Grampian, two large local prisons I thought would provide an interesting comparison both within Scotland and with England and Wales. Ethical clearance was granted by the Committee in June 2017, although dependent on the decision of the equivalent Committee in England and Wales (see below). After a very long but eventually successful application process with Her Majesty's Prison and Probation Service (HMPPS), the SPS subsequently confirmed access but I was firmly guided to HMP Glenochil, rather than HMPs Barlinnie or Grampian. The decision to offer Glenochil, an establishment mainly for long-term sentenced prisoners with sexual offence convictions, as the only option meant I had to adapt the research, as I was only able to interview offence protections rather than staff and non-offence protection prisoners. I therefore started fieldwork at HMP Glenochil in August 2018, over a year since the initial positive decision by the Committee.

Although HMP Glenochil fieldwork provided a rich seam of data it was not enough, in my opinion, to explore the protection issue in Scotland, nor to offer a useful comparison with HMP Durham. Consequently, I approached the Research Committee again, requesting interviews within a local prison with prison staff responsible for decision-making process and a small number of non-offence protection prisoners. This request was granted, so in March 2019, nearly two years after initial research clearance, I conducted a week's fieldwork in HMP Edinburgh.

Her Majesty's Prison and Probation Service (HMPPS) of England and Wales

During the summer of 2017, I began the arduous process of completing an HMPPS research ethics application, hoping I would be provided with prison access, especially as the decision in Scotland and my motivation for the wider PhD topic appeared to rest on this. As with the Scottish application, I declared my former prison history though, understandably, portrayed this information in a positive light, for example, in terms of the personal insights it might provide to HMPPS and SPS. Awaiting a decision of this nature is often filled with dread, as you are aware you may be asked difficult questions or undergo awkward conversations at some point in the process. However, these fears were unfounded, as I was only asked to address some concerns about the research proposal, rather than face any barriers or questions about my previous conviction.

In November 2017, after addressing all the original research concerns of HMPPS, I was granted access, although I was reminded that the ultimate decision rested with the Senior Management team at each individual prison establishment. As a consequence, I quickly contacted Governors at HMPs Durham, Leeds and Hull to find an establishment willing to host my fieldwork. In addition, I reached out to the Research Committee at SPS, whose decision, as mentioned, appeared dependent on that of HMPPS. On reflection, it was only from this point that the whole PhD project seemed achievable, given both Prison Services were happy with the research proposed and with my personal circumstances.

University Research Ethics Committee

During August 2017, I also submitted my proposal to the Ethics Committee of the School of Social and Political Sciences at the University of Glasgow, as it was sensible to address this research application simultaneously. As this study received subsequent approval from the University, I moved next to designing the fieldwork, paying particular attention to the Code of Ethics set down by the British Society of Criminology (BSC), in addition to the Framework for Research Ethics as suggested by the Economic and Social Research Council (ESRC).

Access to prisons

In my original proposal to the various research committees, I had requested access to four local prisons, two each in Scotland and England and Wales. After my approaches to HMPs Hull and Leeds had been turned down and SPS had firmly guided my research to Glenochil, it felt necessary to reduce the size of the project to one establishment in each

country, certainly at that point. With hindsight, given the length of time it took to set up and conduct fieldwork at HMP Durham, this decision was most definitely the right one.

HMP Durham

To find a prison establishment willing to host the research, I approached a Governor at HMP Durham, on advice of one of my Supervisors, especially as the prison is relatively close to the Scottish Border. After outlining my research to the Governor on 14th August 2017, he immediately offered to support the project if subject to national approval. In his e-mail reply, he suggested it would be '*good to review what we know about vulnerability, in particular…to understand how this impacts prisoners on remand, the interface between media and prison, particularly when court outcomes are reported*.' (personal e-mail communication, 14th August 2017).

The progression of staff to different roles was a feature of setting up research in Durham, where, firstly, my contact moved to a Regional Role within HM Prison Service, thereby handing the project over to an Acting Governor in December 2017. The project was then passed to a Custodial Manager at Durham, with whom I had a long telephone call where it was agreed I could give a presentation, scheduled for 26th February 2018. In March 2018, the Custodial Manager explained how his successor, manager of F wing, the Vulnerable Prisoner Unit (VPU) was also leaving his post, so responsibility for the project would now be given to a new, acting manager of the unit. On reflection, I had therefore been in e-mail and telephone contact with six separate members of staff between first introductions to Durham in August 2017 and commencement of fieldwork in May 2018, introductions where I must, yet again, explain the project to staff, who themselves are settling into a new role.

In February 2018, I travelled to HMP Durham with one of my supervisors who was acting as a source of support, given I had been very anxious prior to my presentation. Upon arrival into the city, I felt sick to my stomach, thinking 'I'm a former prisoner about to present to several staff, which may include those of Governor Grades'. After the presentation in the prison's Boardroom, staff asked several straightforward questions, including 'what was in it for Durham?' I also answered honestly and straightforwardly as 'I didn't know what the outcomes would be but hopefully 'some information might emerge to improve practice, as might opportunities for future collaborations with Scottish Centre for Crime and Justice Research.' After the presentation, I was taken onto F wing, the VPU, to pilot test my interview schedule with a 'vulnerable' prisoner, relocated due to the nature of his offence.

As my supervisor and I left the prison, escorted by the Custodial Manager, I faced a psychological dilemma in terms of whether I should 'out' myself and declare my former prisoner status. In the prison car park, I therefore relayed to the Manager that I had been previously imprisoned yet explained how HMPPS, Scottish Prison Service and Governor of Durham were aware of this information yet supportive of my research. Providing this information was a spontaneous decision but was met with a positive response from the Custodial Manager, given his Managers were now 'aware of the situation'. After the conversation, I felt relieved, knowing that my source of anxiety was now out in the open and I could fully concentrate on my fieldwork. It is not possible to speak for other former prisoners who go on to conduct prison research but I believe the anxiety I felt prior to this presentation and to fieldwork more generally, as I later describe, was very much driven by the return to a prison environment, whilst managing, what, in certain circumstances, feels like a painful, dark and dirty secret. The management of this information, and how to present yourself more generally, is also a source of personal anxiety, worry and stress. This internal dialogue can involve analysing personal motivations for revealing information, whilst trying to predict the outcome of revealing information that could, potentially, jeopardise credibility, fieldwork and the wider research project.

HMPs Glenochil and Edinburgh

Although for continuity's sake, one prison in Scotland could have sufficed as a comparison with Durham in England, my contact on the SPS Research Ethics Committee in Scotland also acted as a gatekeeper, and I was therefore limited in my choice of prison, prisoners and indeed staff. My only involvement was to liaise with prison staff to set up fieldwork and required no more than a couple of e-mails and telephone calls. In England, I did not have a gatekeeper on the Research Committee at HMPPS, which meant I had to contact HMP Durham directly, relying on the goodwill of a Governor to act as intermediary. Due to few non-offence protection prisoners and the purpose of Glenochil as a longer-term establishment, I was offered Edinburgh as a second source of respondents in Scotland, resulting in a mix from two Scottish prisons. The effect of this was to now provide a better comparison with Durham, as I was able to interview a couple of non-offence protection prisoners in Edinburgh, but also some staff with responsibility for initial assessments of protection status.

Recruitment of research participants

HMP Durham prisoners

Once a firm contact had been established with the new, acting Custodial Manager (CM) of Vulnerable Prisoner Unit (VPU), the next stage was to ask for their help in recruiting research participants. To achieve this, I designed a flyer advertising the research, asking the Manager to display this on a noticeboard on F wing, the VPU. My hope was that prisoners would come forward, having read the flyer, though I appreciate this method of recruitment favoured those who could read and write, were physically mobile and confident enough to leave their cells; a recruitment strategy that, arguably, discriminated against the most vulnerable on the wing. My target was the recruitment of ten remand or sentenced prisoners who had lived on the unit for at least two weeks, so as to understand the housing space. A fundamental aim of the research was to mitigate against any further vulnerability, so I did not want to interview prisoners 'at risk' of self-harm or recent victims of bullying. The flyer also emphasised I would not be asking about the circumstances of any alleged offending or convictions. Through the gatekeeper, I requested interviews with a mixture of both vulnerable and own-protection (OP) participants to learn more about the decision-making process of those relocated for both offence and non-offence related reasons.

Although I analyse my subjectivities within this chapter, the recruitment of participants is also open to bias, opinion and personal influence of a gatekeeper, as a third party. For example, after my presentation in February 2018 the then Custodial Manager openly explained about the existence of prisoners unsuitable to interview, though he did not give any further indication as to his meaning. However, the safety of research participant and researcher must be a priority in the design of any fieldwork and the Manager was potentially referring to issues of prisoner and researcher welfare, especially as a number of prisoners on the unit were both a high risk to themselves and to other adult males, as suggested in the profile of Durham in Chapter 2. Although I was not privy to her recruitment strategy, the Custodial Manager in post during the fieldwork will also have had reservations, biases or preferences in finding participants. For example, she shared information about a prisoner whom I should interview as his story was a particularly interesting one. Any consideration of findings from this research must acknowledge that the sample of participants may not have been a representative one, as discussed within the limitations of research section.

HMP Glenochil prisoners

The recruitment strategy in Glenochil was very similar to Durham's, in that telephone contact was made with the Unit Manager on Abercrombie Hall and an adapted flyer placed on a noticeboard, advertising the research. As mentioned in Chapter 2, HMP Glenochil receives prisoners from other establishments, rather than directly from criminal courts in Scotland, so prisoners on transfer knew they were destined for Abercrombie Hall and protection housing. This differs from HMP Durham, a local prison where people arrive from local courts and decisions about vulnerable and protection prisoner status are first made. As the central theme of this research project is decision-making, I adapted the flyer in Glenochil to ensure I captured the decision-making process of staff and prisoner. This meant participants were asked to reflect to when they first entered the protection system in previous establishments, for example, HMP Barlinnie or Edinburgh where, as with Durham, protection status tends to be initially flagged. Although I was aware Abercrombie is, effectively, an offence protection hall, I did request interviews with individuals relocated for reasons other than their offence, where possible. I again sought interviews with ten prisoners', resident in the hall for over two weeks and not currently at risk of self-harm or recent bullying.

As with HMP Durham, use of a flyer may, unintentionally, exclude some prisoners in Abercrombie, since it is a very large hall spread over four levels. For those prisoners who did come forward, the recruitment strategy is also open to selection bias of the Unit Manager, where only 'good' participants or prisoners are potentially chosen (Deacon, 2019: 94), 'cherry picking' that discriminates against those who have negative or controversial comments to make about the establishment. Interestingly, selection issues did arise, as I was told by the Unit Manager that over 35 prisoners had volunteered to be interviewed. Whilst this level of interest was rewarding to hear, the most important point, to my mind, is that this is evidence that many offence protections or prisoners with sexual offences crave the opportunity to speak to researchers, yet rarely have the opportunity to do so, as discussed in Chapter 3.

HMP Edinburgh prisoners

As mentioned, after further negotiation with the Ethics Committee at Scottish Prison Service, I was provided with access to HMP Edinburgh to conduct interviews with staff and a small number of non-offence protection prisoners, as this was not possible within HMP Glenochil. The recruitment of staff participants was left to my contact, though I had requested to interview staff who worked in particular roles within Edinburgh, as with

Durham. In terms of prisoners, my contact recruited three protection prisoners, two of whom were non-offence protections and I had made similar requests in terms of criteria to not increase vulnerability any further. This time, however, the member of staff approached potential recruits, rather than utilising the flyer, an approach that is not ideal given prisoners are contacted unexpectedly, rather than self-selecting and choosing to participate. Although all prisoner interviewees freely provided their consent in subsequent interviews, individuals may have felt 'backed into a corner,' fearful of repercussions of non-participation through operations of power between staff and prisoner within institutions, analysed previously in Chapter 3.

Fieldwork

Structured and unstructured interview approach

My approach to prisoner interviews in Scotland and England, involved use of an interview schedule that moved between tightly structured and more broad, open ended and unstructured questions. For example, I was seeking to elicit specific information for some issues, including the physical locations where people spent time in prison and whether staff or prisoner requested re-location. To uncover this information, I therefore had to ask structured questions, that may have required little elaboration. In addition, I asked more open questions about how people felt about their prison experience to allow access to an individual's story. An aim of my research was to uncover a prisoner's journey into protective housing, which I mainly explored through open-ended questions like 'how did you end up here on the VPU/protection hall?' (See Appendix B), but also specific questions. I note in later chapters how participants shared stories of fear, apprehension and other emotions, so I also felt it was important in the interview to gain the trust of participants as they were reflecting on an emotionally painful part of their lives. The inclusion of open-ended questions was vital to understand individual contexts, whilst giving participants discretion to share only what they chose. I sought in interviews to provide a safe, non-judgmental environment, given some participants had not spoken previously about their journeys to protective housing.

Staff interviews were slightly more structured, as I tried to understand re-locations in terms of Prison Rules, assessments, policy and practice. Although staff interviews were less about personal stories and emotions, I did also ask some open-ended, unstructured questions to understand staff perceptions of vulnerability; for example, 'what does vulnerability mean to you?' or 'who do you think should be housed in protection?' (see Appendix C). This provided an opportunity for staff to share their interpretations of

prisoner vulnerability, decision-making, conflict and staff culture within the establishment, promoting a richer, deeper discussion than only structured questions about process and mechanisms of re-location to protective housing.

Prisoner Interviews

HMP Durham

Qualitative researchers must initiate a rapport building process from their first encounter, to build a research relationship that will allow access to that person's story (Dickson-Swift et al., 2006). As part of the rapport building phase with prisoner participants, I did reveal my status of former prisoner to this group in all three establishments, in the hope that it would, as mentioned, create a 'safe space' and more level playing field, allowing participants to open up and share their story. It is difficult to say if this helped George, a prisoner participant, to express himself, but prior to switching on the tape recorder, he explained about his previous life and ending up in Durham. As George relayed his story, a very sad one in many ways, he became emotional, so I offered him a stress ball and tissues which I had in my possession. On reflection, this was an emotionally significant moment between two individuals who never envisaged they would end up in prison, a connection and rapport that enabled, what I feel, was a very open, forthright interview.

The number of interviews conducted by a researcher over one day or a period of fieldwork can impact reflections and quality of subsequent interviews. The Custodial Manager and gatekeeper, had thoughtfully produced an A4 document, outlining which prisoners I would be interviewing that week and whether interviews would be conducted in the mornings or afternoons. In reality, this schedule altered depending on the length of interviews, changes to prisoner's schedules or regime and security incidents, of which there were many. I was escorted to the main gate between interviews, either at lunchtimes or end of day and being outside the prison afforded some time to reflect on previous interviews, write up any field notes and plan for following interviews. Unfortunately, these 'one-off' encounters did not allow for further feedback or reflections from either researcher or participant, as prisoners returned to their cells after interviews. It was much more difficult to reflect on emerging themes when I remained in the prison, however, as interviews tended to be frequently paced and I was constantly 'on guard' when moving round the establishment, either due to volatility of the environment or wanting to remain professional and communicative in my interactions with staff and other prisoners in communal spaces.

HMP Glenochil

In the rapport building phase in one of my Glenochil interviews, where I revealed my former prisoner status to Asa, I was suddenly surprised and concerned when he told me that he knew already. When I asked him about this, he said that staff had told him, so I was further unnerved given I had taken the attitude, as with Durham, that I would not reveal this former status to any member of staff for fear of potentially jeopardising the research. As the interview progressed, it transpired that Asa had actually been informed by Alan, the first prisoner participant in Glenochil, who was effectively reassuring Asa about participating in the interview process. I believe this provides a useful example of how quickly information can spread within an establishment, an emotional tightrope that a researcher can traverse when revealing sensitive, personal information to others. This information, once 'out there', cannot be undone or controlled as it may not be treated with the confidentiality a researcher might hope for, especially as the messenger may be unaware of potential consequences of disclosure for the researcher.

A major difference during prisoner interviews in HMPs Durham and Glenochil was the stage of sentence for each participant, as five of ten interviewees in Glenochil had already served over 15 years, whereas those in Durham were either on remand or had only recently arrived onto the vulnerable prisoner's unit. Prisoner interviews were also, at times, emotive in Glenochil, although the general environment was calmer, requiring much less vigilance when moving around the wider establishment. As with George in Durham, Lou became very upset and tearful during interview as he explained about his conviction for rape, so I again offered a stress ball, tissues and to stop the interview. Other interviews produced emotion in both participant and researcher, as it was difficult to hear about the bullying previously experienced by Willie in HMP Kilmarnock, in addition to feelings of terror articulated by Graeme whilst on bail awaiting sentence for a sexual offence against a family member. It was also unsettling to hear Kenny maintain his innocence throughout the interview, as his case had progressed to the final stages of Scottish Criminal Cases Review Commission providing evidence of, at least, an element of doubt surrounding the conviction. The interviews in Glenochil provided a useful comparison with Durham and Edinburgh, below, but served as a reminder to adopt an adaptable, professional and 'open mind' to prison research interviews, as a researcher may be presented with information that is, at times, novel, graphic, disturbing and unsettling.

HMP Edinburgh

As I outline further below, the fieldwork at HMP Edinburgh was much more disorganised, an almost chaotic experience that required adaptation and patience on the part of the researcher. In Durham and Glenochil, I was provided with a suitable room where all prisoner interviews were conducted. As both gatekeepers had provided a list of participants and interview times, I could mentally prepare for each session, whereas in Edinburgh I was ferried from hall to hall and only told whom I'd be interviewing at the last minute as we entered a protection area. Admittedly, only three interviews were conducted, with one offence and two non-offence protection prisoners, but there was little time to compose or organise oneself which I found frustrating. On the other hand, this lack of preparation time was beneficial in the case of one interviewee, Jim, as I did not realise who he was or the particularly high-profile nature of his crime until much later after our interview.

During my pilot interviews of two retired prisoner Governors, one of the former Governors relayed a story about Jim in my interview with him, but because I was a relatively recent arrival to Scotland, this prisoner's name and crime meant nothing to me. During a subsequent interview in HMP Glenochil, Willie also mentioned Jim, his offence and attitude to prison life, explaining how they had both lived together on the same hall in HMP Peterhead. Although it was coincidental the same name had been given, I did not connect the dots between the two, separate interviews. Months later, as I was escorted into Ingliston, the non-offence protection hall in Edinburgh, I was told that I would be interviewing Jim. It was at this point that a sudden uneasy feeling came over me, butterflies in the stomach intensified by the negative comments made by the escorting prison officer about Jim, as we entered the protection hall. Although the interview ran smoothly, I reflect here on the importance of discretion as a researcher and the possible consequences of 'loose talk' in a prison environment, particularly in the relatively small community held within the Scottish penal estate. I also reflect on the necessity to think on your feet, the adaptability and self-management required of often difficult emotional reactions whilst undertaking prison fieldwork.

Staff interviews

HMP Durham

Social status, gender and ethnicity can mediate interpersonal dynamics (Vahasantanen and Saarinen, 2012) but my biggest challenge during interviews with staff was keeping my

former prisoner status under wraps. Although I refer to a difference in class backgrounds elsewhere in the chapter, I felt very comfortable with all staff research participants in Durham and did not sense any major clashes during interviews as a result of our backgrounds. Male interviewers and interviewees, like women, present themselves as gendered subjects, performing in ways consistent with this identity (Manderson et al., 2006: 1328). In this research, five out of nine staff were male, with four female participants (none identified as non-binary). Again, I did not find gender a significant factor during interviews, as none of the male interviewees appeared concerned with exerting their masculinity to negative effect, as had been the case in a staff room incident that I describe later. Neither was ethnicity raised as a particular issue; all male and female interviewees referred to themselves as White British, as I am, though it would have been interesting to see whether this issue arose had there been more ethnic diversity (among participants or between myself and participants). The main challenge during interviews was to put myself in the shoes of officers, listen intently to their words yet perform almost as a curious, naïve outsider, pretending I had less knowledge of the system than was really the case. Indeed, for one moment, during Celine's interview, a staff member I built a strong rapport with, I did think about revealing my former status given our now well-established research relationship but, thankfully, checked myself, and continued my naïve yet emotionally exhausting performance.

HMP Edinburgh

Unfortunately, the fieldwork experience at Edinburgh was poor in comparison to HMPs Durham and Glenochil, partly because of a personal bout of insomnia. On a number of occasions since my own incarceration, I have struggled to sleep prior to re-entering prisons, personal anxieties which emerged again, so I phoned the gatekeeper, requesting that I start the following day. As a consequence, any established timetable of interviews for the week was thrown off course leading to a series of, mostly unsatisfactory, ad-hoc research encounters in five separate locations within the establishment. After a series of miscommunications between staff, I felt like an imposition as my escort, who was not the original gatekeeper, hunted for willing staff participants. At one point, I was even left in the main reception for over an hour, forgotten about, until an embarrassed member of staff came to the rescue. I reflected these frustrations in my field diary, comparing these informal, ad-hoc experiences at Edinburgh with the more structured fieldwork at Durham and Glenochil, where I felt like I was taken more seriously as a researcher. In Edinburgh, I realised how a researcher can get 'lost' without a consistent gatekeeper, especially if you are new into an establishment and nobody knows your business or purpose. As I was unable to interview all the people I had requested, I believe the quality of data was

impacted and I therefore left without a good grasp of the management of protection prisoners in Edinburgh, a gap in knowledge which I have since sought to rectify through communication with the original gatekeeper.

Another unanticipated, difficult moment arose in Edinburgh but, this time, rather than an issue of logistics, miscommunication or timetabling, the challenge related to a decision to 'out' myself to a staff member. At the start of the interview with staff member I call Stewart, he asked where the idea for the project had originated because it was *so specific (field notes, 28th March 2019)*. I was unexpectedly put on the spot, backed into a corner but as I had previously developed a research relationship with Stewart, as a gatekeeper to the fieldwork, I judged that honesty was the best policy. On reflection, I am not sure whether I would have made such a personal disclosure with all staff members I interviewed in Edinburgh, as my sense is I would have been judged by some, given the negative terms in which they had spoken about certain prisoners during interview. Stewart did not appear to be overly concerned with the disclosure, however, and I did not feel the revelation adversely affected the interview, although it is impossible to gauge whether any information was purposefully concealed as a result of my personal disclosure.

Table 4.1 Research participant profiles – Prisoners

Pseudonym	Age	Background (conviction, experience of prison)
HMP Durham		
Gordon	20s	Rape, remand, first time in prison
George	30s	Manslaughter, sentenced, first time in prison
Ray	60s	Offence against a child, sentenced, first time in prison
Nobby	20s	Robbery, sentenced, prior experience of prison
Jack	20s	Rape, sentenced, prior experience of prison
Bobby	30s	Indecent assault, sentenced, prior experience of prison
Alan	60s	Rape, sentenced, first time in prison
Jimmy	50s	Rape, sentenced, first time in prison
Geoff	30s	Robbery, sentenced, prior experience of prison
Martin	30s	Robbery, sentenced, prior experience of prison

HMP Glenochil		
Alan	40s	Offence against a child, sentenced, prior experience of prison
Willie	50s	Offence against a child, sentenced, prior experience of prison
Sandy	40s	Murder, sentenced, first time in prison
Gordon	60s	Murder, sentenced, first time in prison
Archie	60s	Murder, sentenced, prior experience of prison
Asa	60s	Sexual assault, sentenced, prior experience of prison
Lou	70s	Rape, sentenced, first time in prison
Bruce	20s	Sexual offence (non-contact), sentenced, prior experience of prison
Graeme	60s	Sexual offence, sentenced, prior experience of prison
Kenny	40s	Rape, sentenced, prior experience of prison

HMP Edinburgh		
Joe	20s	Rape, sentenced, first time in prison
Jim	50s	Murder, sentenced, prior experience of prison
John	60s	Murder, sentenced, prior experience of prison

Table 4.2 Research participant profiles – Staff

Pseudonym	Gender	Broad role within prison and professional experience
HMP Durham		
Carlotta	F	Prison officer (VPU), over ten years' experience
Teddy	M	Prison officer (VPU), over 30 years experience
Gary	M	Safer Custody + over 30 years experience
Paul	M	Safer Custody + over 20 years experience
Gareth	M	Management Team + experience not known
Alan	M	First Night Centre + experience not known
Charley	F	Senior Officer + experience not known
Celine	F	Custodial Manager + experience not known
Jodi	F	Senior Officer + experience not known

HMP Edinburgh		
Georgia	F	Management team + over 30 years experience
Stewart	M	Management team + 18 months experience in HMP Edinburgh, previous experience not known
Tosh	M	Reception + experience not known
Billy	M	Management team + over 20 years experience

Research ethics during fieldwork in HMPs Durham, Glenochil and Edinburgh

As previously mentioned, this research had been granted ethical approval by Scottish Prison Service, HMPPS and University of Glasgow Research and Ethics Committee. Whilst developing the research, I have also incorporated ethical codes of the British Society of Criminology, British Sociological Association and Economic and Social Research Council, as the overriding principle is to ensure no physical or psychological harm occurs to those who participate in the study (Rudestam and Newton, 1992). Ethical approval is therefore crucial when interviewing human participants, but particularly so for those prisoners who, by definition, are the most vulnerable within the prison. Facilitating researcher access to a particularly vulnerable group also brings up many issues for an establishment, so I ensured prior to interviews that I had given much thought to issues of informed consent, availability of support, duty of care and the termination of interviews, where appropriate.

Participant Information Sheet

During the rapport building phase in all of the prison interviews, I provided every participant with a copy of an Information Sheet about the research, as interviewees should be aware of who is conducting the study, how long the interview will take and potential benefits and risks of participating. Although each participant had agreed to involvement through the gatekeeper, I also wanted to remind participants of the purpose of study; specifically, for prisoners, we would be discussing their vulnerabilities and situations that precipitated their relocation and for staff, their assessment and management of vulnerability and potential relocation.

Informed consent

By offering further clarity as to the purpose of study, in theory this helped participants to provide informed consent, one of the most important ethical principles but, sadly, one of the most commonly violated (Bower and de Gasparis, 1978). To establish 'voluntary informed consent', I had designed a consent form, which I asked participants to sign. By signing, participants were actively consenting to be involved in the research, without any coercion. I wanted individuals to understand their involvement, how the work would be reported and their freedom to leave the research process at any time (Punch, 2014). During the interviews, I also sought ongoing consent because participants were reflecting on often traumatic experiences or the management of those potentially 'at risk', often in difficult situations. All participants provided active, ongoing consent throughout, where one prisoner participant hoped *research could help someone in the future (*field notes, 14th May 2018), indeed the main purpose of undertaking this research project.

Confidentiality and Pseudonyms

Participants were promised confidentiality at the start of interviews, unless I was concerned for a participant's welfare or received information about any criminal activity that I, as a researcher, have a legal duty to report (Silverman, 2005: 47). A strategy employed to ensure confidentiality is anonymisation; replacing personal information such as names with aliases to avoid identification of individuals in the final publication or report (id.). Although all prisoner and staff participants were offered pseudonyms, none chose the name of an alias at the point of interview. I therefore told participants I would choose an alias for them after fieldwork and all participants were happy with this process (see Tables 4.1 and 4.2 above for list of pseudonyms). I interviewed a mixture of men and women whose ethnicity, as noted, was White British in every case. During interviews in

Durham, I became concerned for the mental wellbeing of three of the ten prisoner participants, George, Alan and Jimmy, as all three were tearful at various points, whilst also referencing their suicide risks upon entering the prison, managed under prison anti-suicide frameworks. In the cases of George and Alan, I therefore made a point of relaying this information to a manager, who duly wrote my concerns in each prisoner's file. However, for some reason, I did not report my worries about Jimmy, which, on reflection, was an example of poor practice to be improved upon. In other interviews, Nobby and Martin showed me previous self-harm scars on their arms, just as Alan had done, so, again, under my duty of care, I passed this information on to a manager, who said she was aware of these vulnerabilities to the self, rather than risks from others. In Glenochil, I relayed information to staff about the welfare of Lou, given he was tearful on a couple of occasions during interview though, as with interviews in Edinburgh, I did not feel it necessary to pass on concerns about anybody else.

An important element of fieldwork is provision of support, as I wanted potential benefits of the research to outweigh any burden or stress placed on participants. I made every prisoner interviewee aware of the availability of on-call Listeners and a contact on the University ethics committee, as prisoner participants may have felt exposed, re-victimized or depressed after the interview. I was also concerned with other ethical questions, including how appropriate it is to pry into the lives of potentially 'at risk' prisoners, to pursue this research knowing I had similarly difficult experiences and the parasitic dilemma, where researchers are accused of 'preying' on vulnerable populations, leaving with personal data to further careers rather than prison reform. As previously suggested, I was also conscious of assuming the role of an advocate or supporter of prisoners. By reflecting on these ethical questions, I believe I maintained an awareness, a vigilance and adoption of high ethical standards, thereby retaining a balance between research rigour and care for participants within their setting.

Non-participant observations and challenges

In addition to interviews, I used observation as a method of data collection, observations that I recorded in my field notes. I would describe my involvement during fieldwork as a non-participating observer, with interactions. In other words, I did not participate in any group's core activities but rather made mental notes of the daily lives of staff and prisoners, whilst interacting with many different people in a number of varied settings.

HMP Durham

The most significant area to observe interactions in Durham was the staff office on the VPU, not to be confused with the staff tearoom situated next door and where two interviews had taken place. One lunchtime, I could not be escorted to the gate because of several incidents taking place on mainstream wings. I took this stalemate as an opportunity to observe CCTV monitors and listen to telephone conversations where staff talked in terms of 'Codes', signifying ongoing incidents including assaults, drugs overdoses and suicide attempts. As a former prisoner, sitting in a staff office, listening to developing, potentially serious situations, I felt privileged, unnerved and, more strangely, excited to be part of these unfolding and dramatic scenes. I had a backstage pass yet, if staff had known my history, would they have wanted me frontstage with all the other prisoners?

Whilst observing in the staff office, I was aware that I had to continue to think on my feet, adapt to the surroundings, remain professional and exercise sound judgment given the busy, emotive nature of the office and comings and goings of a variety of staff, especially as my presence may have disturbed settled patterns of activity. Late one afternoon, whilst I was again waiting to be escorted to the gate, a prisoner was brought into the staff office in what appeared an extremely depressed state. In front of others, including myself, the officer provided the prisoner's surname, offence (rape) and sentence (12 years), adding, '*oh and he's on an ACCT'*, which I knew to be the suicide management strategy meaning he was at risk of suicide. This interaction felt like a private matter, so I excused myself from the staff room and waited outside until my escort was free. I reflected that evening on how this prisoner had just 'appeared' on the wing and the matter of fact, yet public, way the staff member had processed the new arrival. To the staff, it appeared a bureaucratic exercise, whilst I felt uncomfortable knowing this man's private downfall was being played out in a semi-public arena. It was probably my own experiences that provided empathy for this newly sentenced arrival, remembering how I had immediately been taken to the staff room in HMP Lincoln, given my ACCT status, and publicly spoken to in front of several officers. Whilst sensitivity to the prison environment and people within is paramount, I also found it vital to be aware of how my previous experiences brought up sensitivities to be managed, sensitivities that others, without prison experience, may not have felt.

Uncomfortable feelings also had to be managed in the staff room when I overheard two separate conversations about bullying and distress experienced by vulnerable prisoners. In one incident, an officer explained how a prisoner wanted a member of staff to be present

during his conversations with a Listener because he was being bullied by his cellmate and other prisoners on the VPU. In the second incident, I overheard a telephone conversation between VPU and mainstream staff where a prisoner was refusing to relocate to a particular mainstream wing, as he said he had previously been raped there. Whilst listening to such conversations, I felt my stomach churn, as whilst I was never assaulted, I could empathise with bullying from a cellmate. Again, I felt like I was intruding on private, personal and emotive conversations, again absorbed into the 'action' of the prison (Rowe, 2014: 406), so I tried to distract myself by focusing on other information within the staffroom. As I glanced through lists of prisoners on the walls, I noticed the names of Listeners, arsonists and high-risk prisoners, all of whom had single cells, whilst CCTV monitors situated in the corner were constantly trained on groups of prisoners associating on the VPU. No matter where I turned, I felt like I was observing and listening to life in its most extreme form, which triggered uncomfortable personal feelings and reminders of my own experiences, to which the only salvation was to be escorted off the wing and out of the prison.

On my penultimate day in Durham, I witnessed an interesting exchange between the Custodial Manager and a previous staff participant providing evidence of what can happen 'behind the scenes,' with a lack of staff. At the end of my interview with Celine, the Custodial Manager, Alan, a senior officer on the reception wing, angrily entered the office. It appeared that because Celine was participating in the interview, there was no Senior Manager who could authorise the relocation of a vulnerable prisoner from E wing, the first night centre and reception wing to the VPU. The prisoner had therefore moved onto F wing but had to wait on the ground floor for over an hour, as Teddy, a VPU officer, was unwilling to accept the new arrival without the approval of his manager. Alan believed they had failed the prisoner, whereas Celine thought it preferable he waited and was safe in F wing, rather than having to try and 'survive' with other mainstream prisoners during association period on E wing. These observations were significant to my fieldwork because it demonstrated how poor communication between staff or a 'missing' staff member could potentially have serious implications for an already 'vulnerable' prisoner. During staff interviews, participants were 'front stage' and tended to portray process of relocation in positive terms, although some participants were also very forthright about how systems were not fool proof and how they had let prisoners down in the past. The fieldwork observation described here is evidence of what can transpire 'backstage' when a piece of the jigsaw is missing, an observation that fits with some of the practices I describe and analyse in Chapters 5, 6, 7 and 8.

HMP Glenochil

The week's fieldwork in Glenochil also ran very smoothly but although the staff appeared friendly amongst themselves in the establishment, I found them less friendly towards me than Durham's staff group. On my first day in Glenochil, the Gatehouse rang through to Abercrombie's protection hall explaining how the *boy with the survey* had arrived, arguably, an example of how much respect and knowledge is afforded to PhD research students. I was escorted through the establishment and straight into an interview room on the hall, which meant that no formal or even informal introductions were made to other staff. Throughout the week, I had to therefore come out of my interview room and introduce myself to a range of hall staff, where appropriate, given my time in the establishment crossed over with both the morning and afternoon officer shifts. This made it difficult to gain any consistent communications with staff, whilst I also did not want to come across as the 'aloof researcher' or the 'overly chatty' student. I therefore tried to strike a balance that, on one hand, would not interfere with their jobs, whilst, on the other, would make it easier to perform my role successfully.

The protection hall itself appeared calm, quiet and with lots of easy interactions between staff and prisoners. The difference with Durham, yet relevant to Hermiston, the offence protection hall in Edinburgh, were my observations of the halls as almost a residential nursing home, containing lots of older, physically disabled men requiring assistance with mobility. I also sensed an element of despair, a sensation I remembered from my time as a prison librarian in HMP Lincoln, delivering books and newspapers to E wing, Lincoln's vulnerable prisoner unit (VPU). In Glenochil, Edinburgh and Lincoln, the lighting was dark, which added to the heavy, sad and lonely atmosphere, a sensation I have only ever experienced within housing that contains lots of elderly men with sexual convictions. The individual and collective stigma experienced by these men convicted of sexual offences (see Chapters 3, 6 and 7) seems to pollute the atmosphere, whereas Durham's VPU let in more natural light, whilst its residents appeared younger and more boisterous, giving the impression of more energy, life and hope amongst its vulnerable prisoners.

HMP Edinburgh

Whilst being escorted around HMP Edinburgh, I was able to observe very positive and friendly interactions between staff and prisoners in corridors and communal spaces. Within Edinburgh, I had much less opportunity to interact with prisoners and staff than in both Durham and Glenochil, as I was having to move to so many different interview spaces. However, there was one challenging moment, as I again became absorbed into

the action of the prison (Rowe, 2014: 406). Whilst waiting to be taken off the wing, I was called over by Jim, a previous participant, and another prisoner, who were both standing behind a metal grill that now separated us. Jim's friend started to tell me how he had moved to Ingliston, the non-offence protection area, because he had been targeted and threatened in mainstream, on account of both his crime and ethnicity. Jim was backing up this prisoner's story and they both appeared to think that I could do something, on the spot, to tackle this racism that, to their minds, the Scottish Prison Service had allowed to happen. As with incidents in Durham's segregation unit (see next section) and the staff interview with Stewart, I was suddenly thrust into the action, having to think on my feet for the most appropriate response. Knowing that, as a research student, I could do little to help, I listened intently and expressed my sympathies to both prisoners. As I was called to be taken off the wing, I walked away from the scene feeling somewhat helpless, reminded of how I had felt in Durham's staff office when I saw the despair etched on the face of a prisoner, just sentenced to twelve years for an offence of rape. After reflecting on my fieldwork, I realise how difficult it is to be suddenly exposed to real lives and challenges faced by people in prison, made much more difficult by having to walk away, left feeling helpless at their plight.

Demands of the prison environment

HMP Durham

I had found the two weeks in Durham so mentally and emotionally exhausting that I did not think I could face having to go through the same experience in Scotland. Every morning as I walked up to the prison, I climbed into my emotional armour and used protective, motivational self-talk to cope with what awaited. During this journey to the prison, I reminded myself of the importance of how I came across in such an environment, trying to strike a balance between professionalism yet still being friendly, relaxed with prisoners but not over-confident, enthusiastic whilst not taking up staff time and respectful of the uniform without toadying up to officers. I wanted to present as a curious, independent researcher, positioning myself straight down the middle of an easily identifiable line of division between staff and prisoner, thereby appearing to favour neither group. This goal of neutrality was especially hard, however, given a former prisoner status and management of this identity, which explains why I found fieldwork in Durham so mentally exhausting.

One of the great demands of research in a prison environment is adapting to such a broad range of individuals from various class backgrounds, adaptation that involves thinking on

your feet whilst attempting to rapidly 'place' whom you are interacting with. For example, as I left a research interview with a Governor and we walked together on a mainstream wing, he was approached by, I thought, another Governor and a number of prisoners. Suddenly, I was unexpectedly surrounded by a range of individuals performing different roles within the prison and reflections in my field diary included '*one stupid comment and you might not be taken seriously*' and '*even though I feel unnerved at this moment, make sure you don't put your hands in your pockets and appear slovenly.*' *(field diary).* In this hierarchical and relatively low trust environment, I was therefore managing impressions (Rowe, 2014), controlling the flow of personal information and selecting the appropriate mode of address for whoever I was speaking to. As a middle-class PhD research student, raised in the east of England, I am very aware of how my talk, dress and behaviour might be perceived within a north-eastern prison where rank and file staff and prisoners tend to be drawn from more working-class backgrounds. This identity management is further complicated by my former prisoner status, however, a status that no one was aware of in this group conversation described above and which I had to ensure remained hidden. This constant monitoring of how I come across and to whom was mentally exhausting, but I would rather reflect and take notice of how my background can impact interactions than ignore my formative influences, thereby potentially jeopardising fieldwork encounters with a range of individuals from a variety of backgrounds.

An ability to 'think on your feet' and gauge a situation quickly is, I believe, a useful quality as a prison researcher but after an incident within Durham's Segregation Unit I worried that my actions might have, inadvertently, put a prisoner 'at risk' and in danger. Whilst waiting for Celine to finish talking with colleagues in the unit's office, prior to my interview with George, I was approached by a prisoner whose appearance and manner made me distinctly uneasy. He asked *who I was* and *what the research was about?* I replied that I was looking at the *protection of prisoners* but then suddenly realised that this prisoner may not have been aware that George was in the Segregation Unit under Rule 45 Own Protection measures, nor did I know if their relationship was a positive one. When Celine came out into the communal area and saw me talking to this individual, her face dropped, adding to my anxiety and uneasiness as to with whom I was communicating.

After my interview with George, whilst Celine escorted me to the prison gate, I shared my fears that I had, unintentionally, put the research participant 'at risk.' Celine explained that it wasn't a problem, as George's case was well known, and he was very safe and supported within the segregation unit. I asked why her facial expression had changed, and

she explained how, in her role as hostage negotiator, she had recently been involved with the individual in question. Celine articulated how the incident had seriously affected her, hence her initial reaction and, as a result, this prisoner had been assessed as requiring the segregation unit. I later reflected on my gut reaction and was reassured my senses could distinguish between individuals who might be dangerous or mentally unwell. The incident served as a reminder, however, that my behaviour within prison could have serious, real-world implications for others and I needed to maintain a thoughtful, self-aware and responsible attitude at all times.

Operations of Power

During fieldwork, I had to manage a difficult and challenging experience with an officer whom I felt was exerting his power and masculinity over a male researcher of similar age, trying to 'make' an authoritative role for himself (Rowe, 2014). After my interview with a prisoner, I headed for the office to make staff aware I had finished interviewing Ray, and that Ray was returning to his cell. The officer asked whether the individual in question was *"a con or a staff member"*, to which I, shamefully, replied *"a con"*, thus drawn into a power game by mirroring use of inappropriate language to describe a prisoner. The officer, abruptly stated *'we don't call prisoners by their first name here in Durham',* a comment which, I believe, was intended to exert power and position me; a reminder that he and other staff called the shots and I had to play by their rules. I left the staff room feeling hurt inside, especially as this was only my second day in the prison and, more specifically, the VPU. I located the Custodial Manager in her office, and she asked what was wrong, given I was stumbling over my words, had lost confidence, and was finding it harder to communicate. In effect, I had emotionally internalised this interaction with the officer and now faced a dilemma of how to proceed.

I explained there had been an incident with an officer, but I didn't go into detail, as I did not know her relationship with this individual and I wanted to keep my integrity rather than 'grassing' and telling tales; behaviour influenced by personal values and, as significantly, 'expectations' of the environment. She offered to intervene, but I stated it would be best if I dealt with the matter myself. As I descended to the staff room, I realised this was a significant moment; if handled in the right way, I could proceed more comfortably but, if handled poorly, there could, potentially, be impact upon both this staff member's perception of me and perceptions of others, with fieldwork subsequently jeopardised. Upon entering, I asked if I could have a private word with the officer in question and, sensing the unease, another officer left the staff room. I said *I felt uncomfortable about our conversation* (*field notes)* but that I was adapting to a new

environment and just wanted to feel at ease in such an intimidating place. The officer apologised for his manner and said that *people have said he can be abrupt*. We shook hands, said *no hard feelings* and I returned to the Custodial Manager's office, relieved yet proud of the way I had faced up to and handled a potentially awkward situation. During the evening I telephoned both Supervisors, providing details of the incident. Both were very supportive, explaining how it offers a useful example of an officer, stuck in a traditional mindset, exerting power, as is want with the nature of the institution.

As fieldwork progressed, the way I addressed prisoners and staff therefore took on a greater significance, as did my sensitivity to how they responded. For example, a week after interviewing Jimmy, a prisoner and cleaner on VPU, I encountered him emptying the bins in the staff tearoom. We greeted each other on first name terms, in front of a staff member whom I had just interviewed. It was interesting to note this staff member made no comment about addressing prisoners by their first names, evidence the previous incident was more about an individual's negative response rather than a broadly cultural attitude, as he had suggested. To my mind, addressing Jimmy by his surname would have been totally inappropriate. By not greeting him on first name terms, I believe the previous revelation of my former prisoner status and desire to create a 'level playing field' would have counted for nothing, plus, I may have been reproached by the officer for addressing him in a disrespectful manner.

The way in which I addressed staff also posed a quandary at times, in part because of my previous history. Whilst prisoners either bring in their hierarchical attitudes or form them within institution, analysed within the previous chapter, the prison also exudes a hierarchical influence over staff who work within the walls and researchers who visit, albeit for a limited period. Indeed, I noticed that rank and file staff addressed each other as Mister or Miss, certainly in front of prisoners, whilst they referred to male Governors as Sir, hierarchical and formal ways of communicating within more 'traditional' penal environments. As I had developed a research relationship with Carlotta and Celine prior to fieldwork, I felt comfortable using their first names during conversations. In terms of other staff who I was meeting for the first time, either during interviews or through informal chats on prison landings, I came close to also addressing them as Mister or Miss, in part because of how I had observed other interactions but also because that is how prisoners, including myself, addressed staff during my incarceration. During fieldwork, I therefore adopted a policy of not using people's first names, unless I sensed it appropriate, whilst I tried to judge each situation on its merits thereby adding to the emotional exhaustion I have previously outlined. The dilemma of how to address people within prison demonstrates the power of the institution, as my behaviour was influenced

by observing how staff within the establishment addressed each other, a dilemma complicated by my own history and its enduring influence on my return to a prison environment.

I have not included a separate section for HMPs Edinburgh and Glenochil here, as I did not find fieldwork experiences in Scotland anywhere near as demanding upon a researcher as those in Durham. Any significant challenges posed in two Scottish prisons have been integrated elsewhere within this chapter.

Co-constituted interviews in HMPs Durham, Glenochil and Edinburgh

Analysis of interviews tends to focus on content alone, rather than how content is produced (Roulston et al., 2003) but knowledge, meanings and narratives were jointly produced by researcher and participant (Vahasantanen and Saarinen, 2012) in Durham, Glenochil and Edinburgh. Through 'emotion work' (Dickson-Swift, 2009: 70), I constructed my identity as a former prisoner during rapport building with prisoner participants but, thereafter, wanted to move forward from this revelation, building an identity during fieldwork as a 'good', professional, impartial researcher who could be entrusted with information. Once aware of my former status, this co-construction (Finlay, 2002) may have influenced prisoner's responses and my subsequent interpretations, thereby challenging the authenticity of participants' realities (Roulston et al., 2003). Thankfully, by divulging sensitive, personal information the flow or content of prisoner interviews in all three prisons did not appear diminished, however, it is impossible to predict how the content would have developed if such a revelation had not been made.

I have referenced the concept of institutional power and analysed it within Chapter 3, power that allows gatekeepers to recruit certain participants, as discussed in this chapter but the relationship between researcher and interviewee is also conceptualized as a power relation (Vahasantanen and Saarinen, 2012). It has been suggested that interviewers have power at the beginning, as they set the stage, ask permission to audio-record and provide information about confidentiality (Id.) but a 'dance of balancing involvement' (Hyden, 2014: 802) may occur as the interview progresses. This initial dance was, arguably, challenged by Willie, at the start of our interview in Glenochil, as he produced a photocopy of his previous Masters degree and two reports he had personally produced about his diagnosis of Asperger's and how such a diagnosis impacts on those who commit sexual offences. At the start of an interview with Jim in Edinburgh, he asked about my *epistemological position in my PhD,* explaining how he had previously worked within a University. These two examples may be very insignificant, in terms of power

relations, as participants may have just been trying to also build rapport. My reflections, however, are that these two well-educated men were trying to redress the power imbalance between researcher and prisoner, creating a more level playing field, thereby erasing some of the stigma associated with imprisonment yet, more acutely, as a protection prisoner.

Although I hoped my prison experience would provide a 'sense of commonality' (Manderson et al., 2006: 1331), the imbalance of power still favoured the PhD research student in other examples. Evidence of this was provided by Nobby, who, at the end of the interview, asked on several occasions whether he '*had done well*?' My interpretation of Nobby's question was that he wanted reassurance for his interview performance which I was happy to provide. The wider point, arguably, is that Nobby did not embrace this sense of commonality and level playing field, placing the researcher on a pedestal whilst also trying to win their approval, a perceived imbalance that potentially influenced information that Nobby and other participants had provided. It would therefore have been interesting to ask participants what they had thought of power dynamics after the interview, (Vahasantanen and Saarinen, 2012: 508) given manifestations of power are thought to exist even after interviews have finished.

Data management and analysis

Inductive/Deductive Analysis

A lack of research examining vulnerability in the decision-making process was a significant factor in undertaking this research project. As a consequence of this gap in academic research, I theorised that vulnerability in prison would be a complicated, perhaps misunderstood, phenomenon. As I was more familiar with literature on prison hierarchies, masculinities and violence, I assumed that everyone convicted of sexual offending would be classed as vulnerable and require protection, although I appreciated that vulnerability would constitute a broader set of characteristics than those just related to sexual offending. I therefore adopted a mostly deductive approach at the start of the research, entering fieldwork with a theory against which data could be tested (data which showed that vulnerability is closely linked to having a conviction for sexual offending). As the project progressed, I adopted a more inductive approach, as participant and staff perspectives raised unanticipated issues. I found, for example, that vulnerability is far more negotiated, contested and influenced by penal space than I had predicted (though Gormley, 2017, has written about negotiated vulnerability and this did inform my thinking as I saw this emerge in my own data). Whilst much data confirmed my initial theories of

prisoner hierarchies and masculinities, other data emerged that challenged my initial assumptions, so as the project progressed, the balance shifted from deduction to a more inductive approach.

Transcription and data management

Each research interview was transcribed verbatim, as soon as was practically possible after the period of fieldwork in Durham, Glenochil and Edinburgh, partly so interviews were still fresh in the memory. It was important to pursue detailed transcriptions (Roulston et al., 2003), transcriptions that incorporate half-finished words and sentences, changes of tone, gestures, body language and contradictions, to present experiences in as faithful as way as possible. As a result, transcribing the research interviews was time consuming, so I ended up paying for a professional transcriber to complete the Edinburgh interviews, whilst I transcribed the work from Durham and Glenochil during 2018 and early 2019. I decided to manually code the interviews, rather than utilise NVivo, as I wanted to stay 'close' to the data. This process involved an initial reading of the interview transcript before re-reading and starting to think about emergent themes. I aimed for the analysis to be systematic, well organised and thorough so I could develop concepts and themes inductively from the data, whilst utilising deduction to verify my theories around vulnerability given my previous prison experiences. As I carried out further interviews at Glenochil and then Edinburgh, the coding became an iterative process where, as new themes were identified, the previous interviews were re-read and re-coded until all had been completed.

Transcribing research interviews on sensitive topics can also be an emotional experience (Dickson-Swift et al., 2009), which I found to my cost, hence why I arranged to speak with one of my supervisors. For a number of months between June 2018 and February 2019, I was transcribing and listening to stories of fear, self-harm, violence, trauma, sex offences and prison life. These were stories of sadness and shadow, where little light appeared, including justifications for rape and a participant who overheard a conversation between two prisoners expressing pride in the offences they committed against a young girl. I started to wonder what sort of effect this project was having, personally, as at times during transcription, I felt sad, upset, depressed, angry, disillusioned and disgusted. I realised I had become so accustomed to hearing such difficult conversations that I was becoming de-motivated, jaded and blasé to prisoners' stories and pain. I sensed an issue of threshold arising where, firstly, you get accustomed to a troubling story, then you anticipate and, finally, you get to a stage where you're disappointed if the story is not an interesting one with a level of violence or intrigue to sate the appetite. It was at this

point that I approached my supervisor with my concerns and it was agreed that, whilst it was understandable this can be a by-product of difficult and sensitive research, it would be a good idea to pass the remaining interviews on to a professional transcriber.

All physical copies of interview transcripts were kept in a locked drawer in a filing cabinet within a research office, as with audio-recordings and signed copies of consent forms. All other information, including typed transcriptions, was kept on a password protected PC, also within the research office. When the transcriptions were passed onto the professional transcriber, she provided evidence of measures taken by her transcription service to keep data confidential, safely secured and stored.

Limitations of the research

Only a partial understanding of prisoner vulnerability and the decision-making process can be gleaned from two weeks fieldwork in HMP Durham, in addition to one week of research interviews in HMPs Glenochil and Edinburgh. Twenty-three prisoner and 13 staff interviews within three separate establishments is just a snapshot, given the much greater numbers living on the VPU in Durham and protection halls in Glenochil and Edinburgh. Neither does this research include the views of staff and prisoners in every other establishment containing protective housing in Scotland and England, hence why this research can claim to present no more than a limited picture of decision-making, pathways and day to day life within specialist housing in the two nations.

In this section I will summarise some of the research challenges previously outlined, suggesting that whilst these problems provide lessons to be learnt, neither their individual or cumulative impact has, to my knowledge, limited the research very significantly. The length of time to gain research clearance from SPS and HMPPS did have a major impact on the timings of the overall project, although this appeared to have nothing to do with any personal declarations regarding previous imprisonment. Delays were also a feature whilst setting up the fieldwork at HMP Durham; this process was much easier in Scotland, where a member of the Research Access Committee acted as a Gatekeeper with each individual prison, providing further points of contact. I also recognise the limitations of recruiting prisoners via a flyer placed on a wing or hall noticeboard, as only the most physically able or literate may benefit, whilst accusations of 'cherry-picking' and personal bias can be levelled at those prison managers who prioritise volunteers to be involved in the research. This dilemma was most evident in Glenochil, where, as mentioned, over 30 prisoners volunteered to be interviewed, subsequently reduced to ten participants through staff discretion, whilst in Edinburgh a

prison manager directly approached potential participants rather than assessing any declarations of interest. These methods of recruitment may have therefore impacted my ability to get to the most vulnerable in protective housing or those whose pathways were the most traumatic, especially if certain prisoners had not been recruited because of what they might say about the duty of care provided by staff.

In terms of fieldwork, I was very pleased with the interview process at HMPs Durham and Glenochil, as interviews had been well structured and organised by gatekeepers, allowing the researcher to relax and concentrate on research participants and interviews at hand. In HMP Edinburgh, the fieldwork was more frustrating, as the lack of a consistent, daily point of contact and organised schedule for the week, led to a series of mostly ad-hoc, unsatisfactory interviews, as written about elsewhere in this chapter. As a consequence, I re-visited HMP Edinburgh to undertake further interviews, also requesting the gatekeeper look at a document I had produced outlining my understanding of protections to check my accuracy because during my fieldwork, I did not have a handle on the management of such prisoners within the establishment.

Any researcher who reflects on their fieldwork is likely to leave the research arena with certain regrets, hopefully learning from their experiences and taking these forward into future research practice. On the first day within each of the three prisons, I realised my openings to research interviews were poor where, for example, I forgot to remind participants about confidentiality or provide details of the on-duty prison Listener. Several staff interviews were also cut short with managers due to time constraints, including a Governor who had taken a day's leave, therefore forgetting about her pre-arranged interview. In addition to these gaps in the interview schedules, I would have wished to ask better follow-up questions or probe more deeply after listening back to audio-recorded interviews with research participants, but this was not possible logistically.

Interviewing prisoners on vulnerable and protection units is, personally speaking, a new experience, just as I have previously never interviewed large numbers of individuals charged with sexual offences. Having reflected, I realise that I pre-judged some research participants as they physically entered the interview room, jumping to conclusions about the reasons why they were now living in protective housing. Although the interviews were not about offences, per se, for those individuals who declared serving especially long sentences, I worried they had raped and killed children, so I was concerned as to how I would react and whether I could maintain my intentional professional manner. These fears did not transpire, but there were occasions during interviews where I was unnerved,

either through declarations of sexual offences against family members, justifications for rape or participants revealing fresh or old self-harm scars on both their arms and torso. Thankfully, my fears about personal declarations of imprisonment and my ability to retain independence as a researcher did not come to pass or, at least, I was not provided with this feedback. Pre-judging some research participants and managing unnerving information and my own subjectivities, can all be learnt from through experience and I do not believe these limited my fieldwork to such a degree that the research became tainted.

Conclusion

This research developed as a result of my own experience of vulnerability in prison and gave me the impetus to explore vulnerability and protection in more depth through the perceptions and experiences of prisoners who request protection and prison staff who assess, or indeed encourage, such requests. Applications to HMPPS and SPS for research access and ethical approval to a certain extent dictated my choice of prisons and numbers of staff and prisoners interviewed in depth – a method of engaging with prisoners that enabled me to gain a greater sense of their current feelings of vulnerability within prison.

This chapter has detailed the methodology, and fieldwork in each site and discussed the issues of consent, power relations and sensitivities involved in researching vulnerability. Although this is a methodological chapter, it also goes towards explaining something about the substantive research topic, why I am interested in it and how I have come to see vulnerability as such a complicated, nuanced issue.

Chapter 5. How Staff Identify and Manage Vulnerability

Introduction

This chapter explores how prison staff in HMPs Durham and Edinburgh understand, identify and manage 'vulnerabilities' that require relocation to VPUs in England and protection units in Scotland. Whilst this is a more general question, I will also investigate how individual officers both within and between each establishment view vulnerability. This allows tentative comparisons to be drawn between individual staff members performing different roles within Edinburgh and Durham and, arguably, between the wider Scottish and English prison systems. There are important areas of similarity and difference in factors identified as relevant (or irrelevant) to deciding whether a prisoner is vulnerable across both systems, and the focus of the chapter is how these views and practices of decision-making by prison staff shape and thereby tell us something about the concept of vulnerability in prison. For example, individuals remanded or convicted of sexual offences against both adults and children were identified by prison staff as 'vulnerable' and therefore requiring protection, a consistent, objective characteristic of vulnerability across both Scotland and England. However, my data have also shown that staff hold a huge amount of discretion over who is given access to protective housing and, as such, over who or what is 'deserving' of vulnerability and therefore VPU or protection status.

This chapter covering staff perspectives is divided into two parts with the second part building directly on and being somewhat interwoven with the first part. In the first part of the chapter I discuss *who* is seen as vulnerable by staff groups in both Scotland and England by considering the factors staff described as most relevant to determining vulnerability. I argue throughout this thesis that vulnerability is a fluid concept, involving factors about a person which are fixed (static) and changing (dynamic) (see also Chapter 3). However, dynamic factors of risk may change not only as a function of time, geography or a person's characteristics (such as their age or an increased ability or inability to cope with prison) but also wider societal and legal changes in terms of views or rates of particular crimes. In addition, a person's vulnerability or risk from others depends on how staff make sense of their situation, and deal with them. This involves discretionary and case by case decisions in which issues that may be seen as making

someone vulnerable more generally are assessed as not doing so in any individual instance. I describe this in terms of making judgements, or producing a moral economy, around a deserved and undeserved status of vulnerability.

In the second part of the chapter, I pick up this theme and explore it by focusing on the different stages of staff decision-making around prisoner vulnerability, from their arrival in a prison van through to how prisoners are told they are being considered for protective housing, up to their arrival in such housing - in effect, their journeys through the establishment. This part includes only staff perspectives from HMP Durham, where I conducted the majority of staff interviews (9), compared to Edinburgh (4). However, I note how the process in Durham conveys similar, and some distinctive themes, as in Edinburgh. This part of the chapter further reveals vulnerability as something which can vary depending on the area of the prison a person is living in or the stage of their prison sentence. This theme is developed in subsequent chapters, whereas in this chapter the focus is on how staff have to make quick assessments at different stages of a prison journey, amongst both systematic and factors of chance that can influence whether someone is seen as vulnerable on reception or becomes vulnerable while in prison.

PART I HOW VULNERABILITY IS IDENTIFIED

Ranking vulnerability factors

In my interviews of staff, I included a list of factors conventionally identified in prison sociology as being relevant to understanding vulnerability in prison and explored this with interviewees by asking them to rank each factor and then provide some comment explaining their choices. (See Appendix for the questionnaire showing this list of factors.) The numbers of staff interviews are too small for this exercise to offer a statistically representative sense across England and Scotland, but it does show remarkable consistency within the two prisons where I conducted staff interviews. In terms of similarity, both groups of staff identified the same factor as being most important for determining a person's vulnerability in prison – having committed a sexual offence (regardless of victim), followed by having previous sexual convictions and having worked as a police or prison officer. Of the other nineteen factors, there also was surprising consistency in what staff in the two places felt *did not* matter, for example, mental health problems and first time in prison, in contrast to much research on prisoner vulnerability. In the case of some factors associated with vulnerability, staff in Edinburgh and Durham had considerably divergent views, namely whether falling into prison debt,

being the victim of bullying and transgender prisoners were indeed vulnerable, but, again, I emphasise the very small number of interviews conducted in HMP Edinburgh.

I have displayed the respective rankings from Durham and Edinburgh in Figures 5.1 and 5.2 below, mapping staff opinions along two axes signifying levels of 'vulnerability' and 'relevance' for relocation to protective housing. I am not making any sophisticated quantitative claims in the figures, rather I wanted to produce a simple visual tool showing the importance attached to characteristics by staff and how these variables relate to each other. However, I do believe the data provide some evidence of crossover and interesting points of discussion concerning the identification and management of vulnerability within both prisons.

The visual tool should be interpreted alongside discussion presented below; qualitative information put forward by staff as to their reasoning, arguably, sheds far more light on how they understand and order characteristics of vulnerability and their relevance to relocation.

Figure 5.1 Staff rankings of prison vulnerability factors, Durham (n=9)
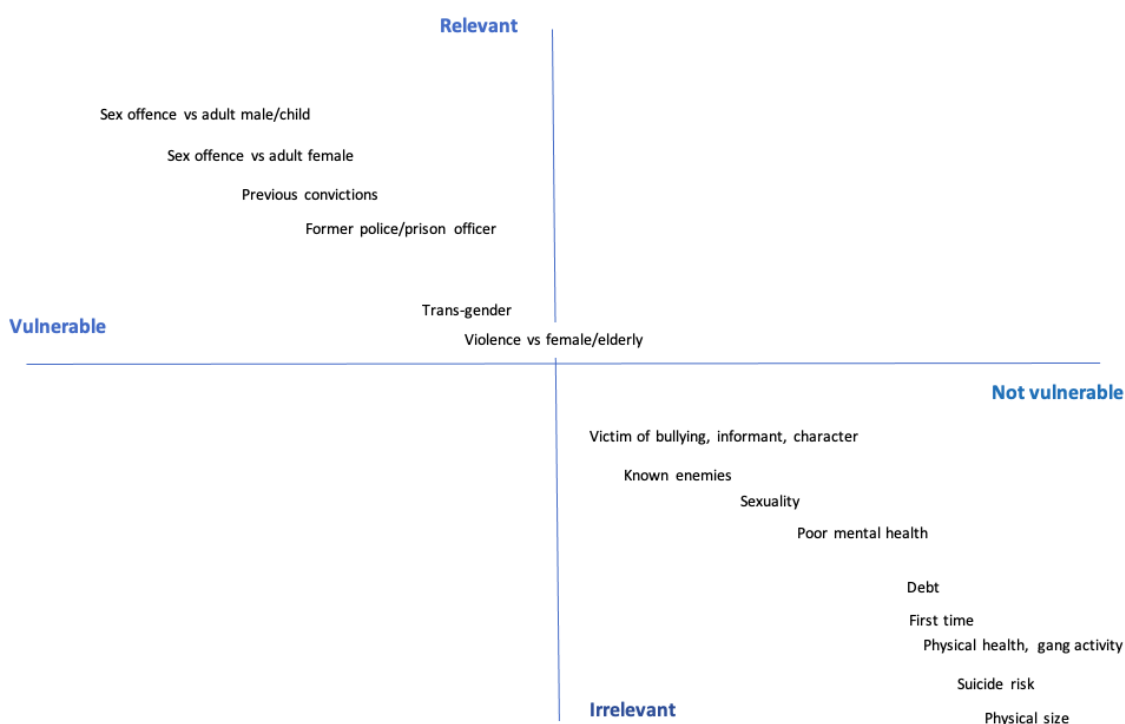
Figure 5.2 Staff ranking of prison vulnerability factors, Edinburgh (n=4)

Relevant

Sex offence vs child/adult female

Sex offence vs adult male, Former police/prison officer

Violence vs female/elderly

Previous convictions

Debt in prison

Victim of bullying

Vulnerable

Informant, Character — Not vulnerable

Gang activity, Known enemies

First timer, sexuality, physical size, trans-gender, mental health

Physical health

Suicide risk

Not relevant

Similarities between England and Scotland

What matters most: Sexual offences and crimes against the weak

Sexual offences

As extensively highlighted within Chapter 3 those prisoners who have offended against prisoner norms or values by committing sexual offences against children or adults face targeting by other prisoners and may need to be protected. I also suggested that no official distinction or classification is officially made by staff amongst this group of vulnerable or protection prisoners, despite the huge diversity of crimes the sexual offence category includes. However, amongst prisoners, rapists of adult women tend to have a higher status than those who offend against children and young people (Ievins, 2013; Waterhouse, Dobash and Carnie, 1995; Her Majesty's Chief Inspector of Prisons Home Office, 1986: 25) in both mainstream and protective housing; a minority can survive

in mainstream populations. Similarly, the detection and punishment of those with sexual convictions is dependent on specific establishment and strength of hierarchy (see Chapter 3).

That said, in HMP Durham and Edinburgh, those who had committed sexual offences against either children or adults were automatically deemed vulnerable or at risk and therefore offered relocation to either the VPU in Durham or Hermiston, the offence-protection area in HMP Edinburgh. In HMP Edinburgh, staff ranked sexual offence against a child and an adult as the most significant characteristic of 'vulnerability', of equal importance, notwithstanding the small number of interviews. In HMP Durham, a sexual offence against a child was ranked very slightly higher than sexual offence against an adult but these were first and second ranked out of the nineteen variables. Sexual offences are therefore a strongly shared characteristic across both establishments, which fits with operations of power identified in other large, local prisons where strength of prisoner hierarchy and subsequent pressure to enact its norms, through attacking those seen as sex offenders, for example, is strong.

All of the quotes in the rest of this chapter are made by prison staff within specific establishments.

Child victims

> *'Absolutely, it's a high. That's a straight move tae offence protection. I don't think there's any doubt' (Stewart, Edinburgh)*

> *'absolute humdinger, you're straight into protection' (Billy, Edinburgh)*

People who commit offences against children, especially sexual ones, are often placed at the bottom of prisoner hierarchies according to prison sociology, and the same holds true in the views of staff. Even within the VPU and protection units, such people were judged as inferior by those who have committed sexual offences against adults, according to my prisoner interviews (see Chapters 7 and 8). It is therefore no surprise that every staff participant in both prisons adjudged sexual offences against children to be 'highly likely' of warranting a move to protection. In both Durham and Edinburgh staff referenced a small number of people who had committed sexual offences against adults who had managed to cope in the mainstream, a significant and interesting issue addressed in the second part of this chapter. However, not one staff member nor prisoner in either establishment could think of any person who had committed a sexual crime against children who had requested or been allowed access to a mainstream environment.

Adult victims

Sexual offences against women as a protective housing criteria also ranked highly by both English and Scottish prison staff (top in Edinburgh, nearly top in Durham). The quotes below are specific to adult women victims and whether staff would target these people for vulnerable housing:

> *'absolutely' (Gary, Durham)*

> *course, take them straightaway' (Paul, Durham)*

> *'I think all sex offenders should be on here' (Charley, Durham)*

In addition to the rape of an adult woman, a sexual offence charge or conviction involving an adult male victim was also deemed by staff in both prisons as a characteristic of vulnerability and a definite reason to be relocated. In Edinburgh, staff rated this among the top three factors indicating the need of protective housing. In Durham, a sex offence against an adult male was ranked by staff as of equal importance as a sexual offence against a child. This is particularly interesting when contrasted with views of staff about the vulnerability of prisoners who are non-heterosexual. This is considered in section below which focuses on sexuality and masculinity. For the most part, staff in both prisons did not see homosexuality itself as a cause of vulnerability, though the risks associated with transgender prisoners differed between jurisdictions (also discussed below). It seems that it is the nature of the offence, rather than what it reflects about a person's sexuality, that is deemed by both staff and other prisoners as the critical factor in creating vulnerability in prison. These quotes illustrate this:

> *'absolutely, no question, yes. You're on protection' (Billy, Edinburgh)*

> *'sexual offence against an adult male, I've put yes definitely' (Gary, Durham)*

> *'there's still a lot of bad feeling towards sex offenders in the jail, you know, and that's never gonna change. So, that's what we do. That's why we keep them separate' (Stewart, Edinburgh)*

> *'we had a prisoner recently who was in shared accommodation and he went to court for a potential rape of the individual he was in a cell with and got twelve years for it. That was within Edinburgh…he's now located in the offence protection wing. So, yeah, if it's reported as an adult male, then they would be moved' (Stewart, Edinburgh)*

Distinctions were made in staff interviews between sexual offences against different types of victims and in both prisons, nearly all staff participants rated sexual offences

against an adult male as 'definitely relevant'. This shows there is still recognition of prisoners who have violated prisoner norms (especially around particular ideas of heterosexual masculinity), codes or values, hence why staff recognise *bad feeling towards sex offenders* and their need for protection and VPU status.

Violence against women and elderly people

I also asked staff about the protective housing needs of those whose crimes were non-sexual but against more vulnerable groups in terms of gender and age. In Edinburgh, staff ranked violence against women and elderly persons fairly high in terms of dictating a move to protection, whilst in Durham it was less so, though here too staff did feel it might be relevant (see Figures 1 and 2 for comparison).

> *[Regarding those who have victimised women and older people:] 'that's not liked at all in the mainstream, either. It's just one of those no-nos. Ye're seen to be a beast if ye're doing that. It's just like, it's just not accepted, so that'd be a definite reason to identify someone in need of protective housing]' (Tosh, Edinburgh)*

Prisoners remanded or convicted of sexual offences are automatically offered protection in Scotland or vulnerable prisoner status in England and Wales. I discuss in Chapters 7 and 8 how, in the vast majority of cases, this offer of relocation is accepted. Prisoners charged with offences involving violence against women and/or the elderly do not appear to be automatically offered protection or the VPU however, even though these offences have traditionally been deemed 'unacceptable' and against the prisoner code. The logical question is 'why' and I suggest at least part of the answer lies in staff (perhaps reflecting prisoner views) distinguishing between stigmatised behaviour that results in risk to a prisoner and sexual offences, from that which merely confers lower status or for whatever reason does not trigger violent responses from other prisoners.

Charley's quote below stands in contrast to Tosh's quote and may be a fairly recent development, partly driven by the rise in numbers being imprisoned for violence against women:

> *'ten years ago, yes, it would have been completely different, where I can't tell you what I'm in for' … 'Violence against a female and elderly people; this I would have probably thought about 10 years ago, a massive 'yes' definitely, now you'll look at, I'd say the majority of their files in the main jail and they generally have domestic violence on their files, it's just, as wrong as it sounds, it's become the norm, to be in a domestic violent relationship is just the norm, whether it's him, hitting her, her hitting him or just him hitting her, it's just the norm and a lot of them have domestic violence markers, so, again 10 years ago, probably yes' (Charley, Durham)*

In Scotland, the make up of the prison population and who is subsequently deemed 'at risk' or vulnerable may also be changing, influenced by developments within wider society and the criminal justice system. Contemporary justice systems, including Scotland's, have recently acknowledged the need for a more inclusive approach to understanding gender whilst, at the same, time, had to grapple with particularly gendered challenges through increased reporting of domestic abuse and 'record levels' of sexual offences (McCulloch et al., 2021). As the tackling of domestic abuse and sexual violence against women are therefore key priorities of criminal justice policy in Scotland, much of the caseload of the High Court now involves crimes of rape, whilst a significant percentage of work in the Sheriff courts involves offences of domestic abuse. A potential consequence is that as more prisoners are convicted of domestic abuse and violence against women, the prisoner community, over time, has become less judgemental and more accepting of gendered abuse, a crime that has become commonplace and is therefore no longer 'an exception to the rule.' Whilst this possible explanation stands in contrast to Tosh's quote above, parallels can potentially be drawn between changing attitudes of prisoners in both Scotland and England.

In Durham, as Charley's quote above suggests, the crimes that are deemed acceptable or unacceptable can change within a mainstream prison hierarchy and so the risks posed to a prisoner and their subsequent 'vulnerability' can also be fluid, at least in comparison to the more fixed risks posed by sexual offending. Violence against women and the elderly have traditionally been viewed by mainstream prisoners as 'unacceptable' crimes, going against the prisoner code analysed within Chapter 3 and therefore warranting retribution from the wider prison community. In the quotes above, however, an officer in Durham is describing how offences that were once kept hidden by prisoners, for fear of retribution, are now *the norm*. What renders a prisoner 'vulnerable' can change, arguably, having implications for prisoner's assessments of their own personal safety. Likewise, if staff are aware of the dynamic nature of vulnerability then this impacts on how prisoners charged with these offences are managed. Previously, staff would respond to prisoners who asked to speak privately about moving off mainstream, whereas, now, at least in Durham, staff may advise a prisoner to sit tight on mainstream, partly because offences against women are now precisely the opposite of the statistical definition of deviance; they are as Charley says quite literally the norm.

Violence against elderly people

The perceptions of mainstream prisoners towards violent offences committed against the elderly may have also changed with subsequent implications for prison management. A violent offence against an elderly person, perhaps committed as part of a burglary, was traditionally stigmatised, violating the prisoner code not to offend against those deemed weak or vulnerable. As the quotes below illustrate, targeting the elderly appears, at least in Durham, to *have become more accepted*; even from 10 years ago, a similar change in perception as highlighted with violence against women. *As suggested,* this change in acceptability and therefore who is vulnerable or 'at risk' has implications for both prisoners' assessments of their own safety and staff's management of prisoners who are no longer deemed 'at risk.' For example, as the Durham officer notes, why do staff need to relocate someone fearful for their safety if *nobody says a word to him* about his offence? If 'vulnerability' is fluid and can change then the next logical question is why? One explanation is that the perceptions of vulnerability by staff and prisoners have not kept pace with each other. Maybe staff and prisoners do not entirely agree on what constitutes a 'vulnerable' prisoner, thereby linking into one of my main research questions. For example, as Paul says below, where an officer states *if they want to go down that route, I would say yes, but some of the prisoners would probably say no* suggests some staff and prisoners view 'vulnerability' and its management very differently. On the other hand, given both Paul's quote below and Charley's in the previous paragraph, some staff are aware that the perceptions of prisoners can change, suggesting that staff's perceptions and subsequent assessments of vulnerability may actually be more in tandem with prisoners. By this yardstick, it is both prisoners and staff that determine who or what is vulnerable.

> *'likely to be relevant, depending on if they want to go down that route, I would say, yes, but some of the prisoners would probably say no, depending on who they are because it's become more accepted in prison, elderly people, if anybody came in years ago and the crime was against an elderly person it was frowned upon, it's not now'* (Paul, Durham)

> *'he had robbed an old lady, so it's a similar type of thing, and he was like 'well, I've robbed old granny, they're gonna kill us, nobody had said a word to him about it, society is changing massively'* (Celine, Durham)

Prisoners convicted of particular offences may no longer be 'at risk' because, as the officer questions, *society is changing*. It is not necessary to delve deeply into the debate here, but prison sociologists question whether prison life reflects theories of importation, deprivation or both (Maguire, 2019). Prisoners do indeed import personal narratives, values and characteristics and this, in part, explains why what happens outside in society

is often reflected inside, just as prison culture can be reflected out into the community. I do not have any evidence to suggest that some sections of society no longer perceive crimes against the elderly or violence against women as terrible offences and are subsequently importing these values, thereby accepting rather than stigmatizing those convicted of physical rather than sexual offences against women or the elderly. Nor do I have any evidence to suggest a point in time where attitudes of prisoners already incarcerated may have changed.

Whilst a prisoner charged with violence against women or the elderly may be potentially labelled as 'at risk' and in need of relocation, their individual circumstances and staff assessment of these circumstances is far more crucial in determining what happens next:

> *'now I know if you've been violent, not necessarily to a female as there's a lot of domestic violence in the prison now, people in prison for it, elderly people, other prisoners don't take kindly to that kind of thing, so you become vulnerable so that would also depend on your circumstances' (Alan, Durham)*

In the section below and in Chapters 7 and 8 on prisoner perspectives, I note how a small minority of those who have committed sexual offences (against adults) can survive in mainstream environments precisely because of 'who they are'. This small group of prisoners consists mainly of those who have a history of imprisonment, friendship or associate networks already in prison and who embrace an air of hyper-masculinity and therefore do not see themselves as vulnerable nor in need of protection. I believe similar forces are at work for prisoners who have violently offended against women or the elderly choosing to remain on mainstream wings in that they can protect themselves from victimization by having a strong character, alongside peers willing and able to overlook these types of traditionally 'unacceptable' offences. A prisoner's popularity and influence can act as a protective mechanism therefore, overriding offences that would otherwise be seen as unacceptable and lead to a prisoner being potentially assaulted or hounded off the hall or wing. Staff assessments seem to take such factors into account in making decisions about vulnerability and relocation.

The individual circumstances of a prisoner overriding offence-related risks factors that would indicate the need of protection are important. They show, with the exception of sexual crimes against children, how no factor leads staff in all cases to label someone as vulnerable or requiring protective housing. In other words, this highlights the importance of discretion and officers' own understanding of prisoners and their situations in defining what vulnerability is, who fits within this definition and needs specific housing as a result. Later, I discuss factors that, somewhat surprisingly, did not strike staff as raising issues of

vulnerability (at least in terms of protective housing), characteristics that included, first time in prison, personality characteristics and physical size.

The varying attitude towards what individual circumstances 'count' in assessing the vulnerability of a prisoner reveal the extent to which decisions about vulnerability are deeply subjective. These decisions may also be static and dynamic, that is objectively tied to fixed or changing characteristics that put someone at particular risk, but they also depend on prison staff's views and values about someone's rightful claim to this status. I develop this theme in the following sub-section, which explores the relationship of historical offences and vulnerability. For example, some staff seemed to view such offences sceptically, and to see them as being used by prisoners tactically to evoke vulnerable status, whereas, to others, a previous sexual offence would always signify vulnerability and risk.

Past crimes and prior experience of vulnerable housing

In England and Wales, as well as Scotland, recent times have seen a reckoning with historical offences, many involving crimes against children that come to light often when their perpetrators are elderly. This section considers such 'historical' offences and more generally the implications for vulnerable housing decisions when a significant period of time has elapsed between a crime or a sentence and a person's present imprisonment. For the most part, those coming into prison, either for a historical sexual offence, or for another crime where they had previously been imprisoned for a sexual or child offence, would be marked by staff for vulnerable housing.

> *'Previous convictions for sex offences, um, yes, I'd look at that one because somebody could only have been out for 6 months and then they've committed a burglary or something and they've come back in, and their index offence is burglary but when you look further into it, they've actually got previous and generally they'll say ' I was on the VPU' and that's when you look and say 'why were you on the VPU, you were only in for burglary, ah, right ok, so you've got previous and that's when they'd be like, yeh, come on, let's get you over there' (Charley, Durham)*

> *'Let's say he's done 20 years for rape and it's a particularly nasty one. It was all splashed over the media like The Moors Murderers for instance. If he came back into prison, yeah he'd be back on protection even if it was only for shoplifting' (Georgia, Edinburgh)*

The relationship between time elapsed since a previous offence of the kind that led to someone being placed in protective housing and their current prison housing is not totally linear. It is muddied by factors outlined earlier, including but not limited to a prisoner's

character, protective relationships and the individual circumstances/discretionary process noted above. A good example is quoted above by an Edinburgh officer who talks about a particularly *nasty* offence, *splashed all over the media.* For such prisoners, it doesn't matter how much time has passed since the original crime, the prisoner will always be housed in protection. Georgia locates the reason for this in high profile media coverage that keeps notorious crimes and criminals in the minds of the public as well as mainstream prisoners, meaning a person is arguably 'at risk' as soon as he steps into an establishment. This exact scenario unfolded with one of my prisoner research participants in Edinburgh, who, having been subject to high-profile coverage was then assaulted upon arrival into HMP Shotts. However, it is also interesting that it is not only one's crime, but the fact of having been in protection before, that influences decision-making processes about vulnerability. Protective housing itself, and the fact that mainstream prisoners will associate this with a particularly repulsive crime, seems to create future and possibly permanent vulnerability for people, no matter how trivial their present conviction.

To return to the importance of individual discretion in assessing a person's vulnerability, a staff member in Durham makes this comment:

> *'so, [if someone comes in who has a] previous sex offence … I'd put 2 [on a scale of 1-5 of researcher questionnaire, see Appendix, where 1 is most definitely in need of protection] because we do take them but I'd rather have a look at them individually and say, 'it's really historic, in the last three sentences where he's been in Durham he's been in the main jail, so why this time does he suddenly, so I would always use each one on its merit' (Celine, Durham)*

Celine describes the need for an individualised assessment, but at the same time is introducing a degree of scepticism about a prisoner's claim to vulnerable status. This came up in a number of staff interviews and the following excerpts show an even more explicit claim being made that prisoners use vulnerability tactically, to change housing or get away from particular people:

> *'We have a prisoner called [name removed].…. a very difficult prisoner, has a sex offence, a sexual from about 10 or 12 years ago, been in recently, exactly the same, went over the main jail, was over there about 10 or 12 weeks, and he wants to be a VP because he's run out of drugs or he owes money for drugs etc, so he knows he can pull the "but I've got a sexual offence on my record", so all of a sudden, because in the main jail he's a nightmare, "champion, we can get rid of him to F wing". I understand it but they can get him here on the pretext that he's a previous sex offence, and to me someone that's come in and survived in the main jail' (Teddy, Durham)*

> *'yes, they use it as a fall-back which boils my blood, yes, because clearly that offence doesn't bother them, doesn't bother people in the main jail, doesn't*

> *bother them and then they get themselves in other kind of trouble, debt,*
> *which is my biggest bugbear, and then they think they can just come on here,*
> *their little fall back and it really bothers us' (Celine, Durham)*

These are, arguably, examples of prisoners who know that a previous sexual offence is a characteristic of vulnerability that is 'definitely relevant' enough to warrant relocation to protection or the VPU. Staff who may suspect this must still act under their duty of care to the prisoner, however, often allowing the transfer out of mainstream. Interestingly, this is a tactic that is apparently used, to the chagrin of VPU staff, by both prisoners and mainstream staff. In the case of the latter, Teddy notes a situation where a staff member in the mainstream wing or hall knows he can *get rid of* a problematic prisoner by using a historical offence as a fall-back mechanism. I will return later to the issue of how vulnerability might be something which is rationed, depending on the capacity of different prison areas to hold prisoners so labelled. Here, I want to draw attention to the way that one can see a moral economy of vulnerability emerging where staff adopt views about who is 'really' vulnerable and who is using this label strategically. I describe this elsewhere in terms of staff hierarchies of deserving and undeserving vulnerabilities, and it feeds into my overall finding about the fluidity of the concept in the hands of both staff and prisoners.

Media coverage

Media coverage was not on the list of factors staff were asked to rank in terms of influencing decision-making to move someone to protective housing, but it came up independently in their discussion of influences on decision-making process (and also to some extent in prisoner interviews; see Chapters 7 and 8). For this reason, I include it in this section to show how staff saw this factor affecting vulnerability.

> *'so if you had someone who you thought should be on here for their own*
> *protection and that could be someone whose robbed an old lady and it's just*
> *all of a sudden been on the news, so although it's not a specific sex offence,*
> *it's still pretty high up there' (Jodi, Durham)*

> *'I think, we brought a lad over, murder, of his wife but it was all over the*
> *papers the way that it happened and another chap who'd, had he attempted*
> *to murder, so it's not necessarily a sex offence, but attempted to murder his*
> *disabled wife, again, to me, that's asking for someone to get a good hiding if*
> *that's what they've been accused of doing because rightly or wrongly our*
> *lads have a pecking order, they have a pecking order of who the think's an*
> *alright prisoner and who they think's the worst of the worst and obviously*
> *anything to do with children, women' (Paul, Durham)*

In the following chapter, I profile the case study of Jack to show how 'moments' in prison are important and how a prisoner can suddenly become vulnerable, often as a result of media coverage of their crime, an influence of media also analysed previously within Chapter 3. For offences deemed 'unacceptable' and those that ordinarily would not cause any bother to a prisoner, the situation can be aggravated or mitigated by the level, intensity and timing of media scrutiny. The prisoner just sentenced at court for *murder of his wife*, whose case *was all over the papers* can suddenly become a media focus and both prisoners and staff will be aware of this given availability of newspapers, televisions and radios in halls and wings. In Chapter 7, I introduce the idea of utilising illegal mobile phones, providing evidence of how some prisoners access Internet search engines to run media searches on specific prisoners to check, for example, about any inconsistencies in their story. While this will not be surprising to anyone, it is important to note how the example of media coverage and now, newer forms of social media, can increase risks to those in prison. This shows how the outside world occasionally reaches in to shape vulnerability of people otherwise highly isolated from society; it can even change the calculus of staff and of prisoners over who will or will not be targeted.

Sexuality and Masculinity

> *'we have straight, gays, transvestites, we have cross-genders, we have everything throughout all different parts of the prison' (Stewart, Edinburgh)*

> *'not one-it makes not one bit of difference' (Billy, Edinburgh)*

> *'in my opinion it's not relevant, they might end up here on for some other reason, but the sexuality is not relevant in my opinion' (Alan, Durham)*

When asked whether being gay in Durham and Edinburgh was interpreted as a sign of 'vulnerability', staff in both prisons said it was not especially relevant for relocation to the VPU nor protection. Given writing on the hypermasculinity (Ievins, 2013: 19) that prevails in prison, which emphasises heterosexuality and stigmatises homosexuality, I assumed this characteristic would be far more relevant for relocation but in Edinburgh staff said it ranked alongside first timer, physical size, transgender and mental health issues, whilst in Durham staff compared it to other factors including having a known enemy in mainstream or mental health problems, factors that were not particularly relevant for relocation to a VPU. However, although sexuality was not, in itself, a characteristic that warranted relocation, the characteristic did interact with nature of offence, manner in which the prisoner carried themselves and peer perceptions of the individual, thereby emphasising again the individuality of each case:

'Sexuality, homosexual…again, depends on the circumstances, depends on the person and if it was a homosexual or sexual crime. But if it wasn't a sexual crime there's no reason or no need for them to go on protection' (Tosh, Edinburgh)

'homosexual, no, I've put maybe, depends, I've worked with prisoners in the main jail who are gay, and they've managed very well because rightly or wrongly I would say that there's different types of people being gay, you've got a person being gay who you'd never know, then you've got somebody who, excuse my terminology on tape, a camp gay….they would possibly need to go on the VPs, if they have the campness about them, if they're not showing any signs of being gay, not an issue, had some hard lads on cleaners. When I worked on D wing, two of those were gay and the harder lads were frightened of them, because they knew that these lads were hard' (Paul, Durham)

'Sexuality, again, I don't think it's very relevant, um, just because somebody's a homosexual, I don't think they have to be segregated in the VPU, um, if things happen on the main jail where they're getting propositioned or, whatever's happening, then that's a completely different situation, a completely different scenario, that's when you start looking into it but just because somebody's a homosexual then I wouldn't really say they need to be over here' (Jodi, Durham)

'Again, with the lads who are gay, if they're really out there and open about being gay they bump along really quite happily, absolutely fine but I think the ones who aren't quite confident enough to be open about it, possibly the ones that get a little bit of grief' (Jodi, Durham)

Whilst gay prisoners do not need to relocate due to their sexuality alone, a crucial influence is how they are perceived by their peers in mainstream. Although the terminology is crude, Paul is suggesting that prisoners demonstrating *campness* are more likely to be targeted than the *harder lads on the cleaners* of whom people were *frightened*. This to some extent shows how hypermasculinity, associated with perceptions of hardness and a physically imposing presence can persist in prison, even amongst staff, alongside growing acceptance of a range of sexualities. Jodi seems to read the situation very differently, suggesting that one does not seem always to have to follow the outward appearances of the prison tough guy, given that those who are *really out there and open about being gay bump along quite happily*. It is not the characteristic of being gay in itself (which might have been seen as a static factor of risk) that predicts likelihood of relocation therefore, but how an individual carries himself in the establishment, the perceptions of others and subsequently how they are treated, and how staff interpret this. These excerpts therefore also show the extent to which gayness can be contested as a risk factor of vulnerability, whilst it may or may not present a potential risk to *order of the prison*, where Jodi says problems arise due to propositioning or Paul says disorder is avoided because other prisoners are afraid to confront physically tough gay prisoners.

Differences between Scotland and England

In the preceding section, it was interesting to note the identification of sexual offences as the significant factor in determining vulnerability across both Scotland and England. Within this next section, I will show how other characteristics were perceived differently between HMPs Edinburgh and Durham, though I again highlight the sample's limitations given the very small numbers of staff interviewed, especially in Edinburgh. This divergence of opinion relates, in part, to issues of capacity between the two prisons and the integration of all vulnerable prisoners in Durham in comparison to separation of protection into 'offence' and 'non-offence' protections in Edinburgh. The capacity and manner in which protection housing is 'named' actually therefore creates a 'moral economy' of vulnerability, in addition to staff discretion as to who is 'deserving' or 'undeserving', where notions of priority, risk and need become paramount in the assessment and potential classification of vulnerability. As a consequence, the very same prisoner may be classified as 'vulnerable' or 'protection' in one establishment yet not in another.

Debt

Although the data are based on a small number of staff interviews, particularly in Edinburgh, a clear difference exists between the two prisons as Durham staff interpreted being in debt as a much less relevant characteristic of vulnerability and therefore reason *not* to be 'deserving' of vulnerable prisoner status. By way of example, prison debt, as a characteristic of vulnerability was ranked among the least relevant five factors in Durham but among the top seven in Edinburgh.

> *'The other section is filled with some long termers who are waiting for spaces in the south section and your general run of the mill guys who are non-offence protection, issues with offending or alternatively it's because of drug debts, falling out with particular individuals, not carrying out tasks for individuals and organisations, particularly serious and organised crime groups within the establishment' (Stewart, Edinburgh)*

> *'people who shouldn't be on the wing are the ones like I've said before who are running from a debt that they've accrued themselves' (Carlotta, Durham)*

> *'what tends to happens is we start off with the best intentions, which is to manage people who are genuinely vulnerable because of the nature of their offence… it's usually sex offenders, however, they get other people who get themselves into bother within prison, get themselves into debt, fall out with someone, they grass someone up, whatever it is, to almost turn other prisoners against them and make them vulnerable and they then want to be located separately from that population' (Gareth, Durham)*

One of the major reasons for the difference between the two prisons is because Durham's VPU is integrated, that is, it includes those requiring protection for both reasons of offence and those 'own-protection' prisoners relocated for other reasons (see Chapter 2), including debts accrued in mainstream that can't be repaid. Debtors are therefore competing with sexual offenders for a space on the VPU, precious spaces that are in very short supply. As a consequence, a dichotomy between 'deserving' and 'undeserving' clearly emerges in Durham, a moral economy of vulnerability, where the concept is effectively rationed and awarded to those most in need, as interpreted by staff. In Edinburgh, prison staff talked very little about who deserved a place in protection in terms of debtors. One possible explanation is that Edinburgh has separated out its offence and non-offence protections into two full halls or units, whereas Durham's VPU is a single wing. Moreover, having specific housing for non-offence protections not only means there is less pressure for spaces but it, arguably, also creates a local cultural understanding that people can warrant protection for reasons besides their offence, including getting into prison debts. If what amounts to a designated space for debtors 'at risk' normally exists in HMP Edinburgh then, it is no surprise that Edinburgh's staff interpreted debt as a more relevant, justifiable reason for relocation than Durham's, whose staff believed debt was not a characteristic deserving of a space on a vulnerable prisoner unit because prisoners had brought these problems upon themselves. The characteristic of debt was therefore much less relevant and commonplace in their minds and should, in theory, only be a determination of vulnerability in exceptional circumstances.

In addition to a prisoner's need of protection *from* those in mainstream, staff in HMP Durham had to give more consideration as to how debtors would impact others already living on the VPU. Here again, there's a difference in decision-making between prisons because staff in Durham are assessing how debtors will interact with the vast majority of prisoners constituting the VPU, namely those with sexual offences. Although Edinburgh staff still carry out assessments of how debtors will impact their new protection locations, their potential interactions or risks they might present were much less a concern in Edinburgh, precisely because of the separation between offence and non-offence protections. Debt in prison is therefore a characteristic that provides an interesting contrast between Edinburgh and Durham; although staff talked about evaluating each case on its merits, in Durham, there was a moralised discourse given to debtors, an economy of vulnerability, influenced by the capacity of accommodation and a penal management decision to integrate, rather than separate out, those imprisoned for sexual crimes with, amongst others, debtors.

Victim of bullying, threats and assaults

Overall, staff in HMP Edinburgh interpreted bullying and victimisation as more relevant for a move to protection than did their English counterparts in HMP Durham, a ranking that appears to correlate to how debtors were also seen by staff in the different prisons. In Durham, getting victimized in mainstream and accruing debts were both ranked similarly in that they were both seen as 'irrelevant' for relocation to the VPU. A prisoner in mainstream may be victimized because of debts accrued and so this may explain why staff in Durham saw the two, separate characteristics as inter-related, a moral discourse therefore applied equally to victimization, bullying and debts. In Edinburgh, the two characteristics were also ranked alongside each other but, this time, both characteristics were viewed as 'relevant' for relocation to protection, perhaps reflective of a moral discourse much more accepting of protecting those victimized for debt related reasons. There was a broad range of individual opinions in both prisons, however, but a consistency across both establishments was the likelihood of relocation to protection and VPUs corresponded to the severity of the bullying. In most cases, perpetrators or victims of bullying were moved to alternative mainstream wings in Durham and halls in Edinburgh, rather than be relocated to protective housing specifically.

> *'If they've been assaulted or they've been threatened or bullied. That's not a reason to go straight to protection'* (Tosh, Edinburgh)

> *'I would say that's pretty high up and that would be one of the main reasons that we would probably be looking at non-offence protection or the prisoner would be looking for non-offence protection'* (Stewart, Edinburgh)

> *'Victim of bullying, threats, assault, yes, it's definitely relevant but it would all hinge on what the investigation threw up and, if the wing CM (custodial manager) and the VPU were in agreement'* (Gary, Durham)

In the quotes above, Tosh and Stewart reflect a broad opinion as to whether being a victim of bullying renders a prisoner so 'vulnerable' as to require relocation to protection within HMP Edinburgh. In Durham, Gary's view, above, was a total outlier compared to other staff, where he states bullying is *definitely relevant*. It is notable that Gary held a specific post in the prison, not as a wing officer on the VPU but rather a role where he was responsible for investigating bullying within the institution, with the aim of resolving disputes. As he deals, on a daily basis, with debts, victims of bullying in mainstream and resolutions, relocation to the VPU is a resolution or option that is, arguably, uppermost in his thinking and therefore a highly relevant characteristic of vulnerability. At the same time, he has no responsibility for managing either the (limited) capacity or people in the VPU and so does not factor this into his ranking. Although this is just one small example,

it shows the potential for the particular role of a staff member to influence how they perceive vulnerability, and it is striking that those who work in the VPU and protection, as with Tosh and Stewart above, had such contrasting views.

Bullying can be seen as a space management issue, with people being moved about to manage the issue within the main parts of the prison rather than being identified for relocation to protective housing. The theme of vulnerability being a space management problem comes out in these staff comments:

> *'ok, so, victim of bullying, threats and assault, I've put as a 3, um, this is because basically, bullying happens everywhere, so even if they moved onto here it wouldn't stop the bullying. However, if they're getting bullied on a specific wing, we also have 3 other wings that they can move to. So, if they're getting bullied on D wing, we can move them to B wing, we can move them to C wing, we can move them to A wing, so bullying threats and assaults, they happen on a daily basis, so if we were to say to everyone that gets assaulted, everyone who has threats made against them and everyone who gets bullied moves onto the VPU, we would have a jail full of VPs, which wouldn't be ideal' (Teddy, Durham)*

> *'victim of bullying, threats and assault, I've gone for maybe 3, depending upon the severity, it might be the only place that you can put them until they get shipped out, if they've got issues on every wing in the jail, you're left with little choice as to where you can put that prisoner, VPs might be the only option, it wouldn't be the ideal option, but it might be the only choice you've got' (Paul, Durham)*

If vulnerabilities can be managed through a variety of relocations to alternative accommodation, then there is less need for recourse to protection and VPUs. Whilst relevance of this characteristic for relocation might divide staff opinion, most staff agreed that movement to other wings, halls or prisons was a preferred and generally easier option. VPUs, with their limited capacity and more specific population become the last resort or *only choice*. The quotes above offer further signs that some familiar dimensions of vulnerability in prison cannot always be managed in the housing dedicated for the vulnerable, because if everybody who was bullied was treated as vulnerable, it *would be a jail full of VPs*. In other words, vulnerability is not governed by an objective classification or even one that is just about subjective staff decision-making, but also involves an element of space management, which contributes to an understanding of vulnerability as something which is rationed in prison. This point comes across clearly in the final section of this part, below, which talks about the factors that, somewhat surprisingly, are not considered by staff to be relevant in assessing someone's vulnerability.

Transgender prisoners

Although staff at Edinburgh and Durham universally said being gay was not a flag for protective housing, there was a marked difference of opinion when it came to transgender prisoners. This was the one factor that Durham staff rated more highly as a reason for protective relocation compared to Edinburgh. In Durham, being a transgender prisoner was interpreted as both a sign of vulnerability and relevant to relocation. In Edinburgh, being transgender was categorised as less relevant to vulnerability than many other factors but, again, I emphasise the small sample size in Edinburgh. It is notable that there are very different approaches to gender identity in the Scottish and England and Wales prison services. In Scotland, the authorities drafted a gender identity and reassignment policy in collaboration with the Transgender Alliance, while in England there have been several high-profile cases of harm to trans women prisoners due to being housed in male prisons (Armstrong, 2019).

Common ground existed in both prisons, however, in terms of systems *coming to grips* in dealing with a new characteristic of vulnerability, evidence of the dynamic nature of the concept. A lack of experience of dealing with transgender prisoners meant that, in both prisons, many staff at a senior level were involved in decision-making processes. Both sets of staff explained how decisions were made, noting here again a capacity logic where putting transgender prisoners into protection or the VPU was sometimes putting other potential protection and vulnerable prisoners at risk (who would lose out on this space). Striking this balance and knowing where to locate transgender prisoners safely appeared a real cause for concern.

> *'The difficulty we have with transgender prisoners is that this is something that Scotland is just really coming to grips with and we, up to a point, have managed it particularly badly' (Billy, Edinburgh)*

> *'the big one lately, has been the transgenders because Durham had no knowledge of them, had no experience of them, so when they came in there was policies being pulled from everywhere, how you search them, how you don't search them, what clothes they can wear, what make up they can have, backtracking because everybody was scared of litigation there, if we didn't call them she, rather than him, oh it was crazy, you know' (Teddy, Durham)*

According to some staff, both Scottish and English Prison Services have limited experience in working with and addressing the needs of transgender prisoners, evidence of how prisons are constantly adapting and responding to evolving vulnerabilities, risks and needs. Transgender prisoners presented a range of challenges according to staff. On the

one hand, they faced risks from other prisoners, both in mainstream and even from those in protective housing:

> *'And requested non-offence protection status only because she was frightened that she may be assaulted in the mainstream area' (Billy, Scotland)*

> *'but the prison took the stance that we don't know how the mains are going to react to a transgender, so we don't know, you could be assaulted or anything, we don't know, so they didn't want to take the risk, which is why they pulled her on here (Celine, Durham)*

> *'We've also had transgender prisoners on here who are vulnerable in the main jail but who equally are at risk on here because we have some very manipulative, dangerous predators even, so then there has to be a risk management plan on how we then keep them safe on here' (Celine, Durham)*

On the other hand, some staff clearly felt trans prisoners presented a risk *to* others:

> *'now the transsexuals, every one of them has come on here but one of them we got rid of because she wasn't suitable for here' (Celine, Durham)*

> *'there's one that sticks out at the moment because we actually removed a prisoner from non-offence protection area because that prisoner was -the prisoner was a transgender prisoner who is probably the most manipulative thug that I've ever come across. Whole career…the number of self-harm incidents, the number of individuals who were out of their faces with NPS, the number of individuals who were all being assaulted, all due to her activities' (Billy, Edinburgh)*

As part of the decision-making process to relocate, prison staff weigh up both risks to and from transgender prisoners, especially as the most vulnerable within the establishment already reside in protection and VPU areas. Celine describes an individual who was deemed *not suitable for here,* namely F wing, the VPU in Durham. The prisoner in question was described as being able to *survive very comfortably* in the *main jail* precisely because she *has done a lot of jail*. Celine sees vulnerability as an issue that surrounds transgender prisoners but shows how the amount of time in prison can interact with a person's fixed gender status to produce a changing level of risk, in this case as the trans prisoner has become very familiar with mainstream prison over a life course, prior to as well as following their transgender status.

In the Edinburgh quote, Billy is describing removal of a transgender prisoner from the non-offence protection area in Ingliston due to negatively influencing already vulnerable prisoners housed in the hall. This provides a good example showing how order *within* specialist housing also presents challenges and arises from the differing bases of

vulnerability of prisoners in protection. There already has been research on the dynamics within special populations in prison, (Ievins 2013) so that does not need to be developed further here. Instead, I make the point here to underline that moving a prisoner from mainstream to protective housing has knock-on effects for how vulnerability is managed within protective environments. This could play into staff views about the legitimacy of different prisoners' claims to vulnerability, the focus of this chapter. For example, as one Scottish officer puts it:

> *'The ones [trans prisoners] that we had in here is a violent thug, for want of a better word and we have to try and manage that. And it's not a matter of managing the transgender status. It's a matter of managing a dangerous thug' (Billy, Edinburgh)*

Policymakers have had to respond to a small yet increasing number of transgender prisoners within both England and Scotland, managing high rates of self-harm and suicide amongst this group (Prisons and Probation Ombudsman 2017), with associated media scrutiny. Increasing numbers of trans prisoners who may be at risk of harm from others or from themselves have resulted in changes to policies to manage their care, according to staff in Durham. Both staff in Durham and Edinburgh were sceptical of blanket application of policies in which all transgender prisoners are treated as vulnerable and at risk from either themselves or others, so must therefore be managed in protection and VPU areas. As Billy comments, some trans prisoners are the opposite of vulnerable instead putting other v*ulnerable individuals* at risk. It is interesting that in this case he separates the trans status from what he feels is the more relevant quality of being a *dangerous thug*.

Known enemies and gang affiliation

For both Edinburgh and Durham, having a known enemy in the prison or being affiliated with a gang were not seen as strong identifiers of vulnerability requiring protective housing, although again depending on the circumstances it could be.

> *'unlikely to be relevant in my eyes, as I say we've got 5 wings' (Alan, HMP Durham)*

Individual assessment of circumstances, supported by security information, systems and communication between wings or halls is vital when trying to keep enemies apart within prison. Part of the explanation for why staff ranked this characteristic in a neutral manner is because prisoners with known enemies can be managed in alternative ways, rather than taking up precious space in protection or VPUs. As previously mentioned, it depends on severity of threat but a prisoner at risk has *5 wings* that he *could move round*

to avoid contact with enemies. This highlights the ways that vulnerability, or at least risk of harm in prison, is managed as a space capacity issue. It also raises questions about whether VPUs in England or protective housing in Scotland do anything more or different than merely separating some prisoners from the main population of a prison. This issue will be re-visited in the Conclusion and was discussed to some extent in Chapter 2, where I explained how VPUs were developed in response to a particular perception of a problem group, where sexual offenders could participate in a fuller regime at HMP Shepton Mallett rather than face severe restrictions whilst living under Rule 43 conditions.

Having a gang affiliation, leaving aside the contested nature of the concept, was managed similarly and in fact was often seen as the same issue as having an enemy in prison.

> *'gang activity, again, I wouldn't really say that that was very relevant, if somebody is in a gang, they'd want to be in the main jail more than anything, so I wouldn't really say gang activity, and it's kind of like a therapeutic environment on here and that would completely disrupt what the staff are trying to do on here, so I don't think anybody for gang activity'* (Charley, Durham)

Charley's comment is typical of most staff in both Edinburgh and Durham on the issue of gang activity, in terms of it not raising a red flag as a determination for vulnerable prisoner housing. In this quote, though, Charley alludes to the VPU having a greater purpose than mere separation, a purpose as a *therapeutic environment* that a gang member *would completely disrupt*. Staff rarely talked about this special environment in either Scotland's protective housing or England's VPUs but it is important to note how staff did see these wings not only as separate but also different. If nothing else, staff in both places did talk about the ambiance and people within protective/vulnerable housing often as quieter and more passive (see Chapter 3), so bringing in those prisoners perceived to be in gangs would change the dynamic. Of course, this is not to say that some prisoners affiliated to particular gangs are not at risk from others in certain establishments, though relocation to a VPU or protection would be negotiated between prisoner and staff and on a case by case basis.

Factors not considered relevant in either Scotland or England

In this section, the focus turns to five characteristics that were not seen by staff as meriting a space on the VPU in Durham or protection units in Edinburgh, namely first time in prison, poor mental health, personality characteristics, risk of self-harm/suicide and physical size. These factors were not rated highly in isolation but are more relevant when

tied to other characteristics where, for example, a first-time prisoner remanded on a sexual offence or an individual who is victimized due to poor mental health may be more likely to be classified and relocated to protective housing. However, even in isolation, prison sociology literature has identified the increased risks of victimization faced by those unfamiliar with prison life or those with poor mental health (see Chapter 3) and who are at risk of self-harm and suicide. It is therefore surprising these characteristics tend to only be seen as vulnerabilities and risks to the 'self,' rather than qualities that increase risks from others. As a consequence, a different set of responses are employed by staff, namely providing extra support to first timers, utilising mental health nurses and adopting Talk 2 Me in Scotland and Assessment, Care in Custody and Teamwork (ACCT) strategies and processes. In effect, these responses aim to support the prisoner, whilst keeping them in mainstream or, in the most severe mental health cases, in healthcare, rather than relocating and using up places which are perceived as precious within the VPU or protection units. This issue of capacity is part of the reason why a moral economy is placed on the concept of vulnerability, as those who are first timers, suicidal or physically weak, are not deemed to be high enough up the hierarchy of vulnerability and therefore deserving of this status. Vulnerability is therefore rationed as a concept by prison staff in both Edinburgh and Durham, influenced by a range of factors, including how the protective housing is 'named', its capacity and who staff interpret as most at risk, in need or deserving.

First time in prison

It is well known that going to prison for the first time raises suicide and self-harm risk (Prisons and Probation Ombudsman, 2016) and yet, this factor was seen in both Edinburgh and Durham as almost irrelevant in making determinations of vulnerability or relocation from mainstream.

> *'I think a lot of people come in, can do their time, do it mainstream. I would say that [being in prison for the first time is] pretty low…people come in with an expectation and probably find prison very, very daunting but maybe not just as bad as maybe what they first thought, depending on where they are and a lot of time first timers, I think, cope, maybe is the word.' (Stewart, Edinburgh)*

> *'If it's a first time in prison, I wouldn't say it was very relevant, um, we get quite a lot of first timers, and, like I said early on, unless they display exceptional circumstances where they think, actually 'I'm not going to survive in here, or this is going to happen or that's going to happen or we identify any reasons why we believe they should be on here, we'll move them over here, so, no I don't really think that one's very relevant' (Charley, Durham)*

> *'Somebody who's not been in prison before, we would try and push them through intae one of the better areas in mainstream, ye know, like one of the more settled areas. Depending on the length of sentence they're doing, it's difficult to do yer time in non-offence protection because it's a very limited regime. … But sometimes it's down to prisoner's choice. If they're saying, no I'm definitely going in there then we would try and take that on board.' (Stewart, Edinburgh)*

As with many other characteristics of vulnerability, it is the individual circumstances rather than fact of being a first timer that are most relevant. Without analysing every characteristic, a first-time sexual offender, police informant or former police or prison officer is much more likely to head to protection or VPU than a first-time violent offender with a strong character who does not have any enemies. In other words, all people who go to prison will have been a first-time prisoner at some point, and because of this universal characteristic it might well be impossible to allow this to act as an automatic flag of vulnerability. If some first-time prisoners find the experience less *daunting......as what they first thought* and are able to *cope* then there is little reason for them to move to protection or the VPU. First-time prisoners might be *pushed through intae one of the better areas in mainstream,* which saves recourse to protection or a VPU area if an individual feels comfortable enough to settle in mainstream. However, I have argued throughout this research that vulnerability is a dynamic concept and prisoners, including first-timers, can become vulnerable very quickly, in a matter of moments and for a variety of reasons.

Poor mental health

As with being a first timer or early in one's prison stay, having poor mental health is a strong predictor of self-harm and suicide in prison (e.g. PPO, 2016), but was seen as almost entirely outside the factors which would lead to someone being classed as vulnerable for purposes of protective housing.

> *'Absolutely not' (Stewart, Edinburgh)*

> *'It's not a case because they've got mental health issues ye're going on protection' (Tosh, Edinburgh)*

It became clear that staff felt, first of all, poor mental health is an issue that could arise for anyone in prison, no matter their classification; secondly, the main purpose of vulnerable housing was not seen as addressing mental health issues:

> *'I don't really think this wing can offer anything more than what the main jail can for somebody with mental health problems. I think you are offered*

the same around the whole jail, so you can work with mental health anywhere and I don't really think somebody with mental health problems or physical health problems should be here' (Charley, Durham)

'Maybe, depends on circumstances again in my opinion because, like I say, and I'll keep going back to it, it is a vulnerable prisoners unit not a sex offenders unit, we have had some of the more vulnerable due to mental health on here in the past, so it would depend on circumstances' (Charley, Durham)

'I've just thought of something now when you say the mental health issue and personality disorder, we have I wing for that, that's not a VP wing, we have I wing for that, that's not a VP wing, that's a mental health issue' (Teddy, Durham)

'we've got I wing which tends to be the catch all for that.' (Gareth, Durham)

As Teddy and Gareth state, HMP Durham has I wing, a specially designated unit for those with serious mental health problems and *personality disorders*. These quotes re-enforce how the purpose of a VPU is to protect individuals who are vulnerable from others, rather than to house those who are vulnerable or a risk to themselves. However, as Charley explains, there may be occasions where prisoners dealing with mental health problems are transferred to the VPU, given it is perceived as a quieter, more stable wing where individuals in crisis can be supported in a safe and caring environment. It is difficult to say with any certainty, whether Durham staff ranked 'mental health' so low because of the existence of I wing, but this alternate specialist housing can provide relief from demand for spaces on the VPU. As no similar wing exists in HMP Edinburgh, prisoners in mental health crisis and 'at risk' from others will most likely move to healthcare, to Ingliston, the non-offence protection hall or be managed in mainstream. How prison managers choose to divide up and name their accommodation therefore has an impact on which sort of prisoner ends up there, partly by providing a knock-on impact on other areas of the prison, just as spaces available in I wing impact indirectly on the need for prisoners with severe mental health problems to head to the VPU. Vulnerability as a concept is therefore rationed by both people and space.

Previously I argued that perceptions of vulnerability can be influenced by the particular role within the establishment that staff perform. In a similar vein, previous personal and life experiences of staff may influence perceptions of vulnerability. For example, all but one staff member rated mental health as being one of the least relevant factors in assessing someone as vulnerable. However, one staff member rated it as most relevant, and through conversation with this individual he disclosed his own significant experience of mental health issues.

Self-harm and suicide risk

Risk of suicide can be interpreted as a mental health issue and, again, staff in HMPs Durham and Edinburgh did not rank this as a highly significant factor for relocation. The main reason for this, across both establishments, is that suicidal prisoners are managed under specialist policies and procedures to address the risk of suicide, rather than heading down the protection and VPU routes. However, other interesting issues emerged in their comments:

> *'I'd say that's a 5 [on a scale of 1 to 5 with 5 being least relevant]. He wouldnae get put on protection cos he's a suicidal risk…he wouldnae be put onto protection….that'd probably be detrimental to his mental health if he's doing that, putting him into an area that he didn't want to be, so it'd probably be making him feel more suicidal and more at risk if you were to do it that way' (Tosh, Edinburgh)*

> *'no. That's not a reason for protection…. anyone can be a suicide risk' (Stewart, Edinburgh)*

> *'suicide risk, no, that's not relevant to placing them on a VPU' (Gary, Durham)*

> *'other than your really, really vulnerables, your woozy cannae copes who would probably have already been managed under Talk to Me anyway. You'll already have addressed the issue of protection with them because they're likely to have presented a risk of self-harm. So you would manage them under the self-harm policy and then you would introduce the protection thing and do it that way. Which is where the staff would be approaching a prisoner about protection as opposed to a prisoner coming to us and asking for protection' (Georgia, Edinburgh)*

Not only is protective housing not the right place for those at risk of suicide, Tosh, felt that it would actually increase their risk. This is interesting in itself, illustrating the extent to which being in specialist housing is not a cure all: it may involve being housed with people who some staff have described as predatory, or who have convictions for distressing crimes that a suicidal person may have been a victim of, including sexual abuse, as highlighted in the case study of an HMP Durham prisoner in Chapter 7. Moreover, it suggests that being in protective housing is itself a stigmatising experience and creates an association that is not desirable for a prisoner. This is an issue that came up at the edges of conversations with staff, and was certainly reflected in the views of prisoners (see Chapters 7 and 8) and was previously highlighted in Chapter 3. As more of these comments accumulate, I move in the conclusion towards suggesting how a designation of vulnerability itself, being labelled so by staff and being housed in VPUs and protection, can create further vulnerability.

Physical characteristics

> *'I've seen small, tough blokes…on the other side of the coin, we've got a couple of really big giants on level 3 offence protection who you think could certainly go on elsewhere, but they don't' (Stewart, Edinburgh)*

> *'Physical size has absolutely nothing to do with it, there's somebody on A wing whose about 4 foot 10 … to be honest, the smaller somebody is, I think the easier it is for them in the main jail because people feel sorry for them and take them under their wing, so I don't think that's anything to do with it' (Charley, Durham)*

In both HMPs Durham and Edinburgh, physical size was not interpreted by staff as a reason to be relocated to specialist housing, though this has not always been the case, certainly in Durham. Acheson (1994) gives an account of a document by a Governor in HMP Durham listing qualities of the vulnerable prisoner, which then led to a checklist, including physical size as a characteristic of vulnerability. The intention of the Governor was to 'close the door' on debtors gaining access to the unit (id.) and, to my mind, the current attitudes of VPU staff towards debtors as 'undeserving', might be traced to this attitude within Durham from the early 1990s. Through the ranking system, if a prisoner did not score highly enough, then they had not reached a threshold of vulnerability and, as such, would not merit a place on the VPU. Although the author ranked physical size as much less important than offence or informant status, he obviously thought it a characteristic worthy of attention. A small physical stature can also be of use in a mainstream population, where Charley, above, suggests that some prisoners *feel sorry* for *smaller* individuals, taking *them under their wing* and thereby offering them their own form of protection in terms of friendship in mainstream populations.

> *'You'd go and see them and they'd say I'm getting spat at on workshop moves … um, one of them, I said, for God's sake, shave your hair, just shave your hair off because you look like, you know he had long curly hair, he was older I would say 40s, long curly hair, I says, I can't do anything to protect you, I can't escort you up to work' (Carlotta, Durham)*

> *'where unfortunately, if a 55 year old man comes through reception tonight and he's a little potbellied, grey haired, convicts will look at him and so will staff and say VP him, sex offender, now they're not always right and you look and like "fucking hell, he's embezzlement or drunk driving or dangerous driving or death by dangerous driving" but they'll be like "he's a fucking nonce, him" and then, all of a sudden, so that can be very and then all of a sudden, when they convince themselves...' (Teddy, Durham)*

Academic literature focusing on prison masculinities references how prisoners craft certain appearances in order to stay safe (Sloan, 2016); some prisoners however have appearances that portray an air of vulnerability, which may place them 'at risk' of

bullying and assumptions about their offences. In the first quote, a VPU officer relays a story about how she suggested a prisoner *shaves his hair* because he stood out in the main jail. The officer was criticised for suggesting this, but Carlotta argues, with the support of her manager, that staff have to provide the best advice and help they can, in order to help a prisoner, stay safe. This example illuminates my research question about how staff identify and manage 'vulnerability.' In the second quote, Teddy, explains how stereotypes surround sexual offenders, in particular, paedophiles, where if a *55-year-old…potbellied, grey haired* prisoner *comes through reception,* other prisoners and *staff* will automatically think that he is a *sex offender*. The same officer also expressed how Durham has several prisoners with some really serious facial disfigurements who are then bullied for their appearance, targeted as '*freaks*'. Whilst physical size and appearances may therefore render some individuals as more 'at risk' of bullying, these factors in and of themselves are not a reason to be relocated to the VPU in Durham and protection areas in Edinburgh.

Personality characteristics

> *'if they cannae cope outside, they haven't got a hope of hell in coping in here'* (Georgia, Edinburgh)

> *'you have some lads who, what's the word, they're vulnerable people outside in the community so they're going to be vulnerable people in here, so we do get quite a few, if they're not coping at all in the main jail, we'll get them as well, I mean we've got a lad on at the minute whose deaf and they've been using him to test the drugs on and he's been moved to every wing and they've done it on every wing, they've been testing the drugs on him, so now we've got him'* (Carlotta, Durham)

> *'possibly, you know, depending each case on its own merits that if somebody's not coping particularly well, the eventuality is that they would create enemies and the enemies you know would build and build to a point where we'd need to try and keep that person as safe as we can. Now whether that be a transfer out tae another prison but probably the process starts again and generally they would end up, could end up in non-offence protection'* (Stewart, Edinburgh)

> *'It depends on the circumstances. If they're shy and not fitting in, is that gonna lead to sorta bullying? Getting medication and stuff like that taken off him and then who's to say that if they go onto the protection, they're not gonna have the same problems when they go on protection. Let's face it, protection isn't all singing, all dancing and everything roses* (Tosh, Edinburgh)

> *'So even if he'd been in for something that wasn't a VP offence, they'd have assumed he was, just because of how he presented, I mean, very little and mouse like. I mean, he had been identified to go to VP there was just no spaces unfortunately'* (Jodi, Durham)

A shy, timid prisoner unable to defend themselves from verbal or physical threats may also need to be moved to protection or VPU, but each case is assessed on *its own merits*. Some prisoners are *unable to stand up for themselves* which can then lead to bullying, *getting medication…taken*. The situation can then develop where *enemies* are created and a prisoner is unable to cope. However, a prisoner who is being bullied will not automatically move to a VPU or protection as either the aggressor will be moved or the victim will be transferred to another mainstream wing, hall or even establishment. It is interesting here that the prisoner becomes vulnerable because of how well or badly he fits in or copes with prison. This shows how vulnerability can arise through being in prison in the first place, and rather than talk about this in terms of the safety of the prison environment or the duty of care to all prisoners, it is articulated in terms of the qualities of the prisoner himself. Again, the availability of space impacts as HMP Durham does not have a separate non-offence protection area where prisoners who are being bullied on every wing in mainstream can be easily placed, as per the example cited by Carlotta above. The availability of space governs who can be managed on the VPU or protection and, as such, there is a moral economy of vulnerability based on priority, risk and need, further influenced by staff subjectivity and availability of spaces.

Summary

In the first half of this chapter, I began by highlighting how sexual offences, irrespective of victim, was the characteristic of vulnerability most likely to be classified and managed within protective housing in both Edinburgh and Durham. Thereafter, I analysed how what is deemed 'at risk' or vulnerable can change through, for example, non-sexual crimes against women and the elderly, offences which may have once placed a prisoner 'at risk' but which, certainly in HMP Durham, can now be circumnavigated if the individual prisoner has protective relationships within mainstream populations. In addition to the influence of specific crimes upon the decision-making process of staff, I also analysed how a prisoner's prior experience within protective housing, their sexuality and both traditional and more contemporary forms of media can also impact the way staff assess a prisoner's case for relocation to the VPU or protection. Thereafter, the focus turned to the differences between Edinburgh and Durham when assessing vulnerability, variations that are, in part, a consequence of the designation of penal space. By Durham integrating all its vulnerable prisoners and Edinburgh separating out its offence and non-offence protections, a moral economy of vulnerability is created. This moral economy is clear, similar and straightforward between the two establishments, for example, when relocating sexual offenders but more blurred for other 'at risk' prisoners, namely those debtors who are deemed 'undeserving' in Durham, precisely because they are competing

with sexual offenders for precious spaces and have brought their problems upon themselves. As there is a larger, overall protection capacity in Edinburgh (See Chapter 2, situating the field sites) and a specific location, namely Ingliston, the non-offence protection unit where debtors and non-sexual offenders can be housed, the moral economy appears less rigid and restricted than in Durham. It can be argued that the smaller the VPU or protection space, the more rigid and restricted the criteria for relocation will be but, here, I want to make the point that vulnerability, as an official status and classification that confers certain protections, is rationed by staff. It is the size of the penal space, whether a distinction is made between offence and non-offence and the normative, established staff cultures of 'deserving' and 'undeserving' or 'ideal types' that determines to what extent the concept is rationed.

The final point to make in this section concerns the stigmatisation of those prisoners classified as vulnerable and relocated to protective housing, a stigmatisation that ensures that most remain in specialist housing, unable to return to the mainstream for fear of assault given their new found status. The irony is that through the development of vulnerable prisoner and protection units to better manage 'vulnerability,' staff have actually created a system and a label that can permanently stigmatize, therefore contributing to the creation and maintenance of further vulnerability, the very concept which specialist housing is supposed to alleviate. It is from the theoretical to the more practical that this chapter now turns, as I analyse exactly how staff manage a vulnerable prisoner within HMP Durham, with some supporting insights from HMP Edinburgh.

PART II: HOW VULNERABILITY IS MANAGED

As discussed in the first part of this chapter, there was widespread understanding amongst staff about the factors governing *who* should be housed in protective spaces – with a focus on particular offences and where additions were made on a case by case, discretionary assessment of other factors. In this part of the chapter, I will begin to focus more on *how* vulnerability is managed and negotiated. I focus on HMP Durham where I conducted more extensive interviews with staff and spent more time walking around the VPU and wider prison. These reflections provide an opportunity to further illustrate understandings of vulnerability and how these influence the decision-making of staff, amidst the bureaucratic processes involved in relocating a prisoner to specialist housing. This discussion examines the different stages of decision-making for the prisoner seen as the primary target for vulnerable prisoner housing – the one convicted of a sexual offence. By focusing on this prisoner, the 'ideal type' that staff in both Scotland and England identified as vulnerable in prison, I can begin to focus on processes of

management of vulnerability within prison. The discussion will also reveal how staff's understanding of vulnerability compares with the views of those seen as most vulnerable: do these prisoners accept this label, challenge it or seek to avoid it? This issue is then picked up in subsequent chapters.

The discussion organises staff perspectives on their sense of the purpose of VPUs and how this stacks up against actual practice, specifically focusing on the crucial early days of arriving into prison, (see also Chapter 6 for prisoner perspectives of journeys to and within prison). I then identify several key emerging elements as to how vulnerability is managed. For example, I will analyse some of the factors that influence how quickly a prisoner is relocated to F wing, including the availability of spaces, communication between staff within different parts of the prison and external agencies, and risks and needs of the prisoner in question. This reveals a process where being assessed as vulnerable is a mixture of contingent and negotiated factors but also longstanding ideas of what this status means. Surprisingly, my interviews with staff uncovered a theme where those with sexual convictions who were unable to initially access the VPU, were provided with 'cover stories', that is, they were effectively encouraged to lie about their offences as a way of managing their safety in prison.

Much of the following discussion is indeed still relevant to Scotland but I have chosen to focus on Durham because I was able to interview a greater number of staff there who worked over a much broader cross-section of the prison, namely from reception, the first night centre, mainstream and VPU wings, whereas my Edinburgh interviews were mainly limited to prison managers. To help with understanding the process in Scotland, I have reproduced a document in the Appendix section, published by the Scottish Prison Service and used by HMP Edinburgh showing the management of protection prisoners, from the moment they are first identified until their physical relocation. In my discussions below about the importance of communications from police, courts and Geo-Amey custody officers in Durham, this vital communication process applies equally to Edinburgh and other prisons in Scotland. Likewise, the reception process and first 72 hours, where the early identification of individuals who might require the VPU in Durham is made, is also a crucial period of time and induction in Edinburgh, as it is for all other busy, local prisons throughout England and Scotland. As suggested in the first section, penal space is a determinant of vulnerability in both prisons but there are other similarities too, most notably as decisions have to be made very quickly and on the basis of priority, risk and need. The provision of cover stories to prisoners charged with sexual offences, whilst awaiting a place in specialist housing, was also a surprising theme to emerge across both penal spaces.

The purpose of VPUs in principle and practice

> *'A lot of people say 'well we went 15 years non-inclusive, it always worked, in my opinion, it didn't work, what you had was you had VPs who wouldn't come out of their cell, who were living on their canteen and stuff and they wouldn't get showered and they wouldn't go the chapel, they wouldn't come out, so it was a fallacy that it was working (Teddy, VPU Officer)*

HMP Durham has operated a vulnerable prisoner's unit (VPU) for approximately the last five years, initially on C wing and B1 landing but then on F wing, from April 2017, as highlighted in Chapter 2, Setting the Scene. Prior to the existence of a VPU however, the prison operated a so-called 'inclusive' regime, where all prisoners, including those with sexual offence convictions, were housed in mainstream wings. Some establishments in England and Wales still operate an inclusive policy but, according to staff these integrated regimes did not work as 'VPs' (vulnerable people, i.e. those with sexual offence convictions, for example) isolated themselves and were therefore unable to fully participate in mainstream prison life. Currently, this group of prisoners is therefore managed and housed in the VPU, and staff were generally supportive of the current arrangement. It shows how VPUs were conceived with a very specific group in mind and for a very particular reason, even though it is not stated anywhere in prison policy that such units are exclusively for those with particular offences.

As Paul puts it:

> *'it's a gentleman's agreement, we want sex offenders…we're there for those who are genuine adults in custody that need safeguarding' (Paul, HMP Durham)*

Although prisoners can request relocation to F wing it is, ultimately, a decision-making process that belongs to staff and I believe these individual staff decisions must be analysed within a broader context, namely the collective attitude within Durham that 'vulnerability' equals sexual offence conviction, over and above everything else. Indeed, I imagine that new staff recruits into Durham are 'socialised' into this way or 'norm' of understanding vulnerability. In the quotes above, Paul references *a gentleman's agreement* as there is no single policy that says those with sexual offences are always to be prioritised above all other people with potential risks to their welfare or vulnerability issues; that this is the widespread understanding of who VPUs are for. This focus puts those with sexual offence convictions at the centre or top of the rankings, which could, arguably, be discriminatory and to the detriment of other vulnerable prisoners 'at risk' and left to fend for themselves on mainstream wings. These other qualities of vulnerability, as was shown in the first part of the chapter, have to compete and be

compared to a particular conviction before being adjudged to fit the requirement for special housing.

The prevailing attitude among Durham staff was that 'own protection' (OP) prisoners, i.e. where the vulnerability was not based on offence (see Chapter 2) were 'undeserving' of relocation to the VPU, especially if they were only looking to escape repaying accrued debts from mainstream wings, as discussed above. Whilst every staff research participant expressed how those with sexual convictions needed to be protected, each interviewee, at some point, explained how debtors were responsible for their own misfortune and were therefore 'undeserving' of a place on F wing. The high demand for VPU places amidst a lack of space and the negative influence exerted by 'own protection' debtors on the genuinely vulnerable on F wing were also commonly held views as to why the unit should not mix different types of prisoners. Such individual and collective opinions expressed about 'undeserving' prisoners underly my claim of a moral economy of vulnerability at work in Durham. In speaking with admissions/reception staff, this hierarchy was apparent, and it is as if new recruits to Durham prison are socialised into a homogeneity of thought that suggests prisoners 'at risk' of attack are 'less deserving' of protection when this is perceived to be due to their own actions; they are therefore not seen as vulnerable.

In deciding that someone has made themselves vulnerable (by accruing a debt, as a common example), prison staff in Durham seemed to discount the fact that one might also say this about offence-based vulnerability: a person made a choice to commit a sexual crime and this is why they are in prison. Instead, the concern of staff is about who is in prison already, suggesting a focus on managing the populations within by applying a moral economy of desert that does not apply to those outside of prison. Some of the following comments get across the idea that vulnerability is something which is to be managed and rationed:

> 'criteria's got to be good' (Gareth, Durham)

> 'we're trying to become a little bit more robust with our management' (Carlotta, Durham)

While in principle there is strong consensus about who VPUs are really for, how this works in practice revealed a range of claims. The following staff comments show this:

> "We have a VPU, which is offered to prisoners in reception if they are charged with a sexual offence, it's an automatic' (Celine, Durham)

> *'if they notice their offences when they're coming through reception, they should offer them VP status' (Carlotta, Durham)*

> *'so staff in reception who will interview a prisoner, don't tell anybody what you're in for blah, blah, blah, we have a VP unit at Durham, if you want to, when you get down to E wing you've gotta ask them to go on there, if you don't ask, you'll just end up in the main jail, you have to ask for protection' (Teddy, VPU officer)*

Given the widespread view that those with sexual crimes convictions are at significant risk of harm in prison, it is not surprising that Celine said all new prisoners with this background are *automatically offered* 'vulnerable prisoner' status in reception. If prisoners are offered the VPU they can either accept or reject this offer; all staff I interviewed said prisoners cannot be forced onto F wing. However, Carlotta and Teddy offer different accounts of how consistently the VPU location is offered. It is telling that Carlotta's comment suggests that a prisoner's offence is not always checked (*if they notice their offences*), given this is such a dominant factor in assessing a person's vulnerability. Possible reasons for this become clear later in this discussion.

Teddy's comments suggest a further shift, where the onus is placed on the prisoner, firstly to *not tell anybody what they're in for* and, secondly, to remember to ask about relocation upon arrival at E wing, the first night centre. A number of prisoners I interviewed stated they had not been offered the VPU on arrival despite having convictions for crimes which would flag them for this offer (see Chapters 7, and similarly in Scotland in Chapter 8). This seems to confirm a sense that, perhaps due to their records being missed, the prisoner is seen as bearing responsibility for making staff aware of vulnerability issues, and also knowing about the option of specialist housing. Prisoners I spoke to were not always aware of this option, and arguably a terrified, first-time prisoner charged with a sexual offence would find it daunting to maintain a cover story and remember to ask for relocation to F wing, if *they don't want to end up in the main* prison.

The importance of moments and spaces

The first 72 hours

> *'The volume through reception is crazy some nights. We were planning on 60 new numbers or 60 from court yesterday' (Gareth, Durham)*

In this section, I would like to invite the reader to imagine the trauma involved in arriving into a prison, either as a first timer, with or without a sexual offence, or where you are

considering asking for some form of help, perhaps in the form of protection. In ensuring this duty of care, significant responsibility therefore lies with staff of Geo-Amey, the custodial transport provider to Durham, to communicate about any potentially vulnerable prisoners they are escorting. As suggested in Chapter 3, reception is the area of the prison where culture is first set (Crewe, 2009) and reception staff must also ensure the safe handover of prisoners from Geo-Amey, particularly given many with a conviction for a sexual offence fear identification (Priestley, 1980) or are 'at risk' even in the prison reception. As I explain in a section below, Durham has been dealing with *unprecedented numbers* (Gareth, Durham) since its re-role to a remand prison in 2017 and given this *volume* through reception, staff are under significant pressures to take on board information, in theory, provided by Geo-Amey, external agencies and the prisoner. It is within busy, fast paced receptions that receive directly from criminal courts in Scotland and England, that significant numbers of prisoners are processed and not all information to help with the decision-making process may be readily available. This section will then explain how prisoners are processed from reception through first night centres and induction units, highlighting how the first 72 hours are critical both in terms of risks of self-harm (PPO, 2014) and in flagging up any potential vulnerabilities that will help determine where a prisoner is to be housed within the establishment. The significance of these early days in custody and staff decision-making process cannot be underestimated as major consequences can arise for any sexual offender awaiting a space on the VPU yet still located with mainstream prisoners. Likewise, a prisoner quickly moved to the VPU who subsequently regrets this relocation has now been stigmatized, much less likely to be able to return to the mainstream. I will therefore emphasise in this section how the provision of relevant information, good communication and negotiations between Geo-Amey, prisoner and prison officer all influence the decision-making process of staff in determining 'vulnerability. These factors are as equally relevant to HMP Edinburgh and other prisons in Scotland, as they are to Durham and the influence of constraints on penal space as highlighted in the first section.

Reception area

Reception staff at the prison have many sources of possible information to help their assessment of a new prisoner's needs and vulnerability, prior to or on arrival:

> *'If anybody was going to get a call off the police or the courts it would be reception and they would deal with whatever it was.' (Paul, Durham)*

> *'we accept them from Geo-Amey…the Prisoner Escort Document, there's lots of notes on the front alerting us to concerns...we would also have the*

> *committal from the court anyway, so we'd be able to see if he's a sex offender.' (Gary, Durham)*

Whilst the prevailing culture in which those with sexual offences are the focus for vulnerable housing, communication with outside agencies, documentation and how the prisoner presents also feed into how staff understand, identify and manage vulnerability. Documentation in the form of a Prisoner Escort Record and committal will travel with a prisoner transported from police cells or criminal courts to HMP Durham. According to quotes above, information about offence and any other concerns are displayed on these documents, though awareness of this obviously requires good documentation and communication between Geo-Amey, responsible for prisoner transport and the reception area. A prisoner may also be able to share their concerns, though I have already noted above how this places a great deal of pressure on an individual who will likely be stressed and possibly not aware of options that need to be raised immediately on arrival. Durham's reception staff may also receive information, either verbally or electronically, from police or criminal courts. Vulnerable prisoners may be identified prior to arrival into Durham; multi-agency communication therefore feeds into the identification of such prisoners but my interviews of staff conveyed a strong sense that the understanding of vulnerability and its subsequent management is very much seen by the prison as its own area of 'expertise.' This process is very relevant to HMP Edinburgh, as I did interview a reception officer there and the themes identified are, it appears, almost identical.

Some research participants provided examples of poor management of prisoners with sexual offences within reception areas, specifically in the process of transferring prisoners to and from the custody of Geo-Amey prisoner escorts. Vulnerable prisoners (e.g. going to court) are taken up from F wing, separated in the reception area and are therefore still in the care of the Prison Service. Vulnerable prisoners are then put onto Geo-Amey vans separately, kept apart from mainstream prisoners in court holding cells and then returned, separately, to the prison. Teddy explained however that returning vulnerable prisoners are often *mixed up* with mainstream prisoners, emotively expressing how *sex offenders* have been assaulted even though problems could have been avoided. Whether these assaults are a consequence of changes in personnel or a breakdown in communication and processes between Geo-Amey and Durham prison, vulnerable prisoners have not been managed effectively, thereby de-legitimising any claims to a duty of care.

For new prisoners, those coming into Durham for the first time (even if not their first prison sentence), getting a sense of the first 72 hours is important for seeing how staff make decisions, and the constraints they are under in doing so. During this time prisoners

will likely experience two key areas of the prison, reception and the First Night Centre or E wing (which according to staff, despite its name, could hold prisoners for up to a week and longer if necessary). It is the staff in these two areas who make the initial calls about vulnerability and potential assignment to VPU, which is also the same in HMP Edinburgh, where the First Night Centre and Induction wing is called Glenesk (see Chapter 2).

> *'reception would identify them, first night centre would then make a decision' (Gareth, Durham)*

> *'if anybody was going to get a call off the police or the courts it would be reception and they would deal with whatever it was that's appropriate there but it doesn't mean they would phone the FNC and say 'we've got X coming down, he's in for sex offences, can you make sure he gets to the VP', it's 50/50 whether that would happen, it's more down to the [reception] staff who's doing the interview' (Paul, Safer Custody)*

If Geo-Amey have not communicated they are transporting prisoners with particular offences, then reception staff should, in theory, be the first safety net where potentially 'vulnerable prisoners' are identified. As Paul suggests, the reception interview is trying to ascertain where the prisoner has come from, whether they are remand or sentenced, what property is in their possession and their offence. Other issues of vulnerability, for example, whether the person is suicidal and therefore on an ACCT (the suicide prevention management system in England and Wales) or Talk to Me strategy in Scotland, will also, in theory, be documented and acted upon. It appears however that the system is not foolproof as due to workload and time pressures, the odds of being identified might only be *50/50 (Paul, Safer Custody).* In addition to workload, Paul suggests '*it's more down to the staff who's doing the interview',* perhaps indicating that it is down to the discretion and character of the individual officer as to whether the first night centre will be made aware of vulnerable prisoners coming their way. Workload, time pressures, human error and discretion can influence whether potentially 'vulnerable' prisoners are therefore identified and managed appropriately, influences that are equally applicable to any care and management provided to potential protection prisoners in Edinburgh.

First Night Centre (E Wing)

> *'we'll use you as the example, you've come in and due to the nature of the offence mate, I think VPs would be best for you, and 99.9% of the time they'll go 'not a problem.' Because we actually read it, when they come in, when you're doing the first night interview, the induction you go through the booklet and it will tell you what the prisoner is in for, so when you look at that, you as staff would flag that up, you would be the first person that would notice it, occasionally reception will phone down but if they're busy, it's not always possible for those lads to phone down and say 'he needs to go down the VP unit, so the onus is on the man or woman sitting in the hot seat*

who's doing the interviews, when they come in, first night interviews/induction, they are the ones who pick up on it' (Paul, Durham)

The interviews conducted within the First Night Centre act as a further safety net to identify potentially vulnerable prisoners but again there is reference to members of staff *'picking up on things,'* suggesting, in my opinion, a further element of chance rather than a fool proof, watertight process. The first night interview can be more in depth given staff have more control and time than in, often frenetic and fast paced reception areas (see previous section). It is here that more thorough staff assessments of vulnerability and suitability for particular housing units can be made, whilst prisoners, arguably, have more privacy to both express their own fears and make requests for F wing.

Subsequent chapters consider the decision-making process of prisoners, and it is interesting to note here that Paul feels *in 99.9%* of cases prisoners will follow the suggestion of an officer in terms of relocating to the VPU. I explore this issue further in Chapters 7 and 8 where, for example, first-time prisoners imprisoned for sexual offences were likely to take the advice of staff to relocate to protective housing, given their unfamiliarity with the environment. As also suggested within later chapters, there is a small percentage of prisoners, including sexual offenders, who don't take advice of staff and choose to be processed onto mainstream locations for a range of reasons, often because they have protective associates and friends in mainstream. As the hub of operations, E wing in Durham, as with Glenesk hall in HMP Edinburgh, is therefore the place where decision-making processes about specialist housing units are often made. However, as suggested, there is a heavy responsibility on a staff member conducting the first night interview to pick up on a person's vulnerabilities and potential need for protection, especially as even the identification of sexual offences is not always guaranteed by reception staff.

> *'if a prisoner comes into custody, they'll go into the FNC, as it suggests for the first night and probably up till a week…so within that first 72 hours you tend to find out what the prisoner's in for…by reading the paperwork…or on the many occasions they will come to you and say 'boss…I'm in for x, y, z, sexual offences, domestic violence. It could even be they've been the member of a gang.' (Paul, Durham)*

Prison staff understand, identify and manage potential risks and vulnerabilities through not only a range of interviews conducted within the first night centre but also through observing prisoners' behaviours. During these first few days, staff are noticing how prisoners interact, whether bullying is taking place and if prisoners are isolating themselves in their cells. Observations of behaviour, in addition to the range of interviews conducted will therefore help staff pick up suitability for the VPU. In a similar

vein, prisoners are also assessing their own personal safety and interactions with others, personal insights that may form part of a prisoner's own decision-making process to request relocation to F wing.

> *'but the thing about the first night centre…they [prisoners] don't have enough time to get to know each other sufficiently well and if they did have somebody who was a sex offender, they would be quite careful how they unlocked them…until they could get them on the VPU' (Gary, Durham)*

Prison staff manage people with sexual offence convictions by trying to get them off the first night centre and onto the VPU within a few days, management that is influenced by several factors including availability of space on F wing, media reporting and whether they are subsequently identified and 'outed.' Paul explained in his interview that most vulnerable prisoners are safe on E wing because individuals have only just arrived and their capacity for social interactions is relatively short lived. He also suggests that prisoners don't tend to know each other's crimes, partly because their criminal cases may not have been picked up by the media, helping even some people with sexual offence convictions to remain anonymous. The influence of media on the decision-making process is further explored in Chapters 7 and 8.

In 2017, Durham was re-roled as the only remand prison in the north east of England. During interviews, a senior manager highlighted *an unprecedented number of prisoners* entering Durham (Gareth, Durham), given they are now taking prisoners from a wider catchment area. Population pressures are therefore being applied from the courts to the 'front end' of the prison process. These population pressures can result in vulnerabilities, including sexual offences, being missed within reception. A number of staff also referred to difficulties in moving prisoners on from the VPU, in particular because of a shortage of spaces for sexual offenders elsewhere in the system. As a result, not only are vulnerable prisoners staying on F wing (the VPU) longer than but those with sexual offences coming into the system are held for longer on E wing, the 'first night centre' while they wait for a place in the VPU. This is causing issues not only for staff who are having to manage mixed populations and keep people with sexual offence convictions safe but for prisoners trying to remain undetected in the first night centre.

In this first section on management of vulnerability within HMP Durham, I have highlighted the importance of the reception and induction process in identifying potential risks to the prisoner, a flagging up of risks and vulnerabilities that requires well-documented information and good communication, themes that are equally important within a prisoner's first few days within HMP Edinburgh. These assessments of vulnerability and risk are made within busy, fast paced reception areas and induction

units that house a broad range of prisoners, including those destined for mainstream, VPUs and both offence and non-offence related protections. Staff in both establishments therefore suggested that the induction units were the hub of the prison, articulating the challenges of safely managing such a broad spectrum of prisoners amidst such population pressures. The second part of this section will look at further influences on decision-making process of staff, namely availability of space, priority, risk and need, cover stories and the negotiation of vulnerability between prisoner and staff, influences that were all suggested both in Edinburgh as well as Durham.

Availability of space

What my research has shown is that identifying someone as vulnerable is not only a function of the qualities and risks facing a particular prisoner and how staff make sense of this, or take note of it, but also is a dynamic of the space of a prison and how it is organised.

> *'if we've got a space, they can come straight to us from reception' (Carlotta, Durham)*
>
> *'we probably haven't got quite as much space as we do need for the sex offender population that we do have' (Gareth, Durham)*
>
> *'it's down to spaces really. I mean, in an ideal world, if we always had spaces…we could always separate them in reception and we could always guarantee them a place on a VPU but it's not an ideal world' (Teddy, Durham)*
>
> *'if there's a space on F wing and they're getting a bit of flack, or they've been spotted or outed then if we've got the space the staff up there will say, this one can't go to E wing, we need to get him on F wing straightaway' (Teddy, Durham)*

As can be seen in these quotes, one of the major difficulties in managing vulnerable prisoners is the availability of space. This lack of available beds on the VPU can impact upon the flow of prisoners from reception, causing prisoner log jams and subsequent problems for staff trying to manage those with sexual offences in locations other than the VPU. It is interesting here that staff both identify intensity of risk that means someone should be urgently treated as vulnerable (*they've been spotted…F wing straightaway*) but also note that they may not be able to do something about it (*if there's a space*). Again, this shows how management of the vulnerable, even when this status is clearly understood by staff, is still subject to other constraints of the institution. And recall Jodi's comment included in the first part of the chapter on the prisoner seen as *mouse*

like but who could not be moved out of mainstream because *there was just no spaces unfortunately.*

Priority, risk and need

Although availability of space on F wing is a major component of staff decision-making, staff in Durham operate under a policy of priority: those most 'at risk' or 'in need' will jump to the head of the F wing queue. Prisoners are prioritised on inter-related characteristics, namely seriousness of sexual offence, intensity, content and timing of media coverage and risks posed, so it is unsurprising that a high-profile child *sex offender* whose imprisonment is headline news will be prioritised as their need for safety is paramount.

> *'so you'd have Tommy Smith who came in yesterday, Billy Jones came in two days ago, so Billy Jones would go first, however if Tommy Smith come in yesterday and he's a high profile sex offender who's going to jump the queue, he's going to have to because the longer you hold a high profile sex offender, everybody starts to know who it is, because the high profile ones are on the TV' (Paul, Durham)*

Other factors, like familiarity and experience with prison life could mean, according to one staff interviewee, prioritising a first time, middle class person with a sexual offence conviction who is at risk, not only from others but also of self-harm, above a person who is more familiar with prison life and perhaps better able to navigate its demands until such time as a VPU space becomes available.

> *'We've had people who are bank managers for 30 years and then suddenly his laptop's got Class 1 child porn images on [it]. Despite whatever Joe Public might feel about that, their life collapses around them and they may well be more at risk than someone who's on his kind of 3ʳᵈ charge or is a transfer in from someone else who is a VP. So he might be the one who we need to quickly kind of capture and then look after, so it's on need rather than it would be on dictated to by spaces' (Gareth, Durham)*

This quote is particularly interesting as Gareth is a senior manager who does not work directly on the VPU, reception or FNC, and has a role in the strategy and policy of the overall prison. He suggests it is risks and *needs,* whereas those working in reception, first night or VPU tended to talk of decision-making being dominated by availability of space, which is logical given it is they who are trying to locate a space for a prisoner on the VPU, rather than the Senior Manager.

Cover stories

Without ample supply of spaces to manage those deemed at risk due to their offence, a management tool that prison staff in both establishments, surprisingly, referred to is the use of 'cover stories' provided to prisoners, in order to keep them safe.

> *'what we do is we tell them not to tell people what they're in for, keep quiet, only tell a member of staff that that they're a VP, you can't lie to staff but just make something up and don't tell the other prisoners and we put them in the mainstream and we get them over there' (Teddy, Durham)*

> *'prisoners who are new to custody, and they've come in for sex offences, you'll say, for God's sake, don't tell them what you're in for or we'll end up with a bloody problem, 'well, what should I say?' and if they're being alright with you and their demeanour and they're polite and stuff you'd say 'right, just tell them you're in for fraud …Fraud is the easiest because it's one of them where nobody bats an eyelid, if you say you've burgled somewhere, the burglars tend to know the burglars, I know it sounds daft but they all know, who does the burglaries, who's the car thieves, whose the drugs dealers and they all mix on those circles, so within the North East, especially the Sunderland and Newcastle area, all the lads tend to know each other' (Paul, Durham)*

> *' I have said to a prisoner that's on the lower-at the lower end of the spectrum to say something, like, it's an assault' (Georgia, Edinburgh)*

I do not know how often cover stories are provided but, as the quotes above demonstrate, staff admit to encouraging some prisoners charged with sexual offences to not only be discrete about their offence but to also create a fabricated story. The lie must also be a convincing one because, as Paul suggests, *burglars, car thieves* and *drug dealers* will be able to gauge whether the story is credible. He therefore suggests *fraud* as the most reasonable option given it *rarely gets put in the papers* and potentially 'at risk' prisoners may be therefore able to defend their position. This again places an onus on the prisoner to keep himself safe, whilst also highlighting the importance of media coverage upon any potential 'outing' of prisoners and the decision-making process of both staff and prisoner. Hence, use of cover stories is not just a management strategy to deal with vulnerability but one which, according to Paul, is used discriminately, based on a judgment, again, about how deserving or acceptable the prisoner appears to staff. A prisoner who is seen as misbehaving or has an unacceptable *demeanour* to the officer, for example, is therefore 'undeserving' of being provided with a cover story and, arguably, left to fend for himself. The emergence of this theme in Durham, whilst surprising, is made even more credible given *Georgia's reflection above* on the times that she provided a cover story to a prisoner with *an offence at the lower end of the spectrum*.

> *'Our only strategy for managing that previously was to tell people previously to just lie about your offence, you know, just pretend you're a burglar if someone asks you're a burglar or whatever, it didn't work, it doesn't work for a number of reasons, it doesn't work because from Day One you're asking someone to maintain a lie that puts them in a vulnerable position. It has further repercussions further down the line, once they're convicted into treatment programmes, because treatment's about getting them out of denial and all that kind of stuff and we've spent probably a year here reinforcing that kind of, you know, that thinking within their heads, so we took a decision to get rid of it' (Gareth, Durham)*

In the quote above, Gareth, is referring to the period prior to 2017 where HMP Durham managed an integrated regime, where the use of cover stories were perhaps more relevant given the mixing of prisoners convicted of sexual offences. Gareth, a Senior Manager was aware that encouraging prisoners to lie about their offences, effectively encouraging denial, was inappropriate and totally at odds with the expectations of offending behaviour courses for individuals to admit and take responsibility for their offences. Quotes from the other research participants, however, did not distinguish cover stories as being something specific to the period before VPUs, and also noted cover stories were being used in the early days while prisoners waited to be assigned to housing.

Negotiating vulnerability

Just as staff make decisions based on their own discretion, access to information and space pressures, prisoners, too, play a role in how vulnerability is assigned. This is discussed in more detail from the prisoners' perspectives in subsequent chapters. In this chapter, we can see how staff present the options to prisoners, and their perceptions of how prisoners react to this, or how they work with them to accept this.

All staff were clear that no one could be forced onto the VPU in Durham but I got the impression, from Georgia's quote below, that there was less discretion given to prisoners in HMP Edinburgh, although this was anecdotal:

> *'it's that option, you're given an option when you come into custody, VP unit or main jail (Paul, Durham)*

> *'we can't force somebody to go to the VPU, we can only recommend' (Paul, Durham)*

> *'I have met the odd daftie that thought, "I'm going mainstream. No you're fucking not Mister. Your choice but you're not going' (Georgia, Edinburgh)*

Many staff saw even discussing potential assignment to the VPU as a delicate process:

> *'If there's two prisoners in a cell and you want to have a word with one of them about moving to VPs, you've got that prisoner, let's make it up, call him Smith, come here Smithy son, I'd like a quick word with you, get them out, take them somewhere quiet, look, this is the crack, I know you're in for this, I recommend you go to VPs, there's a space available, do you fancy it, 9 times out of 10, yes please, right, pack your stuff, if he asks where you're going just say you're going to another wing' (Paul, Durham)*

> *'We've gotta be discreet in the way that we put them on E wing for their own self-preservation' (Teddy, Durham)*

Although prison staff must identify vulnerability, they must also exercise discretion and sensitivity in dealings with sexual offenders so as to not alert or identify them to other mainstream prisoners. For example, prisoners might need to be separated, as Teddy suggests but once this demarcation is made, people with sexual offence convictions become easily identifiable and at potential risk from others. These are considerations not only when moving prisoners through reception and into the first night centre but also when communicating to a vulnerable prisoner who might be sharing a cell with a mainstream prisoner. This communication from staff even extends to *'if he asks where you're going just say you're going to another wing',* which, again, is another form of management through cover stories. The lengths staff go to in protecting prisoners from allowing others to learn they may be headed to the VPU shows also just how stigmatising an association it is to be in this part of the prison, and further evidences my claim that prison strategies of management themselves contribute to the vulnerability of prisoners.

Even when offered the VPU, some prisoners will not want this or accept it. In other words, gaining status as officially vulnerable is negotiated between staff and prisoner:

> *'but there's very few have the balls…to go into the main jail and try to keep their head down. It's a hell of a risk to take. I would always say "don't do it" but some would say "no, I'm not going over there, I don't want to be labelled" (Paul, Durham)*

> *'not all sex offenders end up on the VP mind. Some will say "I'll take my chances in the main jail, rather than be labelled a VP prisoner" (Paul, Durham)*

> *'a lot of them think they will be able to get away with it on the mains, [that] they won't be discovered because …I think they think sex offenders are little old men with nonce written on their head…but they don't want to get targeted with that…so they'll try and stay away from F wing for as long as possible.' (Carlotta, Durham)*

Whilst the prisoners in question do not want to be stigmatised or labelled as a vulnerable prisoner by others, I believe Carlotta's quote is perceptive because some of my prisoner research participants did not see themselves as fitting the *little old man* stereotype of a sex offender. For example, in Chapter 7, I share the stories of two prisoners convicted of sexual offences in Durham headed to either mainstream wings or the segregation unit before arriving to F wing. Much of their decision-making to initially avoid the VPU centred around pride and masculinity; they did not want to be seen as weak or vulnerable either in their own or others' minds. This, arguably, demonstrates the power of stigmatisation as a weak, vulnerable prisoner in that individuals are willing to risk their personal safety by remaining as a mainstream prisoner, where, to their minds, the strong, criminal and masculine are housed. More to the point, it shows how location within the prison itself, and being given official status as 'vulnerable' can create or intensify the risk people feel or may experience in prison.

Prisoners can also resist being moved to the VPU by claiming they are innocent of the offence, minimizing their actions or blaming their victims:

> *'They don't always want to take it [the VPU] incidentally, it's down to them, you know, if they want to go there, some will probably just want to stick it out on normal location, quite often they'll be charged with a sex offence and they'll see themselves as innocent anyway, or they've got a bit of a reputation anyway and they wouldn't dream of going on there and it's a load of crap what they've charged us with, so it doesn't necessarily mean that somebody whose charged or convicted of a sex offence would necessarily go on there but it would be offered' (Gary, Safer Custody)*

> *'But aye, some of them even deny that they're in, it hasn't been proven, it wasn't me, I didn't do that, so it would have been difficult that one, if they can blag it, they will. There is a lot of lads, probably still on there, in for rape but they just, even if the other lads know, they'll say "well no, she's just lying"' (Carlotta, VPU officer)*

Whilst these may be tactics to avoid internal or external stigma and labelling as a sex offender or vulnerable prisoner, it also reflects a willingness to take the risk of being on the mainstream wings when charged with a sexual offence. In my opinion the *bank manager,* as described by Gareth earlier, who has never previously been in custody is less likely to ignore the advice of staff, than an individual who is at ease within the prison environment and willing to use masculinity, aggression, denial and victim blaming to justify their place within mainstream locations. Irrespective of whether an individual is guilty or innocent, these perspectives show how managing one's own vulnerability includes a prisoner's own calculation and management of risk.

Indeed, as I will show in Chapters 7 and 8, some research participants with sexual convictions, although identified and offered VP or protection status, chose to live in mainstream locations. During my fieldwork in both England and Scotland, staff confirmed this happened.

This phenomenon shows that even for those prisoners seen as the precise group that defines vulnerability, it is not always managed in the same way. The existence of those with sexual offence convictions in mainstream locations also demonstrates that staff and prisoners don't always interpret vulnerability similarly; in other words, criteria may dictate that someone is at risk of attack, whereas the prisoner feels they will be safe:

> *'We've got rapists in the main jails who are big names. Big people, other prisoners are protecting them…not all sex offenders are vulnerable' (Teddy, Durham)*

> *'very occasionally, we've had high profile prisoners, who have fit the sex offenders criteria for VPs but have managed to survive in the main jail but they were big players from the Newcastle area, who were the hierarchy of the organised crime, they were the top of the tree mind, I'm on about they were organising everything else that goes on in that city, and they fit because they were in for either rape or alleged rape or whatever it was' (Paul, Durham)*

> *'We had one lad, sexual charges, he ended up being a cleaner, he ran the wing, he ran the lads because he was a big lad and nobody dared call him, he's been coming in for years and he's a big lad and nobody questions him, and they do what he tells them to do, honestly, they're so fickle' (Carlotta, Durham)*

In these cases, staff explained the ability of those insisting on mainstream locations in terms of their physical size, connections to others in prison and to criminal networks outside of them. It is interesting that these factors which makes someone, in the eyes of staff, able to survive on mainstream are not considered by these same staff as creating vulnerability when these qualities are absent as discussed in the first part of this chapter.

Conclusion

This chapter has shown the influential role played by staff in relocating prisoners to VPUs and protection units, a role that requires both an individual decision-making process and a broader, collective decision within the establishment to manage 'at risk' prisoners in designated areas. The identification of risks posed to certain individuals has created a hierarchy of vulnerability, effectively based on 'moral judgements' of staff but also of mainstream prisoners and wider society, in effect a 'moral economy of people.' The

policies that senior staff adopt to protect 'at risk' prisoners and manner in which they name and assign different housing locations also creates and impacts this hierarchy of vulnerability, a more collective, 'moral economy of space.' Vulnerability, as a concept, is therefore rationed by staff, determined by penal space and moral judgements and shaped by prison staff at both the individual and collective level. The concept of vulnerability is also fluid and changeable, however, further influenced by mainstream prisoners and wider society. I provided a useful example of this when highlighting how some prisoners convicted of violent offences against women and the elderly were no longer deemed vulnerable, certainly in HMP Durham. 'Who' or 'what' is at risk of victimization can therefore change over time and place, in effect, a 'geography of vulnerability.' In my research, vulnerability in both Edinburgh and Durham was very much based on offences, particularly sexual offences, as the academic literature would suggest. Individual staff perceptions of other characteristics of vulnerability were also very similar across both prisons, with the exceptions of transgender prisoners, debt and bullying. This may be a reflection of Edinburgh's decision to house non-offence protections in a designated penal space and is a good example of how vulnerability requires identification by individual staff, penal management and negotiation with prisoners, three separate yet mutually dependent influences if relocation to a VPU or protection area is to occur.

Chapter 6. Journeys into and out of Protective Housing

This chapter explores the journeys of prisoners into protective housing: how prisoners 'arrive' into vulnerable prisoner units (VPUs) in England and protection halls in Scotland and what emotions they experience before they move and while there. My research shows that every prisoner undertakes a unique and individual journey prior to relocating to protective housing and that the significance of these journeys is much neglected within academic literature. In addition, I feel that the *emotional intensity* experienced by some prisoners moving within and between prisons goes unrecognised in academia, by policymakers or, most concerningly, by prison staff. Throughout this chapter, I provide examples of how circumstances of 'departure' from one prison location can impact 'arrival' into another and how the emotional intensity of moving between two prison locations can influence adaptability to the new environment. In this chapter, after presenting some prisoner reflections on arriving into prison in the first place, I compare prisoner transitions that were smooth and event free, with arrivals that were far more emotive, as a consequence of bullying, violence and self-harm. The chapter then uses these contrasting journeys to reflect more widely on factors that influenced arrivals into protective housing. I argue that wide-ranging contexts of journeys reflect a correspondingly wide range of emotions triggered by arrivals and departures (within and between prisons), including anger, fear, sadness and uneasiness. Interestingly, it appears that familiarity with prison life resulted in distinct emotional responses, where those with sexual offence convictions who were imprisoned for the first time expressed relief once relocated, whilst others with more prior prison experience and more invested in a masculine, mainstream prison identity expressed anger and unease, irrespective of their offence. By identifying how circumstances of departures (from mainstream halls) influence arrivals (into protective housing), we can also learn more about how prisoners then successfully adapt to VPUs or protection halls. This is crucial, given that imprisonment is characterised by frequent movements of departure and arrival all of which trigger emotional responses. From a practical perspective, the data presented here suggest that HMPPS and SPS could improve preparation of prisoners for relocations, whilst improving upon inductions within VPUs and protection housing, once a move to these is made. A greater understanding of transitions and their emotional intensities as well as of the circumstances that bring prisoners into the VPU or protection would help, not only with improved practical support about adaptation to protective housing but create a safe

space to ease mental health concerns, given many prisoners' backgrounds of significant trauma, as reflected in the experiences of some research participants.

Entering prison

> *'everything was just a blur at the time' (Jimmy, HMP Durham)*

> *'I can't even remember coming through reception… so I can't even remember coming on to the induction wing, but that sends your anxiety crazy you know when you come back in and you're on the mains and you know exactly what's just around the corner and can happen at any time, so you've gotta watch your back 24/7' (Martin, HMP Durham)*

> *'for me because anxiety is very much sort of a core feature of ASD, I have extremely high levels of anxiety at the best of times, so my capacity to function is considerably lower than that of neuro-typical people, they can put up with a lot more anxiety inducing situations than I could, I mean I tend to sort of have a total meltdown, sort of thing' (Willie, HMP Glenochil)*

> *'he kinda helped me through the first few weeks because your head's up your arse… as I said your head is in turmoil you cannot think straight there is so much going on in your mind' (Ray, HMP Glenochil)*

Whilst academics, policymakers and prison staff are aware that vulnerability is heightened within early days in custody, there is less acknowledgement of the emotional intensity arising from a departure from a police cell, court or prison van and subsequent arrival into a prison. In the quotes above, prisoners explain how their early days within both Scottish and English prisons were muddled, blurred and exacerbated by anxiety, presumably from a mixture of underlying mental health conditions and a stressful, unfamiliar environment. Jimmy's comment that *everything is just a blur*, was connected to suicidal feelings (as discussed below), whilst Ray confirms a state of emotional *turmoil,* probably compounded as both were first time prisoners convicted of sexual offences against adults. Martin and Willie describe severe levels of anxiety; Martin, as a sudden realisation of his predicament upon entering Durham and Willie's, as a core feature of officially diagnosed Asperger's syndrome. All of these research participants describe negative states of mind and emotional intensities that influenced, not only their first few moments in a prison reception but also their ability to make rational decisions, in terms of relocating to a VPU or protection area. There should be more recognition of emotional intensities produced at each stage of the criminal justice system, including arrivals into, between and within prisons, as appropriate support would surely help with subsequent adaptability to the new environment.

Departures from mainstream housing

Smooth departures

> *'I'd got off the [mainstream] wing without anybody really finding out much about where I'm going or anything' (Gordon, HMP Durham)*

> *'I felt as though I did have a choice and the choice that I made, as far as I can be sure, was the right one and, as you said, not having done anything stupid to make sure I come here' (Ray, HMP Durham)*

> *'but guys knew before I done it, I told guys that I was sat with. I said "I'm going to protection" and everyone knew me, knew what I was in for…I said "listen, I'll come back in a week or so' (Sandy, HMP Glenochil)*

Prisoners carry experiences from one wing or hall to the next; if those experiences have been positive then early days in a new wing or hall will, in theory, be met with greater confidence. For example, Gordon, who was convicted of a sexual crime, was living on mainstream and requested a move to the VPU. He said this was carried out in a discreet and sensitive manner by staff, without alerting or arousing suspicions of other prisoners to a 'sex offender' in their midst. Ray convicted of the same class of offence, like Gordon, had spent a short period of time on E wing, the mainstream induction unit in HMP Durham. Ray suggests that he made the right decision by moving to the VPU and talks of *not having done anything stupid to make sure I come here*. He is making a distinction between a discreet request for vulnerable housing and an incident, which might force either a prisoner's hand or an officer's to relocate an individual. In Scotland, Sandy, a lifer who had killed an older adult male, almost casually commented that he was moving to protection but will *come back in a week or so*. Sandy had explained during interview that he needed respite from mainstream halls and I believe that nature of his non-sexual offence, comfort in prisoner communities generally and prison friendships acted as protective factors in enabling him to be accepted back to mainstream, thereby avoiding the stigmatising nature of protection, a return to mainstream from protection that not all prisoners can successfully manage. All three examples provide evidence of uneventful, smooth departures from mainstream and I would argue that, as a result, none of these research participants had to work through an emotionally distressing incident, thereby enabling their arrival and potential adaptation to the VPU and protection to be met with a greater confidence.

Difficult departures

> *'All different reasons, some were being bullied, some were threatening to harm themselves, some did harm themselves, harm in the way that they threw themselves onto the netting…in the short space of time that I've been here, I've had 7 cellmates, each with a different scenario as to why they are here' (Ray, HMP Durham)*

> *'they could see prisoners walking past my pad door, putting notes under my door, telling me to keep my mouth shut and not to say owt to officers whose intimidating me, whose threatening me, whose demanding money off me and stuff and I couldn't do it anymore.' (Nobby, HMP Durham)*

> *'so I said I was staying on B wing, so they just locked us in the cell but obviously my pad mate was getting grief for being in the pad with us as well…people were actually coming to the flap and shouting abuse like "you rapist".' (Jack, HMP Durham)*

> *'So then you have people coming to your door lifting the flap up saying 'what you in for you fucking…' (Willie, HMP Glenochil but talking about time in another prison)*

Other research participants, in both Scotland and England, experienced a much less smooth and safe transition to vulnerable housing than Gordon, Ray and Sandy and required an emotional processing of traumatic events. Nobby, Jack and Willie reference personal experiences that occurred whilst they were protected on mainstream locations. These examples demonstrate how difficult it can be for staff to keep 'vulnerable' prisoners safe on mainstream wings, providing one justification for VPUs and protection areas. From a prisoner perspective, these participants were 'living in fear', uncertain as to when a space on the VPU or protection would become available, and raising a duty of care issue for prison authorities. Coping with intimidation through a cell door could, I suggest, result in, at best, a need to offload to trained staff or, at worst, mental ill health, which is in turn carried forward and thereby potentially influencing 'arrival' and adaptability in the new location.

Two tales of arriving into protective housing

Willie's arrival

> *'for me the strongest feeling as I said, was the transfer from Kilmarnock to Barlinnie, it was the anticipation because from what I'd heard it was the worst place on earth so going from somewhere like Kilmarnock which was hell on earth I thought how can this possibly be worse than Kilmarnock. As I said I was suicidal, I was actually trying to find a way to kill myself because I was trying to stop that transfer.*

> *'Ironically, I guess, because of my adverse experience within a protection hall, I was almost suicidally terrified about the thought of moving up to Barlinnie because, of course, I'd heard all sorts of horror stories'*

Further into this chapter, I will argue that prisoners draw off previous prison experiences, be that from VPUs or elsewhere; in the quote above, Willie's *adverse experience* in HMP Kilmarnock influenced his arrival into HMP Barlinnie to such an extent that he considered suicide in order to stop the transfer. By way of explanation, in 2003, Willie, whose conviction involved a sexual crime against a child, was attacked, firstly, in a mainstream location and then again in the protection area within HMP Kilmarnock. Clearly, HMP Kilmarnock failed in its duty to care for and protect Willie within both mainstream and protection, so he was re-categorised as a 'double protection' prisoner, kept separate from other protection prisoners, stark evidence of his lack of safety even within protective housing. Willie felt he was deemed a *management problem* and emotively described during our interview, the moment he was told of his transfer to a protection area in HMP Barlinnie. This news put him into a *flat spin* which left him almost *suicidally terrified,* given very traumatic experiences within HMP Kilmarnock and the reputation of Barlinnie as *the worst place on earth.* This reputation, fuelled by the prison grapevine and combined with Willie's horrific experiences in Kilmarnock, understandably triggers a mental health crisis so strong as to nearly bring about a suicide attempt. Willie's arrival, in my opinion, is most significant, in that he is travelling to Barlinnie within a prison escort van, having already been attacked, rejected and stigmatised, not only by mainstream in Kilmarnock but by protection, an already 'othered' group. In addition to emotionally processing these previous traumas, he is trying to cope with suicidal feelings of terror at what awaits. This potent combination of past events, state of mind and fears about Barlinnie must surely have affected Willie's first few moments, days and weeks within his new environment.

Jimmy's arrival

> *'I had a guard at my door, what with us being suicidal.*
>
> *'…so the process of coming over with the mains prisoners, I was terrified basically and it wasn't until I'd actually seen, it must have been the CM (case manager) on that wing that confirmed that I would be coming on here but that initial time, it must have been only 10-15 minutes before I was coming over I was absolutely terrified because I'm thinking to myself "am I gonna be stuck on this wing"*
>
> *'I mean, on the induction wing, there's a filthy cell, so I asked for a pad and brush to clean it up and I found a razor blade that somebody had been using for cutting filters, because there was filters everywhere and there was a brand new blade and I was actually going to cut my wrist but I promised Mr*

Edmunds on here, because he was over on reception at the time because, I promised him I wouldn't do it, obviously he saw what an emotional state I was in at the time and he asked us whether I'd do it on his watch but I found this brand new razor blade, and I know how to kill myself, it's easy, you just cut up, and erm, it was the weirdest feeling, it was like a golden glow, it was like a sense of relief, and I looked up and I saw Mr Edmunds as it was an open door and because I promised him and that's basically what stopped us.'

Jimmy also expresses suicidal ideation and feelings of terror relating to his short time in the mainstream and this may also have affected his emotional condition on arrival onto the VPU. Jimmy entered HMP Durham on suicide watch, as a first-time prisoner convicted of a sexual offence against an adult female. All of his quotes relate to the induction wing where he intensely described both a potential act of self-harm and a fear that he will remain on the induction unit with mainstream prisoners, rather than being accepted onto the VPU. These fears could have been easily allayed by staff. Although he was not assaulted, like Willie, Jimmy still carried these suicidal thoughts and anxious feelings onto the VPU, hence why, as I shall emphasise later, sexual offenders expressed 'relief' as their primary emotion upon arrival into the VPU or protection. Decompressing after an emotive experience and battling with suicidal thoughts takes time to emotionally process and neither Willie nor Jimmy had any support in this transition, especially as their ability to adapt to their new locations may have been affected by their previous experiences.

The tales of Willie and Jimmy provide evidence of the fear that prison life can engender for those convicted of sexual offences. For Willie, whose offence was against a child, it is the fear of the unknown given his relocation to a prison with a tough, fearsome reputation. For Jimmy, whose sexual offence was against an adult female, the concern he feels relates to both his mental health and worry that he will be left to fend for himself on a mainstream wing. Their experiences reflect the anxieties faced by many sexual offenders when physically entering a new custodial establishment, in addition to potentially having to mix with mainstream prisoners, themes identified elsewhere in the literature, as suggested in Chapter 3. The stories of Willie and Jimmy are from the Scottish and English penal systems and reflect both child and adult victims, respectively, providing evidence of risks and uncertainties faced by many sexual offenders, regardless of age of victim or penal jurisdiction or system. In the following sections, I will profile some of the specific factors that influenced departures of research participants from either reception or mainstream areas and how these impacted their arrivals into both vulnerable prisoner units in England and protection housing in Scotland.

Factors that influenced departures and arrivals

Self-harm

> '*I just barricaded myself in my own room...I wouldn't come out for my dinner...not even for a brew pack, not even for a shower...I just locked myself in my pad. I was constantly self-harming. I took an overdose. I cut my arm open once...officers kept coming to my door every two minutes and they said "it's very serious, he's going to end up killing himself in this pad"' (Nobby, HMP Durham)*

> '*but obviously with my issues they did take it seriously because I was on an ACCT (suicide risk assessment and management tool) as well, cutting myself because of the stress and anxiety so luckily they did get us over here' (Martin, HMP Durham)*

Whilst Willie and Jimmy had suicidal thoughts, Nobby and Martin did physically hurt themselves, acts of self-harm that, I maintain, require emotional processing once in the VPU. By way of explanation, Nobby had barricaded himself in his mainstream cell to escape bullying from other prisoners over unpaid drug debts. During interview, he also explained how, as a victim of childhood sexual abuse, he was very hesitant about relocating to a VPU, in which eighty per cent of the men living there have a sexual conviction. Although Nobby had an impairment creating difficulties in communicating, I was able to sense in his expressions and words the trauma of his experience and decision-making process. Should he remain 'at risk' on a mainstream wing, driven to self-harm or relocate to a VPU, thereby potentially re-living childhood abuse? Martin, as a known informant, had experienced bullying and, consequently, self-harmed to cope with this extreme stress and anxiety. Whilst staff eventually relocated both prisoners, they did not report receiving any 'after-care' to help them understand and better deal with traumatic circumstances of their departures and subsequent arrivals.

Preparation time

> '*when I got to Peterhead I realised it was a sex offender's prison. I thought "well hang on a minute, I've just spent the last 6- or 7-months mainstream and all of a sudden my world was fired upside down and I'm off to a protection prison"' (Gordon, HMP Glenochil)*

> '*you get settled in and then "bye, bye"' (Gordon, HMP Glenochil)*

> '*I came back from a visit one day, I was standing outside my cell and they told me I wasn't there anymore, I was next door, that was a protection hall' (Gordon, HMP Glenochil)*

> *'When I was moved up to Barlinnie, I was given an hour' (Willie, HMP Glenochil)*

Although all quotes above are from Scotland, these views were echoed among Durham prisoners who also talked about being given little preparation time for moving, which had both practical and psychological implications. For example, Willie is given an hour to prepare for transfer between HMP Kilmarnock and HMP Barlinnie, whereas Gordon describes his experience in HMP Edinburgh upon returning from a visit to a mainstream wing, where he is suddenly moved to the protection hall next door. This transfer was prior to another subsequent move to HMP Peterhead, where Gordon describes his world suddenly being *fired upside down.* It can be argued that a lack of advanced warning helps anxious prisoners to not dwell on forthcoming transfers but a lack of notice neither helps prisoners to prepare practically by, for example, making telephone calls to family nor permits psychological preparation for 'arrival' into a new wing, hall or establishment.

On a less practical level, transition to vulnerable housing may require psychological preparation time for their new identity as a 'vulnerable' or 'protection' prisoner. By way of explanation, whilst Willie was *suicidally terrified* at the prospect of relocating to protection in Barlinnie, as explained in the previous section, he was already a protection prisoner in Kilmarnock and therefore, arguably, familiar with the protection system, stigma and new identity. On the other hand, Gordon, who had been mainstream for *6 or 7 months,* was suddenly transferred to HMP Peterhead to become part of the protection system. Having interviewed him, I believe he saw himself as a masculine, mainstream prisoner, hence why he had initially chosen to live in mainstream but he then had little time to prepare for this new vulnerable or 'protection' identity, forced upon him. I have written about vulnerability as identity in Chapter 7 but Gordon was, without warning or support, re-categorised and labelled as vulnerable. He would therefore have to understand that he is now stigmatised, othered and potentially a 'marked man' if he ever returned to the mainstream, an emotional process that, I believe, requires working through upon arrival into the protection world.

Moments and a change of fortunes

> *'then the bullying from the prisoners got really worse, got from worse to dangerous…then officers asked again, and I said "I think it is the time for me to go on F wing and I've given them a few names. They asked me for a few names, people that were threatening me, so I gave them the names' (Nobby, HMP Durham)*

> *'but this being a remand jail, people are in and out, in and out, then I got the guilty, ….then my mates went….then it come out in the paper and when*

> *it come out in the paper it was a bad article…that was wanting to make me go over.' (Jack, HMP Durham)*

I have written in Chapter 7 how 'moments' can alter the course of a prison sentence; a sudden change of fortunes that forces relocation to the VPU, therefore, allowing little time to prepare for 'arrival' into a new environment. The two quotes above relate to 'moments' on the induction wing in Durham, moments where circumstances changed and decisions had to be made. For example, Nobby could no longer take the bullying, recognising that it was *time for me to go*. His desire to escape mainstream was so strong that he was prepared to, firstly, be labelled an informant, by giving staff *the names* and secondly, risk living amongst sex offenders, having previously been a victim of childhood sexual abuse. Jack had been living openly and safely for months on a mainstream wing, even with convictions for two rapes of adult females. He emotively described how his position of strength suddenly weakened, given a constant cycle of prisoners, a lack of solidarity, high profile media coverage and subsequent bullying. Jack had reached an, albeit metaphorical, crossroads, forcing him to re-assess his position and request a move to the VPU. Both Nobby and Jack therefore reached a point of no return and because their relocations were unexpected, they had little time to emotionally prepare. Both were also victims of group bullying and these traumatic events would require processing, thereby affecting their arrivals into the VPU.

Familiarity with prison and prisoners

> *'cos I knew what I was coming to. I talked to guys who'd been in protection in Glenochil and previous establishments in Greenock and I knew what I was coming to. I knew guys who were already here from previous establishments, so I knew what to expect' (Bruce, HMP Glenochil)*

> *'You're just walking into a big, wide world and you've just got to take it. Until you walk through that door, you just don't ken what you're walking into' (Kenny, HMP Glenochil)*

> *'I was quite nervous at Kilmarnock because obviously it was the first time that I was ever behind bars.' (Kenny, HMP Glenochil)*

> *'I was scared the first time because I didn't know how to deal with it.' (Alan, HMP Glenochil)*

> *'Well, when I came here again there was a feeling of apprehension because it was some place new and I did not know what the hell was going on' (Graeme, HMP Glenochil)*

Whilst it is understandable that first time prisoners will experience fear, prior experience of prison life does not necessarily equate to an easy and comfortable arrival into

protective housing; the quality of previous experiences matters, too. Quoted above, Graeme, Kenny and Alan all describe a fear of entering prison for the first time. Although all are recounting their apprehension, this apprehension relates to their first experiences of custody rather than an apprehension about relocation to mainstream or protection in particular, as none of them had experienced either of these locations previously. Bruce displays more confidence, prior to relocating to Glenochil's protection hall, precisely because he has previous experience and knows protection prisoners from other establishments. Familiarity with protection is not always a factor making arrival into a protective housing unit or hall easy, however, given the trauma some bring with them, as outlined earlier in the case of Willie who carried this forward from Kilmarnock to Barlinnie. The quality, as well as quantity, of previous prison and protection experiences must therefore be understood, if we are to understand the impact of any subsequent arrivals.

First Impressions of protective housing

> *'the wing looked a bit smaller, didn't look quite as intimidating' (Gordon, HMP Durham)*

> *'when I first walked in and I first looked at the protection hall, I went 'oh shit'…right, I'll just try and keep my head down' (Alan, HMP Glenochil)*

> *'I've seen some guys who were on mainstream who've moved over here. When they first come over here, you see them and they're (pulls a face) and within 3 or 4 days they're ok.' (Alan, HMP Glenochil)*

> *'you don't get a second chance to make a first impression' (Ray, HMP Durham)*

> *'In prison, perception is everything' (Archie, HMP Glenochil)*

Prisoners arriving into a wing or hall will form an immediate impression of their new environment, an impression that can influence adaptability and ability to settle. Gordon senses that the VPU in Durham was *a bit smaller* and *less intimidating,* whereas Alan was more over-awed by his new environment, reactions that can impact on levels of confidence. Prisoners already living in protective housing will also form immediate impressions of new arrivals, gauging where their fresh faces might fit within the established hierarchy. First impressions may also be wrong, as George thought he had relocated to the best place, only to then move to the segregation unit. George was a first-time prisoner convicted of manslaughter but transferred to the VPU as a precautionary measure against potential reprisals from the victim's family. He initially thought the unit the *best place to be,* until recognition that he was living amongst

rapists, paedophiles and child molesters (George, HMP Durham), an awareness that resulted in a request to relocate to the segregation unit, where our interview took place. Prisoners who frequently move around the penal system, be that between protective housing or mainstream locations more generally, will therefore have a number of first impressions, and prison management may need to give more thought to how first impressions might influence adaptability to a new environment.

A series of arrivals

> *"well, I have noticed with other jails that I was in, not one of the jails are the same, they've all got a different atmosphere and structure to it" (Kenny, HMP Glenochil)*

> *"I said, you come from a prison where the regime is supposed to be like eezy-ozy to a real prison, that's what I call this, a real prison. Peterhead was never a real prison, the place was so laid back you'd be sub aqua. You come here and it's regimented" (Archie, HMP Glenochil)*

As Kenny suggests, no two arrivals are the same, given the range of *atmospheres* and *structures* in different establishments. Indeed, some prisoners will undertake a series of arrivals into different prisons, wings and halls, depending upon factors including length of sentence, issues of control and security, population pressures and offending behaviour course requirements. For example, Archie describes the contrasting regimes in Peterhead and Glenochil and the different adaptation styles required to succeed, adaptations influenced not just by personality type and regime but by contexts of departures, as suggested throughout this chapter. Arrivals and departures should therefore be viewed as an ongoing process throughout a sentence, culminating in a departure from prison and an arrival into the community, especially as the overwhelming majority of prisoners will be released.

Ongoing anxieties

> *'Obviously sometimes they're concerned when you're going to get transferred, you know, it starts getting your anxiety levels up, you know and that. What's gonna happen when you get there, are they gonna put you on the mains or are you gonna get straight on the VPs?' (Martin, HMP Durham)*

Whilst it is unsurprising, as Jack suggests earlier, that people with sexual offence convictions are fearful upon initially entering a prison, it appears that fears among this group are ongoing throughout a sentence and particularly heightened prior to a transfer. Gordon, whose first impression of protection housing is mentioned above, was able to transfer directly from Peterhead to Glenochil (both prisons used for housing those with

sexual convictions) and seemed to have faced few transfer anxieties, in contrast to Martin's reflections above. Martin suggests that even with previous official categorisation as a vulnerable or protection prisoner, anxiety levels increase near to transfer as you question whether you will get to your *safe place* (Martin, interview) in the new VPU or protection housing or be processed into mainstream. Prisoners spoke of feeling especially vulnerable to attack during transfer via prison escorts, adopting, as a consequence of increased anxiety, irrational thought processes about whether they will be accepted as a vulnerable or protection prisoner in the new establishment. I therefore believe that departures and arrivals for some vulnerable prisoners are particularly fraught with anxiety and fear; an ongoing anxiety re-lived a number of times, depending on previous experiences and frequency of transfers between wings, halls or establishments.

Cellmates

> *'I needed to get off that wing because my pad mate was, like I say, doing drugs all the time' (Gordon, HMP Durham)*

> *'also, what you've got to remember is that they've been settled in the main with somebody, with their cellmate and not only are they having to change units when they come here, they're having to change cellmates as well, so they've got that to get used to' (Graeme, HMP Durham)*

Who you share your cell with in mainstream and protection housing can influence how arrivals go and one's adaptability to the new environment. Accommodation design, population pressures and risk assessments will dictate who shares a cell. Sharing was standard procedure in both Durham's mainstream wings and VPU, unless a person was deemed high risk. In contrast, single cells were the norm at the time I did my research in Glenochil. In the quotes above, Gordon was happy to have moved away from his old *pad mate…doing drugs all the time,* whereas Ray suggests that previous cellmates in mainstream, may have provided stability. In transferring to the VPU or protection, prisoners therefore have to arrive and adapt not only to a new unit but also to either a single or a double cell, which may be a positive or negative depending on who you are leaving behind or moving in with. Who you share with and whether you share can influence the ease of departures, arrivals and adaptability, and because of little attention to this in existing work, the influence of pad mates or co-pilots, to use more colloquial terms, is underestimated.

High profile prisoners

> *'but when they put me in it I went 'oh, this is cushy', so I went 'right, ok' and they're all looking at me and I'm like 'nae hassle guys, I'm on protection, so are you, forget all about it, they went, never mind my reputation, you're on protection, I'm on protection, that's as far as it goes, I don't want to know what you're in for, I don't want to know how long you're doing, you probably know how long I've done but forget all that, we're here, we're in the same boat, that's it' (Gordon, HMP Glenochil)*

> *'you've had it the minute you step onto the landing because it would have been in the newspapers anyway and 9 times out of 10 your photograph runs with the story' (Archie, HMP Glenochil)*

> *'when all the national newspapers had it and all the international newspapers and some of the people on here were like "you're an animal, you're disgusting" (Alan, HMP Durham)*

Whilst relocation to the VPU is feared by some, the arrival of notable prisoners, thanks to intensive media coverage or 'reputations' grown on the prison grapevine, can instil fear or loathing within the existing community on the VPU or in protection. For example, Gordon is, arguably, flaunting his masculinity whilst playing mind reader in the quote above but there is some truth, given a staff member disclosed the severity of the security conditions under which he had been accepted into the hall and high-profile, extensive media coverage surrounding the prisoner. Alan's case provides an excellent example of the influence of negative media attention and social judgments even amongst those with sexual convictions, given that he was subject to threats from both mainstream and VPU prisoners. Both Gordon and Alan were therefore privy to the attentions of other prisoners, Gordon, because his reputation amongst prisoners had preceded him, creating fear amongst some and Alan, because of intensive media coverage surrounding a crime deemed particularly nasty by even those on the VPU. Whilst every arrival is unique, some arrivals may be more high profile or memorable, creating a greater impact on the existing community than others.

Control over moving to protection and its relation to adapting to protective housing

> *'Took a few weeks to adjust but once I'd adjusted, I've just been plodding on' (Bobby, HMP Durham)*

> *'but it's also good to see them settle down, calm down and be the type of human being that they were supposed to be before they did anything daft over there' (Ray, HMP Durham)*

'They took me down through B hall, into the protection wing and locked the door. I thought you fucking pricks…by that time it was too fucking late and I was on protection... well, you just fitted in. There was no pleased about it, you just adapted' (Gordon, HMP Glenochil)

'A member of staff asked me the other day… "How are you settling in?" I said, "I'm not, am I supposed to be like? ...I never made life easy for them on that hall". I mean, I disrupted it every single day. I never gave them a minute's peace' (Archie, HMP Glenochil)

It is easy to gauge from quotes above, how some participants adapted more quickly, and were happier in the VPU and protection and this relates, in part, to degrees of choice and control over relocation. Bobby had chosen to transfer to the VPU, although I have written elsewhere how much of a life changing decision it had been for him. Ray also indicates that relocation was a tonic for some prisoners in Durham, as they are able to relax and adapt successfully once on the VPU. They are in the right place. On the other hand, Gordon maintained during interview that he was 'tricked' by staff, having been taken through *B hall*, dumped and left in protection after being told he was visiting healthcare. Archie also felt that he was given little choice in relocating, hence why he never settled and continued to disrupt the environment whenever possible. These case examples from England and Scotland provide an interesting contrast because Bobby, Gordon and Archie were all living in mainstream at time of relocation, all, in my opinion, felt reasonably comfortable and settled there and all had a sexual element to their crimes. Although Bobby had served a number of different prison sentences he had decided he wanted to leave the criminal lifestyle behind and was therefore much happier to relocate and *plod on* during his time in Durham's VPU, rather than become embroiled in any problems in mainstream. In Scotland, Gordon and Archie were angry, unsettled and disruptive, precisely because they declared they had been given no choice in relocating from mainstream to protection halls. This suggests that emotional responses, discussed further in the next section, may be influenced by the degree of choice prisoners are given, as to where they live within the establishment.

Emotions upon arrival

In this final section, I will analyse different emotions research participants expressed upon arrival, including relief, anger and sadness. I will argue the wide range of emotions was, in part, influenced by offence type, affiliation with prison life and whether a prisoner requested relocation or staff persuaded or 'tricked' the prisoner, as a couple of research participants maintained.

Relief

> *'It was like a relief because I'd got away from that padmate' (Gordon, HMP Durham)*

> *' I was like 'phew' and when I got moved to my new cell....and I'm thinking " take a deep breath, nothing's going to happen to me no more, nobody's going to come and threaten me no more...that's over and done with...and when I went to sleep that night, the next morning I wake up and think "fuck, somebody's going to come to that door and start having a go at me but none of that happened and that's when I know that everything's ok. I were relieved.' (Nobby, HMP Durham)*

> *'I wouldn't say happy but relieved, that's all I can say really. The anxiety's not totally gone but reduced.' (Martin, HMP Durham)*

> *'Once he said that you are on protection it was a real weight off my shoulders, aye.' (Alan, HMP Glenochil)*

> *'Relieved to get off E wing' (Ray, HMP Durham)*

I asked participants during research interviews about their emotions on arrival to protective housing and I believe it significant that nearly half of the prisoners I interviewed in Durham and a third in Glenochil expressed 'relief' as the over-riding emotion first felt upon arrival into both the VPU at Durham and into protection in Scotland. For example, Gordon expressed relief at having left his mainstream cellmate on E wing, the very same wing that Ray is relieved to have left behind. Whilst interviewing Nobby, I felt his almost palpable sense of respite, as he deeply exhaled during interview, as if to demonstrate the release of tension he had been holding within his body. This expression of relief relates to arriving into, as Martin has described, your *safe place*, understandable given the time they awaited relocation from mainstream. Although not a strict correlation, it is possible to propose that the more traumatic the circumstances or risk of attack, the greater the sense of relief on arrival into a VPU or protection.

Feeling safe

> *'I felt scared but I also felt that I was in the best place to be' (George, HMP Durham)*

> *'I thought I'm going to be safe now' (Nobby, HMP Durham)*

> *'This is your safe place, this is where you need to be, I was vulnerable on there, that's why I come on here' (Martin, HMP Durham)*

> *'But once I got into E hall I felt immediately a sense of ok-ness and felt I had arrived at the place I should be silly as it sounds, that's how I remember feeling.' (Lou, HMP Glenochil)*

Relief is a logical emotional response to a thought process and realisation that the wing or hall you are now on is much safer. For example, George, Nobby and Martin describe feeling safe upon arrival from mainstream locations onto the VPU in Durham, a realisation expressed by Lou when moving from reception in HMP Barlinnie to E hall, the protection area. I have written in Chapters 7 and 8 how some participants saw themselves as vulnerable, and Lou is embracing this vulnerability when he immediately felt a *sense of ok-ness,* arriving at *the place I should be,* once in protection. It is as if, by seeking and gaining re-classification, one's self-identification as a vulnerable prisoner is confirmed; the vulnerable or protection prisoner can now relax amongst their peers, in theory, physically safe but on a deeper level, now emotionally secure amongst fellow prisoners whose identities and characters match their own. They can be themselves together, vulnerability providing a shared status that provides security, safety and protection from mainstream prisoners.

Anger

> *'Anger, frustrated, so many emotions' (Bobby, HMP Durham)*

> *'Bit of mixed emotions, when I first set foot on this wing. I was angry; tired but relief with everything that was going on' (Nobby, HMP Durham)*

> *Anger, anger at being conned into it' (Gordon, HMP Glenochil)*

> *'I just fitted in but the initial stage was, I'm gonna take your head off' (Gordon, HMP Glenochil)*

Although anger was an emotion expressed due to a lack of control in the decision-making process by both Gordon and Archie, anger upon arrival was also felt for other reasons by participants. For example, Bobby was angry at himself because of a loss of face amongst his former criminal associates in mainstream in accepting the offer of vulnerable prisoner status in HMP Durham. Although he had chosen this path, it was a blow to his self-esteem, masculinity and pride and this anger was turned inward, a reaction to the weak and emasculated status he now held as VPU prisoner. The anger expressed by Nobby was partly a reaction to the traumatic circumstances he had left behind but the context of his childhood sexual abuse is also relevant. Whilst in mainstream, other prisoners had been using Nobby as a guinea pig, on which to test their drugs for quality and strength. The traumatic bullying experienced by Nobby resulted in a request to relocate to an area

mainly occupied by those with sexual offence convictions. Nobby is expressing his anger not only at the bullies or staff in mainstream for not keeping him safe but because he is now forced to live amongst the very people who had victimised him in childhood. It is interesting to note how Nobby, Bobby and Gordon all express anger upon arrival yet their anger springs from a wide variety of circumstances.

Sadness

> *'It takes a few days to adjust, you know, you come on here, you're still sad about what you've just went through because it's not nice being a target, you know, it's emotional' (Martin, HMP Durham)*

I have argued throughout this chapter that the circumstances of departure from mainstream or another prison establishment influences emotions felt upon arrival at a new prison or a vulnerable housing wing and I believe this is most accurately summed up by Martin, who expresses sadness when reflecting upon the victimization he experienced on mainstream. Martin was the only participant who articulated sadness but I do not believe he was alone in feeling this emotion, given half of the interviewees in both Durham and Glenochil had experienced either threats, physical assault, self-harm or an actual suicidal attempt before relocation. I have demonstrated how these events, which potentially disguise a 'dark figure' of unarticulated problems, created relief, anger and sadness but I imagine there are a number of other emotions, including guilt, hatred and fear, that participants had to process once they had arrived onto the VPU or protection. Whilst some will process these emotions individually, others will require support from cellmates, other prisoners or staff. The fact that many prisoners talked about the absence of any formal support, suggests this is an unmet need and staff could do more by providing a safe space in the induction to the VPU or protection, to help prisoners, like Martin, offload, about events they have just experienced or witnessed, prior to relocation.

Uneasiness

> *'and then it was actually worse when I come on here than I thought it was going to be, like in terms of creepy people…I was uneasy, I was definitely uneasy.' (Jack, HMP Durham)*

> *'I felt fed up, I just felt fed up. I felt sick….you don't like being on wings like this do you when you've got your mates…like on normal location' (Geoff, HMP Durham)*

> *'It was definitely an eye opener, it was definitely an eye opener but I just kept myself to myself' (Sandy, HMP Glenochil)*

Whilst first time prisoners with a sexual conviction mostly articulated relief on arrival to vulnerable housing, those with previous prison experience with deep connections to mainstream prison culture expressed anger and uneasy feelings at now being surrounded by those they perceived as creepy, vulnerable, sexual deviants who, in their minds, were their criminal and moral inferiors. For example, Geoff, who was on licence recall for robbery and wounding with intent, describes feeling *fed up* and *sick* at having relocated, especially as his friends from the criminal fraternity were still on mainstream location. On the surface, Geoff was in a low mood because he was away from his 'rightful' peers but, more deeply, he was upset because he had been stigmatized and rejected by mainstream, 'proper' prisoners. He seems to have been labelled a weak, vulnerable prisoner in the eyes of the masculine, collective gaze of the mainstream population. However, his low mood and anger is also potentially self-directed, because Geoff chose to come to the VPU. Sandy, who also was not imprisoned for a sexual crime, talked about protection in Glenochil being an *eye opener*; Geoff and Sandy therefore saw themselves as different from the typical profile of the prisoner needing protection, as they both had a masculine, mainstream identity to uphold. Most interestingly, Jack, convicted of the rape of two adult females, explains how he feared relocation because of *creepy people*. His arrival onto the VPU is met with *uneasiness,* presumably because he was now surrounded by sexual deviants, who, in his mind, are lesser mortals, perhaps because they have committed offences against children. Whilst his words play into stereotypes, Jack, despite his conviction, did not see himself as a 'sex offender'. During a memorable fieldwork interview, Jack continually justified his offending, blamed victims and, based much of his self-esteem upon his masculinity, physical strength and criminality. It was such a blow to his pride and masculinity to lose face, admit defeat and, like Geoff, relocate to the VPU. By judging, ridiculing and separating himself from other people in the vulnerable group, he was able to retain, in his own eyes, some credibility, masculinity and moral superiority. This *uneasiness* around *creepy people* was a tactic employed by Jack to reassure himself that he is not like them, and that he is not someone who is vulnerable and needs protection in the same way as others living on the unit require it.

Conclusion

In this chapter I have argued that every departure from either reception areas or mainstream and arrival into a VPU and protection hall is unique. Academia, policymakers and prison staff appear to have neglected how departures, arrivals and emotional intensities surrounding transfers can impact on subsequent adaptability and ability to settle on VPUs and in protection. The stories of Willie and Jimmy at the start of this chapter showed how smooth and difficult transfers from mainstream are shaped by wider

and prior traumatic experiences: their stories illustrate how time was also required to process these events. The range of emotions that prisoners expressed upon arrival appears to relate to how willing and comfortable the prisoner felt about relocation which, in turn, was linked to their previous experience of prison and their commitment to mainstream masculinity and prison subcultures. In other words, first time sexual offenders mostly expressed sheer relief upon arrival into what they anticipated would be a place of safety, although the trauma that Willie experienced in protection in HMP Kilmarnock serves as a reminder that 'vulnerability' to victimization can still be a feature of VPUs and protection housing. This ongoing vulnerability within specialist housing was suggested in Chapter 3 and therefore requires continued staff vigilance in providing a decent and safe regime for all. Many of these first-time prisoners were happy to identify as 'vulnerable', as through their identities made no claims to masculinity or sought any status within the mainstream prison hierarchy. As I argue in Chapters 7 and 8, some of these men even embraced the label of vulnerability; it became a crutch on which they could rely, firstly in terms of their acceptance and maintenance of an identity and secondly and more practically because it ensured they would remain in specialist housing.

For those prisoners with previous prison experience, more entrenched criminal histories and greater attachment to masculine, mainstream prison cultures, their emotional reactions typified anger, depression, resentment and an uneasiness about now sharing their living space with sexual offenders. These individuals attempted to retain a level of masculinity in specialist housing, firstly, as an effort to reject the stigmatising label of vulnerability now placed upon them by the establishment and mainstream prisoners but also as a means of distancing themselves and hierarchically 'looking down' upon those weak, emasculated and vulnerable sexual offenders. The tensions that can result between those with sexual convictions and other prisoners in VPUs and protection housing in both England and Scotland are also analysed within Chapters 7 and 8 as the mix of prisoners on the VPU was a particular cause for concern in HMP Durham. Vulnerability cannot therefore be totally divorced from the concept of masculinity even within specialist housing; some prisoners still remain vulnerable to victimization in the VPU or protection, from others wanting to exert their masculinity and status. On a deeper, psychological level, however, most vulnerable and protection prisoners unconcerned with retention of masculine status appear to accept, internalise and value their classification, whereas others, whose self-esteem and status appear to rest on preservation of masculinity, make every attempt to reject this label of vulnerability outright. The acceptance or rejection of vulnerability and circumstances of departure and arrival onto the VPU or protection hall may therefore impact the ease with which a prisoner adapts to their new surroundings and prison staff should therefore provide an opportunity for prisoners to

explain the circumstances that brought them into specialist housing, in addition to a standard 'induction' and the emotions reproduced through relocation.

Chapter 7. Prisoner Perspectives in HMP Durham

Introduction

This chapter will focus on how vulnerability was perceived and experienced by prisoner research participants in England. For some it was a fixed part of their identity, whilst for others the concept is more fluid, related to situations and risks from particular people. I initially offer in-depth detail on the stories of two prisoners, Jack and Bobby, to show how their decision-making was influenced by an initial 'performance' of masculinity, followed by a swallowing of pride; personal responses influenced by their pre-prison biographies and specific pains of imprisonment (Sykes 1958). I have chosen to compare and contrast their stories because they provide excellent examples of the unique, individualised decision-making process and journey that every one of the prisoner research participants goes through when relocating, even if a performance of masculinity or vulnerability is the common thread lying at the heart of their decision-making. Both Jack and Bobby explained how they never envisaged relocating to a vulnerable prisoner's unit because this would imply weakness, vulnerability and dependence on the establishment, which does not fit with their self-perceptions of masculinity and previous ability to independently navigate their way through a prison. Jack was forced into a metaphorical corner where he must choose between staying on 'normal' location, thereby retaining his masculinity but at great risk to personal safety, and relocating to the VPU, thereby forgoing any claims to masculine status within the establishment. Bobby also faced a dilemma, but his decision-making process was driven, not by negative forces, such as fears of violence and safety, but by positive ones, including the birth of his daughter, a decision to 'rise above' notions of pride and a rejection of the prisoner subculture, which he acknowledges fuelled and validated his previous masculine ideals. Their case studies offer interesting, useful comparisons because neither of their decision-making processes was straightforward, whilst both participants recognised their previous, much sought after masculinity and prison status would be irreparably damaged. However, as the case studies will show, this loss of status appeared to bother Jack, much more so than Bobby.

I use these stories and themes they illustrate to then broaden the discussion, highlighting the need to analyse why some prisoners embrace a 'vulnerable' identity when faced with potential victimization and how this impacts their decision-making process. I will use Ray's story to show how he imported a vulnerable identity into Durham and 'performed'

this vulnerability, rather than masculinity, to ensure he was transferred to the VPU. This performance of vulnerability was also a feature of other first time sexual offenders, who willingly relocated to the VPU citing safety as their over-riding concern. The other prisoners in the fieldwork sample all had previous experience of mainstream wings, so I will then analyse the 'specific circumstances' that influenced their relocation. For these participants who had previously spent time in prison, developed criminal connections and were more familiar with required performances of masculinity, their decision-making was much less about a fixed, vulnerable identity, like Ray's, and more about specific risks they faced at a particular point of time and place. I will therefore suggest that vulnerability, like risk, exists on a continuum where for some of my research participants their vulnerability was fixed, a permanent, performed feature of their identity to ensure they are relocated and protected. For others, vulnerability and risk of assault was more fluid, a temporary, situational feature and identity that must be acknowledged and accepted in order to gain access to the institutional gateway, namely protective housing, but a vulnerability which can then be denied or rejected, replaced by a more familiar form of masculinity, once living on the VPU.

In the final section of this chapter, I focus on a range of individual factors that influenced my participants decision-making to relocate to F wing, the VPU in Durham. These factors include the influence of supportive staff, cell mates in mainstream, outside family and friends, mental health problems and media coverage, alongside fears of stigmatization and sexual abuse from a couple of prisoners if they did relocate. Interestingly, although these are separate, stand-alone influences, they can be tied to identity where, for example, an individual who prioritises masculinity may dismiss their mental health problems or ignore the advice of family and friends, worried for the prisoner's welfare if they remain in mainstream. On the other hand, a prisoner who is happy to be classified as 'vulnerable' and is therefore less concerned about masculinity, will seek out supportive staff for advice and guidance or be less concerned about stigmatisation and loss of status as a consequence of relocation. Although there may be a range of idiosyncratic explanations for why some prisoners move to VPUs and protection housing, these highly individual influences cannot be separated from notions of masculinity or vulnerability, identities which lie at the heart of a prisoner's decision-making.

VPU as a 'gateway for vulnerability': Jack and Bobby's Experiences

Jack's story

> *'Going for visits as well….one went to shake my hand…then when I've walked by somebody's said "what are you doing shaking his hand? He's over there"*

A prisoner who relocates to a VPU has engaged with an 'institutional gateway for vulnerability' (Sloan, 2016: 150), positioning himself outside of the masculine hierarchy that many prisoners so value (ibid: 135), as suggested by the quote above. Within Chapter 3, I have previously explained 'discourses of masculinity' (Jewkes and Johnstone 2006: 109) within male prisons, where 'vulnerable' prisoners are either 'at risk' of violence, rejection from mainstream cultures or of stigmatization, as experienced by Jack in the visits room in HMP Durham. This hyper-masculinity (Ievins, 2013) is one such response to the 'pains of imprisonment' (Sykes, 1958), pains which penologists tend to agree are produced by a mixture of importation of values and cultures and by deprivations brought about by living within a specific institution itself. This theory of both importation and deprivation supports my research data because some interviewees only relocated to a VPU when faced with a particular set of circumstances within a specific institution, whereas others imported a fixed, vulnerable identity, always seeking out a VPU, whatever the circumstances or location. Jack had previously lived on 'mainstream' but had now chosen to be *'over there'*, sitting in the visits room with vulnerable prisoners and had, in the eyes of the quoted prisoner, intentionally positioned himself outside of the masculine hierarchy (Sloan, 2016: 135) and therefore does not deserve acknowledgement. Whilst this label of 'vulnerability' has been applied by both the institution and other prisoners, Jack also now acknowledged his own weakness by relocating, understanding the stigma he was now afforded, as represented in the quote above.

Background

> *'I've done a 6 months sentence before and a 4 months sentence…I was just on normal wings for normal sentences'*

Jack was remanded to HMP Durham in August 2017, charged with the rape of two adult women in separate incidents. He was also charged with threats to kill and false imprisonment of one of the victims. He had previously served two prison sentences for offences of drugs and violence, having experienced only mainstream wings, as referenced in the quote above.

Prison Reception

> *'they asked us in reception when I first came in and, to be honest, I didn't know what to say…it took us about 30 seconds to answer him….I just said 'no'. So even though I was planning on not coming on (to the VPU) when he asked us…I wasn't sure…I was thinking 'is it the right decision or not?'*

Masculinity is understood as a 'process' which is 'performed' and directed to an audience (Sloan, 2016: 5). In the prison reception, Jack was 'performing' masculinity, both to himself and to the staff around him by choosing to move to E wing, the mainstream induction wing, rather than to F wing, the VPU. By *asking us in reception,* prison staff were fulfilling their 'duty of care' to a prisoner charged with sexual offences when offering him relocation to the VPU. Jack stated in interview that he was *planning on not coming on,* which suggests familiarity with both the reception process, duty of care and VPU as a resource to protect those charged with sexual offences. The quote also reflects the seriousness with which he was taking the decision, presumably because of the nature of the charge and his initial remand, a first time in Durham prison with a sexual offence hanging over him. Jack's decision to go to a normal, mainstream location was, arguably, based on his previous experiences of mainstream prison, which he had successfully navigated and his desire to perform and thereby retain masculine status with both himself, the staff and, in time, other fellow mainstream prisoners.

Mainstream wing

> *'I made the choice to come over here. When I first came in, I went onto the mains. I was honest about why I was in from the start'*

> *'then I went onto B wing and they were all from my area, they knew the situation I was in, they knew the story behind it, they know me, they know the people that had accused us, so they were behind my back and slowly a lot of people on the wing got to know us.'*

> *'Everybody knew what I was in for already. It wasn't a hid thing, they all knew, do you know what I mean, I hadn't kept it quiet'*

As suggested in Chapter 3 and in both this and the following chapter, a small minority of those convicted of sexual offences are able to remain palatable to the mainstream, as Jack was, although the vast majority will remain 'at risk' requiring the VPU in England or protection unit in Scotland. Jack's performance of masculinity in mainstream was influenced by the internalized collective gaze which shapes individual norms and actions (Sloan:38), so whilst his performance may influence and be influenced by the

audience, the performance must still be 'acceptable' to both parties. By moving to B wing, a mainstream location, and taking responsibility for a sexual offence, Jack is performing masculinity whilst risking reprimand and rejection by the collective (Sloan, 2016), risky behavior which is evidence of masculinity at work. These 'tactics' appear to be successful as he knows people (*all from my area),* blames the victim (*they know the people that had accused us)* and garners support (*they were behind my back*). It is impossible to understand exactly why Jack was 'acceptable' at that time, without having physically observed him on B wing, but his remand status, minimization of offence by blaming the victim, ongoing network of support, previous prison history, physical size and strong character all helped both his cause with others and his decision to remain on normal location.

After being found guilty at trial, Jack returned to B wing and this decision-making was evidence of interpreting and performing his own masculine identity, though now with the added weight of expectation from his audience (Sloan, 2016:6). For example, after the guilty verdict, Jack said to reception staff *'you're still putting me back on the mains?'* Whilst this may have made practical sense, given he had lived on the remand wing for six months, was settled and, as referenced earlier, had networks of support, his decision to return to mainstream was also a further demonstration of masculinity both to himself and to the collective. At face value, this may be seen as 'mirroring' his initial performance upon arrival into the prison but because he had now developed relationships with prisoners and staff, there were possible 'expectations' upon his behaviour from others, within a wider framework of prisoner and staff masculinity. If mainstream prisoners had accepted a 'sex offender' into their midst and staff had sanctioned this then, I would suggest, some might expect their loyalty to be rewarded by his return. Jack not only wanted to return to mainstream, but needed to, in order to retain his masculine credentials, both in his eyes and those of the collective, given the guilty verdict and his newly found status as a 'sex offender'. As Jack had portrayed himself as a 'stand up' masculine prisoner, he had to continue to live up to this ideal.

After sentencing

> *'I ended up having a fight with two Scouse lads, before that I got a note put through the door but I resolved that myself…I think they started whispering in people's ears.'*

'Moments' can quickly alter the course of a prison experience and, after the imposition of a life sentence and subsequent high-profile media coverage, Jack's fortunes in

mainstream quickly begin to change. The media coverage, specifically newspaper articles, revealed that Jack had raped two women, though he had told fellow prisoners of only one victim. As demonstrated in the quote above, some prisoners on his wing then started to threaten, bully and physically assault him. Whilst understandably physically protecting himself from assailants, the *fight with two Scouse lads* and *resolving… the note under the door* were symbolic, masculine gestures (Sloan, 2016) to the collective gaze. This 'impression management' (Goffman, 1958 as cited in Sloan, 2016: 36) was a necessary physical response to those prepared to challenge his masculinity and the status quo he had enjoyed up until this point.

Influences on Jack's decision-making process

<u>Fears for mental health, safety and imposition of a long sentence</u>

> *'aye, its easy for you to say…I've just been given a life sentence. What do you want us to do, come over there and start a war with everybody? They're never gonna let us out.'*

> *'aye, it's not an easy decision to make…when I come in, I was like more determined to stand my ground but slowly it grinds you down…it's like paranoia'*

After several conversations with both family and friends and prison staff, Jack eventually requested relocation to the VPU and I will discuss these 'outside influences' and the input of staff on the decision-making process later in this chapter. In addition, I will consider the impact of media coverage, as this exerted a great influence on the way other prisoners subsequently responded to him.

Three other factors also played a part in Jack's decision to relocate to the VPU, namely, worries about his mental health, being outnumbered and therefore unable to deal with bullying and a concern for how fighting might impact upon his life sentence, parole eligibility and potential release. Jack explained he felt paranoid and short tempered with everyone whenever he left his cell, given media reporting. Whilst dealing with a deterioration in his mental health, Jack was also having to weigh up the limited options available to deal with bullying (Sloan, 2016), in order to retain credibility with other prisoners. In addition, Jack was also having to weigh up the risks of victimization against his fears and assumptions about what life would be like once relocated to the VPU, a balancing of risks identified by Hay and Sparks (1992) in the early 1990s and referenced within Chapter 3 and within the section below. Sloan argues that an 'at risk' prisoner must distinguish himself from both the prisoner collective and the category of

the vulnerable, whilst simultaneously proving himself to be masculine in negotiating bullying and exploitative behaviours (Sloan, 2016). Jack was initially determined to *stand his ground*, thereby exhibiting masculinity to both himself and the collective and avoiding the official classification of 'vulnerability.' However, whilst starting a war with everybody might reflect a masculine ideal, he is aware that all his friends had gone. He recognizes he is outnumbered but also understands the need for a long-sighted approach, seeing beyond immediate preservation of masculinity, status and perceptions of others, if he is to progress, otherwise *they're never gonna let us out*. As suggested in the Introduction, Jack has been forced into a metaphorical corner, with limited options and therefore decides to relocate to what he hopes will be a quieter location, enabling him to deal more easily with his sentence, whilst avoiding any further victimization.

Pride

> *'I mean, it was a hard decision for me to come over…like, I was nearly crying when I actually said that I would come over'*

> *'But it's like a pride sort of thing for me'*

> *'Sometimes I wanted to come over but I just couldn't. I couldn't…I feel I'm turning my back on myself.' 'I remember saying to some of my friends on the phone that I thought I was taking the cowardly route, as if I was running with my tail between my legs.'*

I would argue that Jack's masculine identity and deep attachment to criminal and prisoner subcultures was a major factor in why relocating to the VPU was such a difficult, emotional decision-making process for him, as shown in the quotes above. Prisons encourage a 'silent stoicism' (Sykes, 1958), where the inmate code can help to diminish the emotional heat of the environment but, given his entrenched masculine identity, Jack found it hard to show 'vulnerability' and weakness to other prisoners, especially as he was considering relocating to the VPU. As suggested in Chapter 3, Hay and Sparks (1992: 6) proposed that prisoners weigh up risks in deciding whether to relocate for their 'own protection', and I would argue that risk to pride constitutes an additional risk, for those, like Jack, with a deep connection to prison subcultures. Their research in HMPs Albany and Long Lartin in the mid 1990s suggested prisoners weigh up the risk of victimization on normal location against the risk of tedium, isolation, deprivation and possible discrimination on the VPU. The risk of victimization is also balanced against the risk that measures taken for a prisoner's protection are inadequate, whilst identifying them to their victimizers, with risk of being unable to come off 'the rule', even if you want to (Hay and Sparks 1992: 6). Jack faced risks of victimization but could not have predicted outcomes of the other three risks, having never relocated to a

VPU previously; his dilemma therefore centred on risks to his safety versus risk to his masculine pride and self-esteem, evidenced most memorably by the declaration that *I feel I'm turning my back on myself* by behaving in a weak manner which did not fit with his self-perceptions.

Influence of other prisoners and hierarchies on the VPU

> *'I had one lad…I think he knows a lot of people on A wing…I seen him on the visit and he comes over. I was sitting in the VP section and he was saying "it's no good for you on there…he was saying "come over, I'm not saying you can't handle yourself…but we'll get you looked after on there, nobody will touch you.'*

> *'so then you end up on a wing like this, surrounded by the depths of society really. You know, this is probably one of the worst places you can end up in life really, isn't it?'*

It is not my intention to analyse 'exit' strategies or 'life on the VPU' in this section but, as suggested in Chapter 3, many prisoners were unable to return to mainstream due to 'stigmatization,' and subsequent risk of assault, even if they would have liked to. Jack reflected on *the depths of society* with whom he was now living and frequently talked during interview about a possible return to mainstream conditions in a new prison, for example, in *HMPs Frankland, Garth* or *Northumberland*. He explained that he *'only bothers with a handful of people, the few lads off the normals who are just here for protection'* or, in other words, those prisoners who are not convicted of sexual offences and require *protection* for other reasons. Even though he was convicted of sexual offences, his attachment to notions of masculinity is so entrenched that he places himself on a pedestal above other sexual offenders; he is still a masculine, mainstream, 'normal' prisoner in his eyes. This is a perfect example of how the VPU hierarchy manifests itself, as explained in Chapter 3, where comparing oneself favourably with another is a common method of denial (Ievins, 2013), a comparison made amidst a configuration of masculinities, domination and subordination reflected from mainstream populations (Maguire 2019: 9). This self-identification of masculinity and independence is, arguably, validated when Jack was approached by a mainstream prisoner in the visits room who says '*I'm not saying you can't handle yourself*.', whilst the statement *it's no good for you on there,* implies both weakness, stigmatization and 'othering', re-enforcing Jack's perceptions of both himself and those others who have 'crossed over'. Finally, *we'll get you looked after on there, nobody will touch you* gives some indication of the protection that is afforded to those deemed acceptable to the prisoner hierarchy on mainstream, an 'acceptability' that, perhaps somewhat surprisingly, may still be

available to Jack within HMP Durham, given the nature of his sexual offences and previous departure.

Bobby's story

Background

Bobby was initially remanded to HMP Leeds on a charge of Indecent Assault. He was remanded from Durham Magistrates Court but was taken to HMP Leeds because of past disciplinary problems within HMP Durham. He spent thirteen weeks on mainstream in Leeds before being accepted by HMP Durham in early 2018. In reception, he is told he is going to the VPU but refuses, so is taken to the segregation unit for a short period until he is moved to E wing, the induction unit. After ongoing discussions with his partner living in the community, who ultimately influenced his decision-making process, he agreed to move to F wing, the VPU, though there was a delay of nearly a week before a space became available. According to the VPU manager, Bobby was also subject to an Osman Warning, issued by police detailing a potential threat to his life whilst in prison. Interestingly he never mentioned this during our interview, though he had been made aware of the warning, as was I through prior discussions with a member of staff.

Prison reception

> *'on arrival in reception, I got taken straight to the block. I was told I had to go to this wing. Went to reception wing (E wing), waiting on space for this wing...that's due to me not being allowed in this prison due to a sentence that I was in'*

> *'I was just quite surprised on arriving in reception being told what wing I was going to, it was new to me, because I knew Durham jail, so it was a bit of a shock, it was misinterpreted...so I probably dealt with things the wrong way and that's why I ended up in the block'*

As with Jack, Bobby is offering a performance of masculinity (Sloan, 2016:5) to his audience in the prison reception, though Bobby's performance relates more to historic relationships within the establishment and expectations of his present behaviour, based on his previous behaviour, in both his eyes and those of staff members. As mentioned in background information, HMP Durham initially refused to take Bobby because of his previous disciplinary record in prison, *mainly due to my past, the prison sentences that I've done...I've thought of myself, not cared for the rules*. After inter-prison negotiations with HMP Leeds, Durham did accept him, though under the proviso that he moves to the VPU, presumably because of a combination of his sexual offence, poor disciplinary record

and a 'duty of care', heightened given the Osman warning. Bobby performs masculinity in reception, directly, through the refusal of staff orders and indirectly, I would argue, by not allowing either himself, or others, to label him as 'vulnerable' or 'weak', as would be the case if he relocates to F wing. Arriving from mainstream locations in HMP Leeds and having no previous experience of a VPU, might also have played into this masculine performance given mainstream prisoners should not canvass ideas of retreating to this institutional gateway for the weak and vulnerable.

Mainstream wing

> *'I'm seeing a lot of people come in who I know, I'm looking outside the box, I'm thinking to myself, I know exactly which way this is going to go if I stay on here, I spoke to staff, asked them when I was moving, um, they come and got us and moved us'*

> *'but it's been a lot harder for me because it's Durham, because I'm more well known in this area, so it is harder for me inside to make the choice that I have made'*

> *'It means I can keep out of trouble, stay away from people, not get involved in phones, drugs, violence and I can keep my head down'*

A main driver in Bobby's decision-making process is his desire to not become embroiled in the prison subculture and illicit economy within Durham by, for example getting *involved in phones, drugs, violence.* Bobby relocates from the segregation unit to E wing, the mainstream induction unit but realizes he will be tempted into criminal activity because of who is arriving onto the wing, hence why he asks to relocate to the VPU. Temptation and the internal decision-making process is particularly challenging for Bobby, given Durham is his local prison and he has a number of local, criminal connections. By deciding to relocate to the VPU and *keep my head down,* Bobby is aware that his behaviour is shaped by the collective masculine gaze (Sloan, 2016: 38) but can also be influenced by the gaze of others in a different setting, a self-awareness of how the individual and collective can influence each other within the framework of both masculinity and vulnerability, depending on location within the establishment.

Influences on Bobby's decision-making process

Pride

> *'forget about pride, forget about how you're looked, how you're gonna be looked upon, how you're gonna be talked about, all of them sort of emotions come to me and that is a hard thing to take on, who you were and toss that*

away, who you believed you were and how you believed you were looked at, as like this big guy, this that and the other when really all I am is a scared little boy who cries behind his door because that's exactly what I've done, you know, terrified the life out of me this'

Pride forms a large part of Bobby's decision-making process, as with Jack, but Bobby has not been forced to swallow his pride in consideration of safety, as Jack had to. Instead, Bobby considers how pride, as part of his masculine identity, has affected the choices he has made through involvement with the drugs economy in prison over the years. In the powerful quote above, Bobby shows self-awareness, in terms of thinking he was a *big guy* amongst the criminal fraternity, whilst acknowledging the range of emotions produced through self-reflection. The reflections allow for a recognition of his weakness and vulnerability, an emotionally honest appraisal concluding that inside, he is just a *scared little boy*. It is perhaps this period of reflection and honest self-appraisal that creates conditions whereby Bobby can allow himself permission to relocate to a VPU for the first time. He is now prepared to sacrifice his own pride and masculinity in front of the collective gaze, shedding a skin within which he has become comfortable, yet which he is now prepared to discard. Bobby realises that a search for a masculine identity has, in the past, kept him tied to the masculine collective and this dependency has not permitted any meaningful self-reflection, recognition of vulnerability and potential acceptance of a, previously unconsidered, new, vulnerable identity and physical prison location.

<u>Road to Desistance?</u>

'I do not want that lifestyle anymore, I just do not want that lifestyle'

'that life is done for me, no drink, no drugs, no anyone whose involved in any criminal activity at all or associated with it will be in my life… I'll still be talked about, that's just life but it doesn't matter to me anymore, I'm passed it, I don't care'

'I have no problem, nothing to prove, people can call me, people can say things about me, it does not make any difference to me anymore'

'so, I know that this is the right place for me, to keep my head down, to be by myself…... If I was in a different position, different time, different place, you'd probably get a different answer, but how I am and the way I am at the moment and what I want in life because of what I have outside, this is exactly where I will stay'

Bobby was the only research participant who accounted for a decision to move to the VPU in terms of wanting to give up their association with a criminal lifestyle; all of the other nine prisoner interviewees in Durham explained how personal safety formed at least part

of their decision-making process. On the other hand, although it wasn't mentioned, perhaps the Osman Warning and potential risk to life had some influence on his thought and decision-making. Bobby's sea change in attitude was most definitely triggered by the birth of a new '*little girl*' and *what I have outside*, a child whom he met for the very first time on the day prior to our fieldwork interview. He also explained how he now has a '*future and a family,'*, effectively referring to how outside influences impacted the decision-making process within the prison, in contrast to many of the participants whose decision-making related to developments or fears within the establishment. Whilst Jack's reasoning meant overcoming pride, his primary concern was safety and Jack's reluctance to relocate might explain why he was much more aggrieved and angry about ending up on the VPU, surrounded by the *depths of society*. On the other hand, Bobby, was relocating amidst an air of positivity and was much happier with his decision, declaring *this is the right place for me, to keep my head down, to be by myself*. Whilst both Jack and Bobby had to reflect, overcome masculinity and pride, demonstrate 'vulnerability' and sever ties with mainstream prisoner subcultures, the contexts were different, as was their reactions to arriving and living within a VPU. This provides evidence of how different catalysts within mainstream can impact arrivals and adaptation within protective housing, a gap in the literature I identified in Chapter 3 and analysed in Chapter 6.

In the previous chapter, I showed how triggers to decision-making, for example a suicide attempt or victimization, impact a prisoner's arrival into the VPU, alongside how these 'triggers' impact a prisoner's adaptation and attitude to their new life on the VPU. So far in this chapter I have shown how both Jack and Bobby had to overcome their aspirational masculinity, by both swallowing their pride and asking for help from the prison, whilst showing a willingness to now be classified as 'vulnerable.' I therefore believe that a 'risk to pride' is a factor that should be taken into account in weighing up the decision-making process, particularly for those prisoners who have based their self-esteem on masculinity, independence and navigating mainstream populations, whilst embracing criminal codes, values and status In effect, this 'risk to pride' builds on the four risks identified by Hay and Sparks for those prisoners considering relocation to VPUs, analysed previously within Chapter 3. In the following sections, I will show how vulnerability, rather than masculinity, can also be an identity to be sought after or relied upon, a vulnerable identity that also drives the decision-making process but, this time, does so by actively seeking relocation to the VPU rather than trying to avoid it.

Fluidity of vulnerability as concept, identity and label: Further prisoner perspectives

This section will begin by explaining how a prisoner's 'vulnerability' can also be an identity to be relied upon, influenced by the mindset that an individual imports into the establishment, their pre-prison biography, but also by a deprivation framework exerted by a specific prison. I will use the case study of *Ray* to show how 'vulnerability' can be part of a 'fixed' imported identity, a vulnerable identity that influences the decision-making of an individual to always seek out a VPU, whatever the prison or circumstances. This 'performance' of vulnerability stands in stark contrast to the 'performance' of masculinity by Jack and Bobby, outlined previously, but which is similar in principle in that the performance is purposeful, although this time the desired outcome is a place on the VPU, rather than in mainstream. To complement Ray's story, I will use quotes from George, Jimmy and Alan to highlight how first-time prisoners, unfamiliar with the system, interpreted their vulnerability as mostly permanent, particularly if they were remanded or convicted of sexual offences. If vulnerability exists on a continuum, as suggested in the Introduction, their experiences highlight how their identities are more at the 'fixed' and permanent end, whereas for other research participants, namely Geoff, Martin, Nobby and Bobby, their 'vulnerability' was more fluid, only relevant to a particular set of circumstances, for example, the existence of enemies within HMP Durham. Their vulnerabilities were not integral to their identity, neither 'habitual' nor permanent nor a label to be sought to deal with potential victimization. These four participants emphasised during our research interviews how they would only relocate to the VPU under certain conditions, which, I perceive, as their way of retaining some element of masculinity and control over their fortunes, attempts to repair the damage done to their self-esteem given their initial relocation to the VPU. The risks posed to participants through a specific set of circumstances and the subsequent influence on the decision-making process are further evidence that although vulnerability may be seen by some as a fixed part of their identity, for others it is much more fluid, situational and social.

Ray's importation of vulnerable identity and decision-making process

Ray was in his 60s and in prison for the first time for an offence against a child when I interviewed him in HMP Durham.

> *'because I've felt, in a way, vulnerable most of my adult life, you know, for reasons I've explained, bullying and stuff like that. So I just thought, when I heard it, that sounds like the place for me'*

> *'I don't think I need to prove my vulnerability, I think that's already set in stone'*

> *'Being here, certainly makes me feel less vulnerable than I would be even at home, maybe, being looked after and cared for…so I think my vulnerability comes from, I brought it in with me, everybody's seen…I mean, I don't do various things because I can't do various things, you know, so I don't have to prove I'm not able to because they can see that I'm not able to'*

As explained within Chapter 3, prison is not a closed culture (Clemmer, 1940/58 as cited in Jewkes, 2012: 128), as prisoners import characteristics and behaviour patterns, just as Ray has brought his *vulnerability* into the prison. Prisoners reflect on their circumstances, evaluate their options and make decisions on how best to 'do time', based on their pre-prison characteristics (Crewe, 2009: 7), so when Ray hears of the VPU for the first time, he reasons that *sounds like the place for him*, given his self-awareness and perception of his vulnerable nature and identity. Although I suggest that vulnerability can be fluid, situational and social, for Ray it is more fixed, *set in stone,* inseparable from his identity and, as a consequence, this affects his decision-making. Control over one's personal life course plays an immensely important role in the negotiation of the masculine self in prison (Prison Service Journal, 2012:4) but Ray *can't do various things,* enjoys being *looked after and cared for* and is therefore dependent on the institution. Ray is not only importing a vulnerable identity but is 'performing' his vulnerability to the collective gaze, a fixed, almost helpless dependency which not only eradicates any claims to masculinity but which, effectively, permits staff to guide, lead and control his decision-making both within Durham and, most likely, other establishments. Of course, for Ray to physically make it to the VPU, staff have to also agree with his personal assessment, whilst the prison has to actively support vulnerable prisoners in separate accommodation, otherwise Ray's vulnerability must be managed within mainstream populations.

Vulnerability as a term of dependency or manipulation?

> *'I know I haven't got a sex offence but I've been on VPs for all my sentences for the last 6 or 7 years, so I need protecting, so I've got my VP status now' (Martin, VPU prisoner)*

> *'So I think he tries to use being vulnerable as a tool and a weapon, maybe's but I think they've seen past it' (Jimmy, VPU prisoner talking about a cellmate)*

> *'cos he was getting looked after 24/7, he enjoyed that, so I think people do try and use that for their own game and extremes as well' (Jimmy, VPU prisoner talking about a cellmate)*

A prisoner classified as vulnerable and assigned to a VPU, is at risk of internalising the label and coping with stigmatization, thereby potentially influencing future decision-making and likelihood of a return to specialist housing. For example, Martin has been on the VPUs for *the last 6 or 7 years,* a familiarity that has bred dependence on the classification as vulnerable, given he feels he now *needs protecting.* Interestingly, he talks about getting his *VP status now,* as if this is a status, label or membership that both he, and others, can aspire to and rely upon in moments of danger. It resembles a   badge of honour that entitles the bearer to treatment in a particular manner, namely protection, security and care. More extremely, some prisoners may not just seek out vulnerable prisoner status but use it as a *tool and a weapon* to access the unit and to remain there indefinitely, as suggested by Jimmy's quotes about his cellmate. Staff must therefore remain vigilant to the motives behind requests for VP status, as analysed previously in Chapter 5, especially as the Prisons and Probation Ombudsman has identified examples where mainstream prisoners have manipulated the assessment process in order to gain access to VPUs to attack prisoners convicted of sexual offences (Prison and Probation Ombudsman for England and Wales, 2013). An influence on the future decision-making process is therefore the degree to which an individual has internalised and come to depend on the label of vulnerable prisoner, alongside an individual's motives for requesting relocation, motives to be analysed by staff, as referenced in Chapter 5.

Deprivation, geography and decision-making process

> *'I've only been on the VPs because I've had rick with someone else in the jail….but any other jail I'll go on the mains' (Geoff, VPU prisoner)*

> *'Lancaster Farms, Haverigg and Wealstun and Preston, I wasn't on the VPs in any of them jails, know what I mean, just this one and Holme House' (Geoff, VPU prisoner)*

> *'other than Holme House, Frankland or that I would be on a normal wing but if it's in Holme House or Frankland or anywhere in the local North East, I would be on the protection wing.' (Nobby, VPU prisoner)*

> *'then I went onto B wing and they were all from my area….., so they were behind my back and slowly a lot of people on the wing got to know us' (Jack, VPU prisoner)*

The 'deprivation' or 'indigenous' theory proposed by Sykes, previously analysed within Chapter 3, explains how a prison itself, rather than imported personalities or cultural orientations, exerts an influence on prison culture, behaviour and adjustment (Jewkes, 2012: 128). The way a prisoner adapts will therefore be shaped by institutional imperatives (Crewe 2009: 7) and, in the quotes above, both Geoff *and* Nobby are adapting to situations within individual institutions. Geoff is on the VPU in Durham because of enemies *in the jail,* whilst Nobby will always head to a normal mainstream wing, unless in the north east of England where he is more at risk from localized problems and enemies. As each prison is its own 'unique social world' (Jewkes 2012: 123), the vulnerabilities and risks which Geoff and Nobby face are therefore fluid and situational, linked only to particular circumstances and prisons, which stands in contrast to the fixed vulnerabilities and risks interpreted by *Ray*. Decision-making around 'localised' issues and geography is not just linked to the specific institution, however, but also relates to 'pre-prison biography' in that those participants in my sample with previous prison experience and a more extensive criminal history were, unsurprisingly, more likely to have made localised enemies. These participants only required a VPU in 'one off' situations when imprisoned near their home town or regional area. On the other hand, as Jack's quote suggests, someone's local prison can actually provide a support network, affiliation, acceptance and protection, including to those small minority of prisoners convicted of sexual offences who can survive in mainstream within their local prison, as also suggested in Chapters 3, 5, 6 and 8. Local connections can therefore be a 'driver' to the VPU or a safety blanket in mainstream but which of these, is dependent on a variety of factors including criminal history, the availability of a VPU and, of course, the assessment and decision-making process of staff.

Individual circumstances and decision-making process

In this final section, I will highlight a range of individual influences that impacted decision-making, emphasising the unique pathways to the VPU taken by each participant.

Gordon's cell mate and the Charity Worker

All of the following quotes come from Gordon, who was in his 20s at HMP Durham:

> *'I needed to get off that wing because my pad mate was, like I say, doing drugs all the time'*

> *'if I was in with somebody bearable I'd see it out longer on the mains'*

> *'it was mainly Through the Gate to be honest.... She was the one who suggested to me because she knew what I was in for. She said "well, why don't you come over to F wing", I said "what's F wing?".........she basically described it as a lot more quiet, it was a better place to be, not much violence going on'*

> *'yes, it was a big decision to make because obviously my pad mate talking about it saying you don't want to go over there, it's full of nonces, full of paedophiles and everything else, describing it with those sort of words*

> *'on the first night I came in...they did pull me to one side, I think they did mention something about this wing, now you say...but even if they did, I wanted more details, I wanted to know more about it, it's my first ever time in here, so someone just saying to me, do you want to go on F wing, is like, no details, know what I mean...to be honest, I felt like nobody cared'*

Gordon was interviewed whilst on remand, charged with the rape of three adult women. Although the types of offences were the main driver for relocation, Gordon also explained how the drug use of his *pad mate* on E wing, the induction wing, was a major push factor. Indeed, he would have *seen it out longer on the mains* had his cellmate provided a more positive influence which, given he had already lived on E wing for two weeks, suggests he was coping in mainstream and could have continued through whatever successful means or strategies he had employed. In addition to his pad mate, a more positive influence on Gordon's decision-making came from a *Through the Gate* charity worker who suggested he might benefit from relocating to a *quieter* wing given *what he was in for*. *Gordon* was therefore weighing up the advice from the Charity Worker against the words of his padmate, who was trying to dissuade him, given the VPU is *full of nonces* and *paedophiles,* a weighing up of options, proposed by Hay and Sparks (1992) and highlighted within Chapter 3. As the final quote suggests, *Gordon's* decision-making might have been made easier if staff had provided details about what the VPU was actually like, as *Gordon* had to ask the Charity worker, '*what's F wing*', a responsibility and duty of care that should have been actioned by reception or E wing staff on the induction unit.

George and fears of stigmatisation

The following quotes all come from George, a man in his 30s at HMP Durham who was in prison for the first time (interview took place in the segregation unit):

> *'I didn't know what anything meant, I didn't know what kind of environment I was going into, I didn't know anything. All I did was just take the advice from the officers, that it would be best for me to go there, so I just agreed to it*

> *'I mean, they gave me the option, whether to go to normal wings but they said it would be a lot safer if I went to F wing, so obviously because I'd just been brought straight from court to the prison, I honestly thought it would be best to listen to the officer and take their advice…because…when it started setting in, I started to feel a bit scared thinking maybe if I did go on the wings, maybe something would happen to me'*

> *'I spent, I think it was like 3, maybe 4 days down there (on F Wing) and I kind of like snapped out of it a little bit and I thought I need to find out what direction I'm going in here and I kind of asked a few people, a few of the officers down there. I said "what are a lot of these people down here on this wing for?" and he said "well, a lot of them are sex offenders, rapists and child molesters"…and I just said "I think I would rather take my chances on the wing than be in here because I don't want people within the prison to think that I am the same"'*

> *'so we think that you would benefit by going down the seg. We'll get you a job down there and you'll be alright…but it also keeps me safe down here because I'm away from the wings still'*

Once a prisoner has been relocated to the VPU, they may request to move off the unit if they do not like the environment or the people with whom they are now living, as George explains in his penultimate quote above. George was on suicide watch when he entered HMP Durham but was also informed by prison reception staff that he was potentially at risk from the family and friends of the victim he had killed, information that had been relayed to the prison by the local police force. In the first two quotes, George, is explaining how, as a first-time prisoner, he was unfamiliar with the *environment, scared* and therefore thought it best to *listen to the officers, take their advice* and *move to F wing*, an understandable course of action given an unfamiliar environment and reflective of other research participants who, as first timers, also took the advice of officers. After *maybe 3 or 4 days,* George realised he was now sharing living space with *sex offenders, rapists and child molesters* and, as an own-protection prisoner, sentenced for manslaughter, did not want to be stigmatised by other prisoners thinking he was *the same*. As a consequence, George requested off the unit and, rather than risk putting him on *normal wings,* staff found him a job and relocated him to the *segregation unit*. Fear of stigmatisation can therefore play a part in the decision-making process, both in terms of entering and exiting the VPU. George's case study also provides an example of the significant influence and responsibility that prison staff have on decision-making of prisoners unfamiliar with the system and how first-time prisoners, for example, are dependent on staff to provide them with useful, accurate and timely information and support.

Nobby and fears of sexual abuse

> *'then the bullying from the prisoners got really worse, got from worse to dangerous…then officers asked again, and I said "I think it is the time for me to go on F wing and I've given them a few names. They asked me for a few names, people that were threatening me, so I gave them the names'*

> *'me being a victim of sexual abuse when I was younger. There's times where I'm thinking, "I need to be on there but I don't want to go on there because there's people on there who are in there for that type of allegation…like, I'm a victim of sexual abuse and I'm on the wing full of sex offenders'*

> *'you never know what sex offenders might be capable of. What if they can't walk or talk? It's gonna make me sound like a bit of a monster when I say it, sex offenders do target people, like, I was a target when I was three years old…I'm thinking that could happen to anybody if you are all put in together'*

> *'I wouldn't say ashamed, I would say 'dirty.'*

> *Interviewer: 'What do you mean by that?'*

> *'it's a bit personal that really, I don't usually shower with the other people…they let me out for a shower when everyone else is banged up. Like me being a victim of sexual abuse I don't like going in the shower…that makes me feel dirty because I know some of them have actually raped. I won't say ashamed, I would say 'dirty'. It's a clean wing but it's still dirty.'*

The decision-making process of other research participants was also influenced by the presence of those charged with sexual offences on the VPU, although the contexts within which Nobby and George came to their decisions were very different. As the first quote above suggests, Nobby was the victim of serious *bullying* within a mainstream population and so made his decision to relocate from mainstream, whereas George's initial decision came in reception out of a fear of harm, having had no contact with any mainstream prisoners nor experienced any bullying. A risk factor for Nobby, however, is that he had been *sexually abused* as a *three year old,* so although he knows he *needs to be on (F wing)* he *doesn't.... want to go on there,* as he will now be living on a unit where eighty per cent of the prisoners have been remanded or convicted of sexual offences. Nobby is therefore having to weigh up future oriented, potential risks on the VPU against the *dangerous bullying* that he is currently experiencing in mainstream, bullying that led to an overdose and other forms of self-harm. This weighing of options was analysed by Hay and Sparks (1992) within Chapter 3, where an individual must balance the risks of victimization on normal location against risks that safeguards on the VPU are insufficient for an individual's protection. Nobby's dilemma is therefore an extreme example of a weighing of options, firstly, as his choices between mainstream and the VPU are both

laden with risks and fears and secondly, because Nobby's state of mind is hardly conducive to a balanced, rational decision-making process.

Family and Friends

> *'because, you've got family to think about out there as well' (Nobby, VPU prisoner)*

> *'I remember being on the phone to my mates and they're saying 'you can't, you can't go, you cannae do it' (Jack, VPU prisoner)*

> *'you've got your family to think about. My Ma was begging us to go on the VP wing and things like that and what good is it going to be to them, if you're walking about prison with slashes all over your face?' (Jack, VPU prisoner)*

> *'I can go on the mains now if I want to, I'm not in for a sex offence, I could go on the mains now, but it's not that, it's my kids and my lass out there, you know what I mean, that are gonna suffer' (Geoff, VPU prisoner)*

> *'but luckily my partner understands, she wanted us to come on here' (Martin, VPU prisoner)*

> *'but as I got myself put together, spoke to my partner, started to realise what was the right choice, I made the right choice and I come over' (Bobby, VPU prisoner)*

A significant theme to emerge from fieldwork data is the direct or indirect influence of family and friends on the prisoner's decision-making process. Five of my research participants or half of the research sample from Durham spoke of their desire to relocate and keep safe for the sake of either their parents, partner or children, as the quotes above suggest. In *Jack's* case study, previously analysed in this chapter, I explained how a masculine identity and media coverage played a major part in his decision-making process but Jack was also communicating with both his *mates* and his *Ma* to establish the best course of action, further evidence of how a range of factors can influence decision-making. Whilst his *mates* tried to dissuade him from relocating, perhaps because they were also aware of an attached loss of masculinity, pride and status by moving to the VPU, his mother was *begging him to go on the VP wing*, given fears for her son's safety. Jack, like other research participants, was therefore balancing conflicting pieces of advice and a very difficult decision-making process, as articulated by him in our research interview.

The outside partners of Bobby and Martin had an influence on their decision-making, as did the birth of Bobby*'s* daughter, previously outlined in his case study, providing a further example of how life in the community impacts what is happening within the

prison. Martin was concerned for his safety, having been 'outed' as an informant in mainstream whilst Bobby's decision-making was made in the context of the Osman warning detailing a risk to life and his desire to avoid any trouble in mainstream for the sake of his partner and new daughter. Geoff performed masculinity throughout our research interview, demonstrating how he could return to *the mains now,* if he wanted, as he is not on the VPU for a *sex offence*. He is also prepared to swallow his pride and forgo this masculinity by relocating to the VPU, however, for the sake of his *kids and lass out there* who will continue to *suffer* if he remains at risk in a mainstream population. In the cases of Martin, Nobby, Geoff and Jack, the prisoner therefore erred on the side of caution, relocating to the VPU having articulated fears for their safety during research interviews, a fear re-enforced by family and friends living in the community. Bobby did not directly express safety fears during interview but the impact of a birth and guidance from his partner ensured he also took the cautious route, *made the right choice and came over*.

Media

> *'so say for instance it was a sex offence because this is a sex offender wing, now, if you're on the news, you've gotta come on here, as soon as you come in from court, they'll put you in a holding room, they've gotta bring you on here' (Geoff, VPU prisoner)*

> *'then it come out in the paper and when it come out in the paper it was a bad article…that was wanting to make me go over.' (Jack, VPU prisoner)*

> *'so it would make a difference to whether people would decide to go over on a VP or not because I knew it was making me think…I was saying to my mate, 'if that goes in the papers tomorrow and it's bad…I'm going to have to go on a VP wing…(Jack, VPU prisoner)*

> *Interviewer: if there hadn't have been any media reporting would you have come over to the VPU?*

> *'it's a difficult question to answer. I wouldn't have come over when I did….......I'd said I was coming over loads of times and then not come over.' (Jack, VPU prisoner)*

> *''when you get to these jails, these Cat B's. you get Googled when you land…I'm not saying that necessarily happens to everyone but…they might just Google him, see what it says about him' (Jack, VPU prisoner)*

> *'I think that's what will put me off more than anything about going to my Cat B and lying because someone can just simply Google you, so that will always be in your head every day, when you're walking about. That someone could have Googled you last night…so you're constantly looking over your shoulder, you're constantly paranoid. It's a long time to dodge bullets, 10*

> *years….it would have such a psychological effect on you, make it even worse for getting out' (Jack, VPU prisoner)*

> *'it's all Internet, it's all mobile phones isn't it, you can find out who's in jail straightaway, can't you' (Geoff, VPU prisoner)*

> *'when the media reporting was on, cos, a lot of people didn't know what I was here for or anything like that. This is F wing, where you're supposed to be protected, yeh and when that story broke in the papers and that, I got a lot of grief on this wing' (Alan, VPU prisoner)*

During fieldwork, a significant theme to emerge was the influence of media on the decision-making process of both prisoners and staff across Scotland and England, although the degree of coverage, emotive nature of content, specifically for sexual offences and timing of media output was also important. In the first quote above, Geoff, is aware of how a high profile, newsworthy *sexual offence* can place an individual at risk even within the reception area, hence why a prisoner will be placed in a separate *holding room* before *coming* onto the VPU. Although it didn't impact him directly, Geoff is also mindful of how the timing of *news* coverage is significant, given staff have to manage an 'at risk' prisoner as soon as they *come in from court*. In Chapter 3, I highlighted the work of Thornton (1975) and Hawkins and Evans (1980) who analysed the influence of media on decision-making in the 1980s, proposing that a prisoner was most 'at risk' during the week following sentence. This immediacy is reflected nearly forty years later by Jack who, as a direct consequence of the *article* coming out in the *papers*, heads to the VPU shortly after sentencing. Jack, like *Geoff*, is aware that media coverage *makes a difference* to the decision-making process but he also appreciates how the emotive content of reporting, *it was a bad article*, and its timing, *I wouldn't have come over when I did*, also exerted a significant influence on his pathway to relocation.

Whilst media coverage can therefore impact the initial decision-making process, it can also influence quality of life once relocated to the VPU and any potential returns to mainstream, an impact now especially noticeable given developments in Internet and social media. Jack explains how prisoners are able to *Google* new arrivals when they *land* in an establishment, in effect, utilising illegal mobile phones to check for details of offences and inconsistencies in an individual's stories. Whilst prisoners are still able to glean information about high-profile, newsworthy crimes from different sources, including radios, printed media and in cell television, these sources are not constantly to hand, nor do they provide a 'personalised' insight into another prisoner's background. Through sourcing illegal mobile phones and accessing officially denied Internet search engines, some prisoners can therefore keep tabs on others which, in turn, creates a *psychological paranoia* amongst those living in mainstream, *lying* about their offences yet aware of

others capacity to run Google searches. This awareness can therefore impact the decision- making process of those considering relocation to vulnerable prisoner units or a return to mainstream, a weighing of options occupying Jack*'s* mind given he was soon to leave the VPU at Durham and move to a long-term *Category B* establishment. Of course, the influence of contemporary and more traditional forms of media is also felt on the VPU, in addition to mainstream, as Alan discovered when his *story broke* about historic sexual offences and was circulated on the VPU. The subsequent *grief* he experienced on the unit would, arguably, have been far less than the risks he could have faced on mainstream, had his history been revealed there. The media influence on perceptions and decision-making process has therefore emerged as a very significant finding and its influence is felt throughout an establishment. The availability of illegal mobile phones has added a further dimension to decision-making where 'cover stories' and other strategies to navigate mainstream populations are now, potentially, much less feasible given these stories and strategies can be 'tested' through Internet searches.

Mental health problems

> *'I just barricaded myself in my own room…I wouldn't come out for my dinner…not even for a brew pack, not even for a shower…I just locked myself in my pad. I was constantly self-harming. I took an overdose. I cut my arm open once…officers kept coming to my door every two minutes and they said "it's very serious, he's going to end up killing himself in this pad." (Nobby, VPU prisoner)*

> *'when I was in healthcare they said, 'right, we're going to stick you in F wing and that's the VP unit and that's for vulnerable persons' (Alan, VPU prisoner)*

> *'I think if I never saw that mental health nurse, at reception, I probably wouldn't have been here at all' (Jimmy, VPU prisoner)*

> *'I asked for help when I first came in because I was suicidal, so, I seen a mental health nurse when I first came in, she assessed us, I told her what I was in for and she says, right, I'll make sure you get on the VP wing straightaway' (Jimmy, VPU prisoner)*

> *'the best way I can describe my world in here for the first two and a half months was black, literally black, anxiety, depression, levels of grief, um stress, incalculable the stress' (Jimmy, VPU prisoner)*

> *'she says it's the best place for you and I took her word, and it was' (Jimmy, VPU prisoner)*

> *'but obviously with my issues they did take it seriously because I was on an ACCT as well, cutting myself because of the stress and anxiety so luckily they did get us over here' (Martin, VPU prisoner)*

As highlighted in Chapter 5, mental health problems are not interpreted by staff as a valid reason to be relocated to specialist housing in either Durham, Glenochil or Edinburgh but that does not mean that risks to mental health are not part of a prisoner's own decision-making process to request relocation. Individuals may enter prison with mental health problems or these could develop or be exacerbated further within the establishment, for example, as a result of bullying or stigmatization having been classified as 'vulnerable'. Neither Nobby or Martin were sexual offenders but both were bullied in mainstream, self-harmed as a consequence and requested relocation to the VPU, requests that were made from a place of poor mental health and assessed as 'deserving' by staff. When Alan entered HMP Durham, remanded on two charges of historic rape, he had already been assessed as 'at risk' of self-harm but still managed to attempt suicide on E wing, the Induction unit, before then being moved to *healthcare*. As the quote above suggests, Alan was moved from *healthcare* to the *VP* unit and was obviously also in a poor state of mind, although I am surprised, due to the nature of his offences, that he was not initially relocated to the VPU from the prison reception. Perhaps it was the cumulative effect of a sexual offence, in addition to poor mental health and risk of self-harm that assured Alan's classification as 'vulnerable' and subsequent relocation but these were all risk factors when Alan initially entered HMP Durham.

Five of the ten research participants, namely Nobby, Martin, George, Alan and Jimmy had all been assessed 'at risk' of self-harm upon entering Durham but it was Jimmy's encounter in the prison reception that proved crucial to his relocation to F wing, the VPU. In the quotes above, Jimmy emotively explains his state of mind when first incarcerated; he requests help in the prison *reception* and is assessed by a *mental health nurse* who will ensure he *gets on the VP wing straightaway*. The mental health worker was therefore a major influence on Jimmy's decision-making process, not just because he asked for help and was provided with this opportunity but because he *took her word* that the VPU *was the best place to be*. As a first-time prisoner convicted of rape, Jimmy*,* is therefore looking for guidance and finds this in the form of the nurse, without whom, he *probably wouldn't have been here at all*. If Jimmy had ignored the advice, for whatever reason, or the advice he had been given was misinformed or malicious, his pathway through Durham could have been very different indeed, hence why the decision-making process to relocate can be influenced by something as simple as a conversation. Whilst having mental health problems or being 'at risk' of self-harm or suicide does not result in automatic relocation to the VPU, given significant numbers in mainstream are dealing with similar challenges, the influence of poor mental health on a prisoner's own decision-making process or the impact of a conversation with a kindly, supportive mental health

worker should not therefore be underestimated. The moral economy or rationing of vulnerability in the form of mental health problems can therefore have potentially life-threatening implications for some prisoners, reflected in the stories of those participants above.

Conclusion

In this chapter, I have analysed the wide variety of influences on the decision-making process of ten research participants who relocated to the vulnerable prisoners unit (VPU) in Durham. Each request to relocate is the consequence of a weighing of options or risks, a uniquely individual decision to be made, as no two contexts, and therefore balancing of risks, are exactly the same. The chapter began by comparing the stories of Jack and Bobby, who both had to acknowledge their 'vulnerability' within a prison setting for the first time. Jack weighed up the risk to his safety against risks to masculinity and pride, alongside the fear he would be permanently stigmatized by relocating to the VPU. My aim in the chapter has been to demonstrate the broad range of influences which can impact a prisoner's decision-making process, especially true for Jack who was balancing conflicting advice from family and friends, with media coverage and concerns about mental health and future parole hearings, all within a highly charged, emotional context where he feared for his safety. Bobby's dilemma also centred on threats to his safety, which staff were aware of and therefore had to manage, with risks to his pride, masculinity and criminal status if he relocated, drawing parallels with Jack. However, Bobby's self-reflection which provided a potential route to desistance, triggered by the birth of his daughter and conversations with his partner, provided very different motivations for relocation. As Jack was backed into a metaphorical corner through group bullying from other prisoners, Bobby was proud of the decision he had made for the sake of his family and this explained the different attitudes they took onto the unit, just as the contexts of departure influenced the arrivals and attitudes of all the other research participants now living on the VPU. As suggested in Chapter 3, Hay and Sparks first identified (1992) four risks which influence a prisoner's decision-making, where individuals balance risks of victimization against the risks of boredom, that measures taken for one's protection on the VPU are inadequate against the risk that entrenched stigmatisation precludes a return to mainstream. As the stories of Jack and Bobby demonstrate, a 'risk to pride' can be added as a fifth influence on the decision-making process, although this risk appears to only matter to those who perform masculinity and seek recognition within mainstream populations, rather than first-time prisoners charged with sexual offences and more concerned about safety than status.

I have shown how the concept of identity is at the heart of a prisoner's decision-making process and it is a masculine or vulnerable identity that will influence how a prisoner weighs up their options and responds to particular people, events and circumstances. In the second section, I focused on *Ray's* story, highlighting how some prisoners import a fixed, permanently vulnerable identity, which explains why they rely and become dependent on VPUs, whatever the location or circumstances. For others, vulnerability, like masculinity is a much more fluid concept to be 'performed' only in different penal spaces and at certain points in time. So, the vulnerability of Geoff, Nobby, Martin and Bobby is variable, temporary and only needs to be performed or acknowledged in prisons in the north-east of England, where local enemies exist and when the VPU is the desired outcome. For Jack, his vulnerability was recognised and displayed for a short period of time in mainstream but after relocation to the VPU he reverted to performances of hyper-masculinity, as a way of positioning himself above other 'sex offenders' and repairing some of his now damaged self-esteem. Both masculinity and vulnerability therefore exist on a continuum and are performed in different penal spaces but it is the concept of vulnerability, influenced by identity, that must be drawn upon as part of a decision-making process to request relocation to a VPU. These links between identities, performances and decision-making are not unique to the English prison system, a relationship of variables reflected in Scotland's prisons and protection system and to which this research now turns.

Chapter 8. Prisoner Perspectives in HMPs Glenochil and Edinburgh

Introduction

This chapter analyses the perspectives and decision-making process of prisoners who have relocated to both offence and non-offence protection units in Scotland, namely in HMPs Glenochil and Edinburgh. Parallels are drawn with Durham, where for those prisoners convicted of sexual offences and less concerned about displays of masculinity, the pathways to protection are straightforward and the outcome of dialogue and consensus, rather than difficult negotiation between staff and prisoner. Across both penal systems, those individuals less familiar with prison life therefore prioritised safety and the advice of prison staff above concerns about preserving status or masculinity within mainstream populations. For those prisoners more concerned about preservations of masculinity, who initially chose mainstream locations within Scottish prisons, the pathways to protection are more complicated, however, with the decision-making of staff remaining both unclear to the prisoner and poorly documented. In addition to comparisons being drawn between prisons, I will also draw parallels over time by referring to *Vulnerable Prisoners in Scottish Prisons* (Waterhouse et al., 1995), a Scottish Prison Service publication, highlighted within Chapter 3, which also uncovered poorly understood and documented pathways to protection.

This chapter will explain why, how and when prisoners relocated to protective housing, highlighting how masculine and vulnerable identities and the weighing up of risks versus rewards are as influential on decision-making processes of prisoners in Scotland, as they were to Durham's vulnerable prisoners. In HMPs Glenochil and Edinburgh there was also a broad range of highly individualised influences on decision-making processes, including advice of a lawyer, learning disabilities and a family resemblance. Other influences on decision-making were more consistent with Durham, however, as research participants in Scotland referenced previous experiences within protection, high profile media coverage of crimes and impact of prisoner escort staff on their decision-making. The majority of prisoners in my Scottish research sample embraced vulnerability as an identity, relocating to protection due to their sexual offences at the first opportunity, either from reception or induction units. In the second half of this chapter, I will compare and contrast the stories of John, Archie, Gordon and Sandy, those prisoners who embraced and performed

their masculinity by choosing to initially live in mainstream population housing, just as *Jack* and *Bobby* had done in Durham, highlighted within the previous chapter. All of these individuals, apart from Sandy, expressed uncertainty as to why they had been relocated, as all had lived safely within mainstream populations in Scotland for relatively long periods of time. I analyse their stories in particular to demonstrate how decision-making and journeys from mainstream populations are often more complicated; pathways that are not always the outcome of dialogue, mutual interaction and negotiation between staff and prisoners. The stories of Archie and Gordon are also particularly interesting as, like *Jack* and *Bobby* in Durham, their performances of masculinity tried to hide, or at least minimize, a sexual component to their offending. By justifying how they had been 'forcefully' relocated by staff to protection, whilst emphasising the violent rather than sexual elements of their crimes, Archie and Gordon could 'save face'; in other words, they were 'mainstream' prisoners who belonged in mainstream, so they had never requested or felt the need for protection housing. These attempts to preserve both masculinity and credibility, to both themselves and the collective gaze, meant the pathways from mainstream to protection were much less smooth and negotiated for Archie and Gordon. The journeys of John and Sandy were less smooth also, for reasons that will become clear, certainly than for those first-time sexual offenders more concerned with safety than performing and retaining masculinity and credibility with mainstream populations.

Summary of pathways to protection

For prisoners interviewed in HMP Glenochil, seven out of the ten participants were immediately assigned and relocated to a protection hall or area in their initial, former establishment, though one of these seven had been held under conditions amounting to protection within mainstream due to a lack of available space in HMP Kilmarnock's protection hall itself (see Willie's story in Chapter 6). All of these seven participants had either committed a sexual offence against a child or an adult, apart from one who had tried to abduct and endanger a child; these prisoners had therefore decided to accept the offer of protection made by staff within various prison receptions throughout Scotland before arriving to Glenochil. As mentioned, I will discuss the less straightforward cases of Gordon and Archie, Glenochil prisoners who started off in mainstream populations, later in the chapter, but both had been charged with the murder of an adult female, with a potential sexual element. Sandy, the last of the ten Glenochil participants had been convicted of the murder of an adult male, a murder committed for financial rather than sexual reward and he had been in mainstream throughout his sentence. Although a smaller sample, this pattern was also reflected in my fieldwork from HMP Edinburgh; one

participant charged with rape of an adult female was relocated to protection immediately, whereas the other two participants, including *John,* had both been charged with the murder of adults and initially assigned to mainstream populations, only to be moved into protection after specific incidents at a later date.

In Chapter 3, I reviewed research in Scotland from the mid 1990s which showed how immediate relocation from reception to protection was intended to reduce the risks of danger for people with sexual offence convictions held in mainstream populations (Waterhouse et al., 1995). The research showed that, in reality, out of 25 prisoners with sexual convictions against adults, only nine of them were immediately placed into protection housing (Id.), a much lower proportion than the seventy per cent of Glenochil research participants immediately placed in protection, as cited above. In Waterhouse et al.'s (1995) research, 16 of the 25 participants therefore moved through to mainstream, where the average length of stay for these prisoners with sexual offence convictions against adults was eight months (Id.). The authors proposed that individual characteristics and backgrounds may have accounted for differences in those sexual offenders who chose to initially access mainstream populations (Id.) but, as I suggested in Chapter 3, they failed to offer any explanation as to these potential differences in character or background. In this chapter, I therefore aim to address this gap by focusing on the individual contexts and characters of John, Archie, Gordon and Sandy to understand more about the drivers to their decision-making.

Individual influences on decision-making processes

Legal teams

The interviews in Scotland, as with Durham, made clear that few reliable sources of information were available to first-time prisoners considering protection, at least before staff intervened and suggested relocation to protection within prison reception areas. Graeme is a good example of a first-time prisoner who had actively sought information from various sources, even prior to his incarceration, to decide on the best course of action. He had first turned to his lawyer for advice, without much success.

> *I actually said to him I think "what is the position? Do I ask for protection?"*
> *and he said "I think maybe you should, something like that? He did not seem*
> *clear on the situation' (Graeme, HMP Glenochil)*

Graeme, convicted of unlawful sex with a family member, was obviously seeking guidance from his legal representative, who appeared unsure as to whether his client should

request protection, a lack of knowledge which is surprising. Preparing oneself to enter prison, if found guilty, is an important process, during which legal teams can influence decision-making, especially for a first-time sexual offender who is unfamiliar with prison systems. An example from England and Wales in the 1980s may not shed any light on the current Scottish courts but does show the influence of advice of legal representatives. Police, probation staff and lawyers tended to advise newly remanded or sentenced prisoners charged with sexual offences to immediately apply for Rule 43 (now Rule 45 of the statutory Prison Rules) 'own protection' status (Ministry of Justice, 1989). This resulted in large numbers of prisoners seeking and being granted protection within a vulnerable prisoner unit (VPU). The Ministry of Justice Working Group set up in 1989 to investigate this issue eventually wrote to various legal and criminal justice bodies, explaining how their well-intentioned advice was affecting demand and competition for spaces in VPUs, requesting they refrain from this practice (Ministry of Justice 1989). By contrast, Scottish prison staff I spoke to seemed to have little insight or training in the criteria that make protection status preferable, and I found no authoritative document specifying these criteria.

After his lawyer had fallen short as a source of advice, Graeme turned to friends and the internet whilst on bail.

> *'I had been advised to ask for Protection from a friend before I went to Court and I am not sure if my lawyer actually suggested it but he certainly was not sure and I think I was his first sexual offence client and that's why I googled it and then what I read said that I should ask but when I did get to Prison I didn't even ask, I found out I was automatically put on Protection' (Graeme, HMP Glenochil)*

I have explained how some pathways to protection are quite straightforward in that staff identify a sexual offender in reception, a dialogue ensues, and the prisoner is quite happy to relocate; however, underneath even that straightforward process, there are still individual differences and influences on the decision-making process. *Graeme* a first-time prisoner, had been on bail for a period of eighteen months, was found guilty of sexual offences against a minor after trial and subsequently remanded to custody for a pre-sentence report, a remand that may have been unexpected. He explained in the interview how the advice of a friend and an Internet article played a part in his decision-making process, prior to arrival in the prison, as well as seeking guidance from his lawyer. He talks about being *ready to ask for protection* but was unaware that a prisoner with sexual offence charges or convictions is *automatically* offered *protection*. Whilst friends may have offered poor advice, the Internet article remained unsubstantiated and lawyer's advice elusive, this paragraph shows how individualised the decision-making

process can be for some prisoners. Indeed, Graeme was unaware that a decision-making process for staff was much more straightforward, given his conviction for a sexual offence against a minor would result in being *automatically put on protection.*

Prisoner custody escorts

Bruce had been even less prepared than Graeme because he was remanded to custody immediately, rather than spending any time on bail. Bruce described how the custody staff who escorted him from court to the prison had a significant impact on his decision-making on whether to ask for protection.

> *'well, then Reliance, as they were taking me, I was the only prisoner in court that day, as they were taking me, I was asking them what the jail's like and stuff and they explained and they said, look, due to your sex offence, we'd advise you to go on to protection for your own safety' … And they said, well, when you go in, they asked me, do you fight or anything? No, no violence in me. They said, well, I suggest you ask for protection when you go in then for your own safety" (Bruce, Glenochil)*

Reliance, and more recently Geo-Amey, are private companies whose staff escort prisoners between police stations, courts and prisons in Scotland and England. Their employees may have an impact on the decision-making process of prisoners, as they did with Jack's story in Chapter 7, but their degree of influence is determined by an individual prisoner's character and familiarity with the criminal justice system. It is true that escort staff may be spending long periods of time with prisoners and therefore *need to be listened to (Bruce, Glenochil)* especially if they can communicate any useful information concerning prisoner risks or vulnerabilities to prison staff. Whilst it also appears that Reliance staff are exhibiting a duty of care by *advising* Bruce to *go onto protection for his own safety,* I would argue this is beyond the remit of escort staff whom firstly, do not make decisions about where prisoners are located within an establishment and secondly, are unlikely to have knowledge of safety within the prison, given their responsibility stops at the prison gates and reception. On the other hand, as I also suggested in Chapter 5, the importance of their role in communicating any potential risks to prison reception staff is vital. Perhaps the most significant issue, however, is that the responsibility for decision-making appears devolved to the prisoner in this example, where escort staff unprofessionally ask if the prisoner *fights or anything.* This dialogue is unfair given a prisoner may have little knowledge of the penal system, is unaware of options other than *fighting* and may already be dealing with mental health concerns and fears about what awaits. Whilst Geo-Amey, Reliance or any other private escort company may therefore exert an influence on a prisoner's decision-making, the character of the individual, their familiarity with criminal justice processes and manner in which they

interpret the information provided seems as important when assessing their degree of influence.

Learning Difficulties

The previous chapter discussed many different ways in which prisoners could be positioned, or see themselves, as vulnerable, and how this might change, often suddenly, over time. Some Scottish prisoners also discussed how they saw themselves as 'vulnerable' and in need of protection because of their specific learning disability or difficulty; their disability renders them 'at risk' in mainstream and, in their minds, provided as justified a reason to move to protection as their sex offence did.

> *'Both my offence and due to I'm a vulnerable prisoner due to learning difficulties' (Bruce, HMP Glenochil)*

Bruce emphasises here how he is in protection because of both his *offence* and *learning difficulties,* arguably assigning equal weight to both. His learning disability seems to be a part of Bruce's identity and what makes him a *vulnerable prisoner*, in his own eyes, destined for protection. Although Bruce is aware that his sexual offence leaves him 'at risk,' it is likely that other prisoners and staff might prioritize risks associated with offence, rather than disability, demonstrating that the identification of *vulnerability,* and how to best manage it, may be interpreted differently amongst both individual staff and prisoners.

For other prisoners it is not disability *per se* that is important, rather it is the *anxiety* and *social interaction difficulties* that arise as a consequence of disability that leads to potential bullying, exploitation and moves to protection.

> *"But the sort of social interaction difficulties inherent with AS were causing problems, so I was stepping on people's toes sort of thing and that's a really bad sort of thing" (Willie, HMP Glenochil)*

Willie explains how he struggled to fit in as a first-time prisoner with, at that point, undiagnosed Aspergers syndrome and, as a result, was *stepping on people's toes* on a previous sentence in HMP Birmingham. The quote above is reference to Willie's time in mainstream on charges of fraud, but he was also bullied on a separate sentence when convicted of sexual offences, thereby demonstrating that he was unpalatable to mainstream prisoners both in character, social interactions and offence type during those separate sentences. This inability to adapt to prison life through disability, difficulty or *vulnerability* was also recognised in Waterhouse et al.'s (1995) research, highlighted

within Chapter 3, as staff designated individual prisoners to protection who showed any evidence of sensitivity in their mental or physical functioning (Waterhouse et al 1995), designations of vulnerability that, as I have shown in Chapter 5, can be contested by staff. I do not believe their policy findings are fully applicable to current SPS policy nor to my fieldwork findings, however, because there would be no capacity if every prisoner who showed *sensitivity* in *mental or physical functioning* was relocated to protection, especially as prisoners with learning disabilities or difficulties are over-represented in mainstream prison populations in both Scotland (Gormley, 2017) and England (Talbot, 2008). Of most importance, is the way disability manifests itself within the individual and affects their ability to cope within mainstream halls. In other words, some prisoners with diagnosed or undiagnosed learning difficulties or disabilities may be victimized (Waterhouse et al., 1995) whereas others will be popular within mainstream populations, perhaps as a result of strong character, friendships or criminal networks.

Family resemblance or a denial of 'sex offender' status?

Kenny, at HMP Glenochil says this:

> *'er, when I got found guilty and taken down the stairs, I got told I was going to Barlinnie... I said, I would have to ask for protection, and they said, "why's that" and I said, 'because my brother works in the Service' ... and me and my brother are the spitting image, so people might recognise me as him, then I might have all the prisoners on my back, looking over my shoulder all the time'*

> *'no, no, like I say, I've got my reasons for being on protection and it's only because of that that I'm on protection but up here, with it being a sexual offence that I'm in for, that I've been accused of, this is a sex offender's hall, so I'm not allowed in mainstream at all up here'*

> *'The Scottish Criminal Cases Review Commission. I got to the final stage of that and then it fell through and I tried again and they didn't want to know it. I'm now on my second new solicitor to try and prove my innocence'*

> *'If they've tampered with children, they deserve what's coming to them'*

The reasons why a prisoner requests protection may be clear to the individual but perhaps confusing to others, including staff members. Kenny explains in the first two quotes that he intended to request protection, immediately after being found guilty of the rape of two adult females but prior to his arrival into HMP Barlinnie. His reasoning is not because of a guilty verdict on a sexual offence but because he has a brother who is the *spitting image* and has *done working time in Barlinnie (Kenny, HMP Glenochil). Kenny* fears risks of attack if mistakenly identified as a former prison officer, living amongst other

prisoners in a mainstream hall. The logic and reasoning behind Kenny's decision-making process appears entirely sensible and plausible, but prison staff may see his reasoning as flawed, focusing only on their role to offer him protection given his conviction for a double rape. Kenny stated during the interview, however, how he was innocent of these crimes, citing as evidence the fact that his case had reached the *final stages of the Scottish Criminal Review Commission (Kenny, HMP Glenochil)*. Kenny also talked about his hatred of the men convicted of sexual offences against children who inhabited Abercrombie Hall in Glenochil, referring to just deserts, in terms of violence coming to those who have *tampered with children* and *deserve what's coming to them*.

As a researcher, I make absolutely no claims to Kenny's guilt or innocence but after analysing his interview, I am intrigued by his decision-making process. One interpretation might be that an innocent man would be willing to defend their name, relocate to mainstream and deal with mainstream population's potential wrath, whilst another entirely innocent man might find this course of action foolhardy? An alternative interpretation is that Kenny is guilty but unwilling to accept guilt. By justifying his reasoning for seeking protection in terms of his brother's appearance, rather than for his own actions, Kenny is, arguably, denying his status as a convicted *sex offender* to both himself and others, a justification that helps Kenny to live amongst the others housed with him, as he is 'not like them' (for a discussion of the hierarchies formed in prison, see Chapter 3). For example, many sexual offenders with convictions against adults wish to distance themselves from those who have sexually victimised children and this echoes earlier research in Scotland where it was found that men who had sexual convictions against adults did not like being associated with those who had committed sexual offences against children (Waterhouse et al., 1995). Whether *Kenny* is innocent or guilty of these crimes, his decision-making still makes sense to him, even if not to other members of staff, and it is this consensus or conflict between prisoner and staff as to what renders them vulnerable or at risk that I find particularly fascinating negotiations of vulnerability, previously highlighted within Chapter 5.

Media portrayals of prison life

A prisoner's decision-making may not be just based on one single influence, however. In the section above, *Kenny,* highlights the appearance of his brother as the main driver to relocate to protection but his decision-making was based on a number of factors, including even less specific or reliable sources of information. For example, Kenny has also based his past and more recent decision to request protection on TV representations of the mainstream, which made him fear the violence he might be confronted with.

> *"I've seen programmes on TV, inside prisons as well and I've seen what happens and I'm just not interested in that, wouldn't want nothing to do with the violence side of things. If you're in a mainstream prison like this, I hear there's always a lot of bother over there, there's drugs over there and I cannae be doing with that" (Kenny, HMP Glenochil)*

Kenny, who has served two previous remand periods in protection, whilst currently serving a sentence for the rape of two adult women has never been in mainstream, yet assumes he knows what it will be like given media portrayals of prison life.

A further denial of status?

While Kenny may have found a way to justify asking for protection without having to see himself as a *sex offender*, others described how their decision-making was influenced by a more formal denial of their conviction status. If they, in their own eyes, are not guilty of a sexual offence then why should they relocate to protection and live alongside those who are guilty?

> *'And then at some point, I think it must have been around about 2006, the SPS decided that although I wasn't convicted of a sex offence, that there were sexual overtones or connotations to the conviction….so they began to regard me as a sex offender in 2006.' (Jim, HMP Edinburgh)*

Jim, whose main offence was murder of an adult male, does not see himself as a *sex offender*, in stark contrast to the views of the Scottish Prison Service who, he says, began to *regard* him *as a sex offender in 2006.* Although he does not state this denial of status directly above, in other quotes, he implies this by *keeping himself separate* and *associating with people* whom he thinks as *innocent,* arguably a neutralizing tactic to avoid stigmatization by association both in one's own mind and the minds of others. Indeed, Jim was prepared to move to mainstream in HMP Shotts and defend his status but was attacked within a matter of days of arrival, partly as a result of high-profile media coverage. Similarly, Graeme, convicted of a sexual offence, described how his cellmate denied his own status:

> *'The guy that was put in beside me was charged with a sexual offence but had denied it, vehemently denied it and he demanded that he wanted out of that cell and wanted mainstream because he said he wasn't guilty of the offence' (Graeme, HMP Glenochil)*

Both of these denials of status not only help Jim and Graeme's cellmate to set themselves apart and avoid stigmatization, but also further rejects those who do not attempt to deny their status as sex offenders living in protection halls. Another tactic of denial is, as Willie in Glenochil indicated in a separate interview, *creating a legend* or a cover story. In other

words, a prisoner can admit to being charged with a sexual offence but can minimize their involvement, blame the victim or just create a false story, thereby running the risk that other mainstream prisoners find out the detailed truth. Of course, denial of sex offending, minimization, victim blaming and creating a cover story are not limited to the mainstream or to Scotland, as highlighted in the previous chapter set in Durham, as these tactics can also be employed by prisoners to navigate their way through protection areas. Some prisoners remanded or convicted of sexual offences may therefore request mainstream rather than protection and denial of status or minimisation of offence can play a major part in this decision-making process, as profiled in the case study of Jack in HMP Durham in Chapter 6. Denials of status are therefore a feature in prisons in both Scotland and England, where the methods employed by these prisoners to cope in mainstream can range from outright denial, through minimization, to creating cover stories, although of course individuals may also be entirely innocent of any crime. Whatever tactics are employed, however, an 'outed' sex offender or former protection prisoner runs the risk of stigmatisation and recrimination from mainstream prisoners, as has been highlighted throughout Chapter 3 and this research project.

Media influence on decision-making

'I mean they've obviously got intelligence of some description and that could have been through the newspapers, or something that's been seen on TV, but they never had TVs in cells when I got sentenced' (Gordon, HMP Glenochil)

'I think it has got to, yes. These guys out here they have access to Google and all the rest of it, and I became aware,..., talking about Prison, there is a magazine called Digger' (Lou, HMP Glenochil)

'So, the day that I was moved... there was a, a story appeared on the front page of The Sun....so, it made life a little bit difficult (LAUGHS), to put it that way, in Shotts in the national induction centre. They didn't know. The very day that I arrived, I was the front page of the newspapers being called all sorts.... it was only a matter of a couple of days, you know, I was attacked on the way from, from exercise ... and I got into the hall...I heard my name shouted again, like.... And this is in the protection hall...and there were 4 guys on the second landing with a newspaper held out like that, like looking me up and down from the newspaper' (Joe, HMP Edinburgh)

'I used to look at offences that people were in for. I would do that on a daily basis. I'd watch the news specifically to see who was coming in and what they were coming in for' (Bruce, HMP Glenochil)

Within Chapter 3 and case studies of prisoners in Durham in Chapter 7, I have shown how outside media coverage of crimes can reach into prison and influence the decision-making process of both prisoner and staff in having to quickly relocate to specialist housing. The

timing, degree of coverage, emotive content and new forms of media are, understandably, also a significant theme to emerge from prisoner interviews in Scotland given a similar media landscape to England and sometimes parallel penal developments. For example, nine of 13 research participants in Scotland talked of media surrounding their criminal case but all thirteen believed that negative media coverage could influence a prisoner's decision-making to relocate from mainstream populations to protection. In Jim's case, quoted above, there is clearly a link between coverage on the *front page of the Sun* newspaper and an assault, as other prisoners did not know about his offence until he arrived into *HMP Shotts*. Jim's experience also highlights the theme of 'moments' in prison, where a prisoner feels safe and secure one minute, but may quickly become 'at risk' or vulnerable to victimization at another. Neither is this victimization always limited to mainstream given Joe highlights the negative attention and scrutiny that circled his arrival into the offence protection area in HMP Barlinnie. In Chapter 7, I analysed the impact of illegal mobile phones on the decision-making process, an issue equally relevant to Scotland given Lou's awareness of prisoner's *access to Google*. Lou also highlights a form of media more unique to Scotland, namely a magazine called the *Digger,* which provides information about crime, the criminal justice system and prisons in the Glasgow area and, more broadly, within Scotland. Lou is referring to more contemporary forms of media, whereas Gordon reflects back to when he was sentenced in 1999, as televisions were not yet a feature of all prison cells in Scotland. I mention these developments to demonstrate how the media landscape has evolved and how unique, more contemporary forms of media can have a direct impact on victimization and therefore play an indirect part in decision-making to relocate to protection areas.

Quality of regime

> *'no, it's not fair, they should at least make the regime, if it's the same jail,*
> *it should be the same regime, you shouldn't have two different regimes'*
> *(Sandy, HMP Glenochil)*

The regime within protection may provide incentive or disincentive to relocate, as identified in Chapter 3, although this will be less of a factor for a first-time prisoner charged or convicted of sex offences, unfamiliar with prison life and therefore unaware of alternatives. Protection and vulnerable prisoners have often put up with poor regimes and limited access to resources throughout the establishment (See Chapter 3). This finding was also confirmed in a Scottish Prisons Inspection Report which noted:

> *'Non-offence protection prisoners spoken with felt they were being punished*
> *for having asked to go on protection. They explained that there was no*
> *regime for non-offence protection prisoners so they could end up spending 23*

> *hours a day in their cell. This was confirmed by staff. This was unacceptable'*
> *(HMIPS, 2017: 4).*

Explanations for more impoverished regimes ranged from a lack of resources, partly because of staff having to accompany 'at risk' protection and vulnerable prisoners whenever they left the hall, to protection prisoners accepting poor regimes for fear of a return to mainstream populations. For example, Sandy, expresses in the quote above, how protection within Abercrombie Hall was lacking compared to Harvieston, the mainstream hall in HMP Glenochil. This picture in Glenochil was very different in the 1990s however, as Waterhouse et al.'s research showed how the established protection regime was very attractive to prisoners because of the work opportunities it provided (Waterhouse et al 1995). Not only does the quality of protection regimes therefore vary considerably over time and place but the quality of regime is discussed amongst prisoners, creating 'reputations' of specific protection halls and therefore incentive or disincentive to relocate. A knowledge of the variety in quality of protection regimes, arguably only comes with experience of prison life and protection, however, so a first-time child sexual offender who views safety as paramount may be less discerning and influenced by the opinions of other prisoners and reputations of protection regimes.

Masculinities and journeys from mainstream populations

This chapter has, so far, outlined mostly straightforward pathways to protection for research participants in Scotland charged with sexual offences, where the decision-making process has mainly been initiated by staff and agreed upon by a prisoner within either a reception or induction unit, albeit with idiosyncratic reasoning amongst different individuals. This section will also concentrate on individual stories, but profile a small number of prisoners who undertook more complicated pathways and journeys to protection but from mainstream areas. In the stories of John, Gordon and Archie below, all three participants suggested being 'forced' by staff into protection because of security intelligence or perceived risks to their safety, potentially due an undisclosed sexual offence, at least in the case of Gordon and Archie. As I will show, some of these prisoners never came to know the actual reasons for their relocation. It was also often unclear whether prisoner or staff had initiated processes, whilst recording and documentation practices were not always well-understood, findings that, interestingly, also emerged from Waterhouse et al.'s research in the 1990s. This lack of understanding and clarity in the minds of prisoners, and even staff, has consequences for progression out of protection areas because if prisoners are not totally clear as to why they have been relocated, then it is difficult for them to resolve or address any issues that led to protection in the first place. I compare the relocations of John, Gordon and Archie, which were less concerned

with discussion and negotiation, with the case of Sandy, who had an ongoing, negotiated dialogue with staff about risks to his safety. The risks to Sandy were based on firm security intelligence about a potential revenge attack, rather than any undisclosed or uncertain explanation, a further example of the unique contexts and journeys undertaken by each vulnerable and protection prisoner.

John's story

> *'they had a guy up the stair who was basically their informer. I was called oot tae go tae an agent's visit. He was locked up at the time an' he was shoutin' through his door an' I walked over tae his door an' I told him, when I come back tae the hall, I'm gonna get them tae open your door an' I'm gonna kick ye up an' doon this hall like a beach ball'. An' I went tae the agent's visit. I came back fae the agent's visit, went tae go up the stair an' got told, oh no, no, no. You're on protection now.'*
>
> *Interviewer: 'Do you think that was because he had threatened you or because you were threatening him?*
>
> *'Because I threatened him*
>
> *'I was given no choice, no warning. I was just told, you're on protection now. Then I asked them why, "oh, we don't need to explain that tae you". That's the attitude you get wi them sometimes'*
>
> *'I never requested it. You forced it on me'*

There is a distinction to be made between the pathway of a sexual offender identified and relocated to protection from reception and a prisoner who moves through to mainstream and then encounters problems, a pathway to protection that is much more difficult to interpret (Waterhouse et al 1995). This difficulty in interpretation was evident in John's case, whom I interviewed in a non-offence protection area in HMP Edinburgh and who had been sentenced to life imprisonment for the murder of an adult female. During the interview, John described being *shouted at* on the way to an agent's visit by a fellow prisoner in a mainstream remand hall, an incident to which John responded by issuing threats of his own. After the visit, John was told he was being moved to protection but was given no *warning, choice* or explanation as to the decision-making process of staff. In John's first quote, he believes he was moved to protection because he *threatened…their informer*, rather than because of any threats issued to John. I am not convinced this series of events, in itself, would explain his relocation because the situation could be easily managed through a separation of the parties via moves to a different gallery or mainstream hall. John had previously served a life sentence for the murder of an adult male and, having been released, was, this time, remanded for the

murder of an adult female, though I am unaware if he was either offered protection or turned this offer down upon arrival into a prison reception. He was also attacked at a courthouse by a relative of his most recent victim. Unfortunately, I was unable to speak to staff to corroborate exactly why John was moved to a non-offence protection area in Edinburgh but his previous life sentence, current conviction for the murder of a female, assault at court, in addition to threats issued between John and the *informer* may have all played a part in the decision-making of staff to act and *force* him into protection. I have profiled John's case to demonstrate how an individual's journey to non-offence protection can be more complicated than for offence protections, with no clear motive or negotiated understanding as to the reason for relocation, at least from the perspective of the prisoner.

Gordon's story

> *'I came back from a visit one day. I was standing outside my cell and they told me I wasn't there anymore. I was next door. That was a protection hall.'*

> *'I can only assume there's been intelligence of some description because there wouldn't have been any other reason to move me because I was quite happy because I'd signed the paperwork saying that I was happy to be mainstream'*

> *'I just think the fact that I killed a woman, they feel that I should be protected but I should have been given that decision myself. They shouldn't have made that decision for me. That's entirely up for me to say "I don't feel safe here anymore, can you move me next door to the protection hall? But I woke up every day for that six months and never felt threatened'*

Gordon, like John, was also moved very quickly to protection, initially in HMP Edinburgh after unpredictable and critical events, 'moments' that were also a feature of both Scottish research from the 1990s (Waterhouse et al., 1995) and fieldwork in Durham, explained within the previous chapter. As with *John,* I am unaware whether Gordon was offered and declined protection upon his arrival into HMP Edinburgh, given he received a life sentence for the murder of an adult female in the 1990s. Gordon *was happy to be mainstream, having signed paperwork* and chosen this location but was suddenly lifted out of there after a *visit* and placed in a protection area within Edinburgh, though I am unaware if this was an offence or non-offence protection area. Gordon speculates the relocation was because of *intelligence* or the *fact that he killed a woman* but I am also aware of a sexual motivation to Gordon's crimes. This sexual element was not mentioned by the research participant during the interview but Gordon was now living in the offence protection area in HMP Glenochil rather than a general protection area, formerly in Edinburgh which would suggest a potential sexual element to the crime. As I did not

interview any prison staff in Edinburgh or Glenochil with knowledge of *Gordon,* I am unable to ascertain the exact reasons why he was quickly moved to protection, firstly in Edinburgh and subsequently transferred to Glenochil. Although this is purely speculation, if security intelligence had been received detailing a risk to Gordon concerning an undisclosed sexual element to his murder, this was not communicated by him during our interview. Of more certainty, however, was the lack of negotiation between Gordon and staff members, as he did not appear to understand the reasons why he had been quickly relocated, as with *John* in the previous case study. This lack of understanding, negotiation, transparency or accountability de-legitimizes the staff decision-making process and actually makes it more difficult to determine whether protection is really required for an individual. A greater need to understand the reasons behind protection placements was also identified in Waterhouse et al.'s research, where it was suggested that a transparency in staff decision-making would help determine the rational use of protection resources (Waterhouse et al., 1995).

Archie's story

> *'they tried to put me on protection and I went 'no, I'm not scared of these cunts, bugger off', so I had 6 fights, put two of them in hospital and the other two got hurt but didn't need hospital, so they went 'right, you're on protection, I said 'I'm not scared of them but they said 'we don't want you kicking the hell outta these cunts, so they stuck me in protection to protect them'*

> *'I wouldn't have moved in the first place but, as I say, I never had any option because I wasn't scared of anybody and that included staff and they knew it'*

> *'I feel safe anywhere because I know damn well because of my reputation that nobody's gonna try and take me on. I'd feel safe in gen pop but they're not gonna put me back there, nobody will do that because they're not gonna take that risk'*

> *'they said, because you're a Triple AAA you can't go in on your tod, so we'll take you in the back door, I went ok, fucking never even thought about it, they took me down through B hall, into the protection wing and locked the door, I thought 'you fucking pricks, I says 'see if I see you in that exercise yard, I'm taking you out, and by that time it was too fucking late and I was on protection'*

As with both John and Gordon, Archie was unexpectedly and abruptly moved to protection from a mainstream location with little negotiation or dialogue with staff but this was within HMP Peterhead in the 1980s. Archie had lived in mainstream halls for over a decade, felt *safe in general population* and had no intention or need to move to protection, at least in his eyes. Archie describes how he was taken in the *back door* by

staff in Peterhead, effectively 'tricked' into moving to the protection unit. The difference between the quotes of Archie, John and Gordon, is that Archie is really emphasising his masculinity, a masculine identity that, most likely, drove his initial decision to move to mainstream. For example, Archie, talks about his *reputation,* his *AAA,* high-security categorisation which accompanied his arrival into the hall, having *6 fights,* and *not being scared of anybody.* Archie continues to wrap himself in a cloak of masculinity, blaming staff for putting him in protection to *protect* others, rather than to protect him. Through these tactics, Archie is aiming to preserve his masculinity to both himself and the collective gaze, rather than admit to any vulnerability or risk from others by requesting to be moved.

A further complicating factor is that although Archie was serving a life sentence for murder, there was a sexual element to the crime, as with Gordon's, given high-profile media coverage surrounding both criminal cases. In Chapters 3, 6 and 7, I highlighted how some prisoners with sexual offences access mainstream populations, driven by their masculine identities, status, protective friendships and perceptions of their physical capabilities that will keep them safe. Waterhouse et al.'s research in the 1990s also pointed to the existence of a number of prisoners in protection who had committed murders or serious assaults, where the sexual element of the case had been dropped by the prosecution (Waterhouse et al., 1995), in return for a guilty plea to the murder or violent assault, for example. Some prisoners have therefore hidden and continue to hide under this veil of masculinity, emphasising the 'violent' and murderous aspects of their offending, whilst remaining silent about the dropped sexual charges, just as Archie and Gordon had kept their counsel during interview in offence protection in HMP Glenochil. A prisoner remanded or convicted of 'violence' rather than sexual offences therefore 'belongs' in mainstream with his other masculine peers, with all the subsequent status, peer acceptance, benefits of regime and avoidance of stigma that remaining in a mainstream population can bring.

Sandy's story

> '*I was doing fine in Shotts and then one of the staff called Kirsty, she pulled me to the side and she went, the guy you killed, his nephew is in Lamont Hall in Shotts and he's trying to get over to this hall, that was Allanton, right and I went right, they said 'we've knocked him back to come across, because the staff looked into it, why they want to move and things like that and they found out that he was related to the guy that I killed, so he's been knocked back. Then they found out that because he got knocked back, he'd paid money to try and get people to do me*'

'I mean, I was in two minds of staying, I was in two minds of staying because I didn't really want to go, right, because I was comfortable there, all my friends were there, and I thought about it. If that guy did manage to do something, know what I mean, it's just not the hassle that I need, so I was told about the jails that were on offer to me and I went, right, I'll go but only if it's Glenochil'

'I did ask about going on normal protection and they went, 'no, cos there's guys there that's come from mainstream are there because they're getting a hard time or they're not paying their debt but that guy could be saying, get to him, 'listen, you do this and your debts clear, you can come back to mainstream and guys would do that, you know, so they're the only options I had'

In the stories of John, Gordon and Archie, I have analysed three case studies where prisoners who were living in mainstream said they were given little or no indication of a transfer to either an offence or a non-offence protection area. I have included Sandy's case study to provide balance, highlighting how he was involved in detailed negotiations with prison staff within mainstream, prior to his relocation to the offence protection area in Glenochil. To provide a background, Sandy, was sentenced to life imprisonment for the murder of an adult male in the 1990s and had been in mainstream populations ever since, up to the point of our interview in HMP Glenochil in August 2018. In the first quote above, Sandy explains how he was *doing fine* within a mainstream population in *HMP Shotts*, when, *Kirsty,* one of the staff members, informed him of a potential threat to his life. The threat came from the *nephew* of Sandy's victim, who was aiming for a transfer to Sandy's prison to carry out an attack. Whilst the *nephew's* request for a transfer between halls was subsequently rejected, the *nephew* had then tried to *pay money* to other prisoners to assault Sandy. The consequence of this incident and dialogue with staff was that Sandy was moved to Abercrombie, the offence protection area in Glenochil rather than *normal protection* or a non-offence protection unit, where indebted prisoners could still potentially *get to him*. These interactions provide an example of how vulnerability, in the form of protection, can be negotiated between staff and prisoners, rather than just enforced as with John, Archie and Gordon, given operations of power within institutions. The case study also provides an interesting example of the challenges faced by staff in determining the motivations for a prisoner's transfer between halls, the difficult decision-making process given Sandy was in *two minds,* the broad range of reasons why prisoners can end up in protection units and the 'one off', fluidity of vulnerability, based on time and place, given Sandy had spent over twenty years in mainstream populations before suddenly requiring protection.

Conclusion

In this chapter, I have shown how the decision-making of protection prisoners in Glenochil and Edinburgh is similar to those vulnerable prisoners in Durham, driven by either a masculine or a vulnerable identity, a balancing of risks and rewards yet made within a highly individualised context. Those first-time prisoners remanded and convicted of sexual offences, less concerned about status and masculinity and therefore more willing to embrace a vulnerable identity, tended to find a more straightforward pathway to protection. Their route to the offence protection areas in Glenochil and in Edinburgh were mostly from a variety of prison receptions around Scotland and involved taking on board the advice of reception or induction staff, rather than negotiation, as was also the case for the majority of participants convicted of sexual offences in HMP Durham. The pathways of prisoners with sexual offences to protective housing therefore appears more straightforward across both penal systems. Further parallels can also be made, as the decision-making process in all three fieldwork sites was, for some, influenced by quality of prior experiences in protection housing, media coverage, prisoner escort staff and nature of the protection regime itself. Although there is replication in the decision-making process therefore, the Findings Chapters have also highlighted how prisoners are weighing up a very broad range of influences to help in their decision-making, in addition to the individualised contexts within which these decisions are made.

In the second half of the chapter, the focus turned to those prisoners whose decision-making was driven by their masculine identities, a performance of masculinity first highlighted by Jack and Bobby in the previous chapter, set in Durham. In Scotland, it was the masculine identity of John, Gordon and Archie that drove their initial decision to head to mainstream, notwithstanding their potential stigmatization and victimization by mainstream prisoners, given the nature of their offences against females. For John, Gordon and Archie, the journeys were therefore more complicated given their unwitting, apparent enforced relocation, the reasons for which were still unclear to their minds. The importance of 'moments, where fortunes can quickly change in prison, has therefore been a feature of research in both Scotland and England. All three participants continued to perform their masculinities during interview, articulating how they had lived safely in mainstream for long periods of time and did not therefore require protection. Both Gordon and Archie also performed their masculinity by hiding the sexual element to their offence, emphasising the violence, lifer status and label of murderer, rather than the more stigmatised sexual overtones. This denial of status as a sexual offender was consistent across both Scotland and England's penal systems.

The decision-making of staff was unclear and the process poorly explained to a number of prisoners relocating from mainstream populations in Scotland, with implications for a rational use of protection resources and for progressing prisoners out of protection. To provide balance to this lack of transparency, I ended the chapter by highlighting how the experience of Sandy was much more negotiated and informed, given staff had made him aware of a potentially serious threat. Whilst Sandy was comfortable with the performance of masculinity required to navigate mainstream, he was also prepared to embrace his vulnerability by relocating to a deeply stigmatised offence protection area in Glenochil. This provides further evidence of the fluidity of vulnerability, given some prisoners are at risk and vulnerable only in particular circumstances. It also highlights the negotiations that are required between both staff and prisoners to reach a threshold of risk and vulnerability, a dialogue that is necessary before relocation to protection or a vulnerable prisoner unit can take place.

Chapter 9. Conclusion

This thesis has provided an analysis of the decision-making and experiences of those prisoners who come to be defined as vulnerable and requiring protection within three separate field sites in Scotland and England. The research study has also investigated the identification, classification and management by prison staff of this much neglected group of prisoners, analysing their decision-making and the support they provide once prisoners have been relocated. This concluding chapter emphasises the original contributions of the thesis and summarises the key findings from previous chapters, ending with a discussion of the implications for future research, policy and practice.

Although this research has been personally very challenging, it has been worthwhile because it has allowed for sharing the stories of a much neglected, at risk and hard to reach prisoner population. During informal conversations, staff articulated how prisoners had expressed a great deal of interest in participating in this research. This was supported by the reflections of a protection prisoner in Scotland who explained to me how it was always mainstream prisoners who *got to do research* (Bruce, HMP Glenochil). Given these informal conversations and Bruce's comment, there are significant numbers of vulnerable and protection prisoners who would jump at further opportunities to share their heartfelt experiences and stories. My sense is that this group of prisoners are so stigmatised that they feel rejected not just by wider society and mainstream prisoners but even by the academic research community, hence their significant interest in participating in this project.

As proposed in the Introduction, the contributions of the vulnerable and protection prisoner are just as worthy as those living in mainstream populations. A greater parity of focus would help move us towards a sociology of the vulnerable prisoner, made even more justifiable given those living in designated, separate housing on the basis of needing protection currently make up approximately 15 per cent of the prison population in England and up to a quarter of the population in Scotland (See Chapter 2). The rise in numbers of vulnerable and protection prisoners and expansion of protective housing since the 1960s has most certainly not been matched (with important exceptions, e.g. Sparks et al., 1996) by increased academic interest, for reasons which, to my mind, remain a mystery.

Contribution of the thesis

This research has significantly contributed to knowledge about the subjective experiences of vulnerable, protection prisoners and the staff who manage them filling the gap of recent qualitative, academic research in this area. Through the voices of research participants, the study has analysed the decision-making of prisoners from the point of requesting or being advised of relocation through to their day to day lives within protective housing. These often emotive and frightening journeys or pathways to relative safety have been mostly ignored within the academic literature. My research has also broadened the emphasis on prisoners at risk purely because of their sexual offences to understand the wider contexts and nature of what it means to be or become vulnerable in prison for reasons including but broader than just offence. As a result, in Chapter 8, I analysed the often complicated pathways and journeys of those prisoners convicted only of violent offences, who made an initial choice to live in mainstream populations and who were allowed by staff to do so but who, after a period of time, were suspected by other prisoners of having a hidden, sexual element to their crimes. The exact reasons for these sudden relocations remain unclear but the data from Scotland, in Chapter 8, suggest there was very little dialogue and negotiation, as prisoners were quickly moved by staff to protection housing.

Whilst daily living in protective housing has not been the main focus of this research, I have also drawn attention to the relationships and hierarchies formed in these specialist units, as previous research has concentrated on prisoner interactions within treatment hubs and monocultures, rather than VPUs and protection housing. Within the limited body of academic research, the emphasis has mostly been upon hierarchies formed by prisoners convicted of sexual offences, rather than their relationships with prisoners designated vulnerable for other reasons within shared, integrated penal spaces. This study has therefore analysed these relationships, highlighting the tensions felt by those relocated for drug debts, for example, and now stigmatised and tarred with the same brush as prisoners convicted of sexual offences. I have therefore drawn attention to how those protected for reasons other than their offences navigate prison life through the journey to protective housing, and make sense of their new status as vulnerable, a further significant gap in academic research.

A further contribution has been to provide the perspectives of prison staff by examining their penal management of vulnerability, from the moment they advise prisoners of their option to relocate through to the support they provide within vulnerable prisoners and protection units. By focusing on the management of vulnerability throughout the prison

journey, combining the voices of prison staff with those protected for both offence and non-offence purposes within two penal systems, this research has provided an original picture of the challenges faced by the vulnerable and protection prisoner and those who look after them within the United Kingdom. Bringing the staff perspective into a study of vulnerability has demonstrated how complex the concept of vulnerability is, showing vulnerability is not dependent on the qualities of a prisoner alone but on how staff view and morally feel about that person's situation.

Reflections on personal subjectivity

A recurring theme in Chapter 4, was the decision to 'out' myself as a former prisoner during this research project, at least in interviews with prisoners, and how best to manage this disclosure and the potential impact of revealing such personal information. As a consequence of deep reflection, I chose to reveal my former status to prisoners during fieldwork, a decision I do not regret. I could have chosen a different path and methodology, distributing surveys on the VPU and protection unit, for example, thereby avoiding any personal disclosures during fieldwork interviews with prisoners. However, I decided to make this disclosure because I believed it was the best way to gain the trust of prisoner participants within a low trust, challenging research environment. On reflection, I do not think the data that emerged from prisoners would have been as rich, just as I assume that opinions may have been less forthcoming if I had broadcast my former prisoner status to staff during research interviews. On the other hand, as I highlight in the Methodology, I do not feel that my relationship with a member of staff in Edinburgh was adversely affected when I responded to his question about where the idea for the project had originated. As a result, it is impossible to predict how the data produced could have impacted though, again, I believe I made the right decision by keeping my past hidden from prison staff.

As a former prisoner, I believe my study further contributes to academic research by providing insight into the emotional challenges that those with prison experience face on a return to the prison environment, albeit, this time, as an academic researcher. On the positive side, my own experiences intensified my motivation for this project, fuelling a desire to help those struggling to navigate mainstream populations. I was able to comprehend the thoughts, feelings and behaviours expressed by prisoner research participants, whilst appreciating the importance of carrying myself appropriately within such a challenging environment. However, I have realised that total objectivity is impossible as I am unable to forget and discard personal traumatic experiences, albeit fifteen years have passed since my release. I am also wary that academic research can

be, arguably, compromised if a desire for policy and practical modification is overshadowed by a personal crusade for change, although with reflection this too can be managed appropriately. My aim within Chapter 4 has been to provide enough critical reflection to guard against any such accusations.

Key findings

In this final chapter, the discussion now moves to the key findings from my research, guided by the original research questions of this study. Some of the key findings relate to more than one of the research questions, so I have divided the findings into different subject headings related to the main themes rather than isolating each research question; these themes are vulnerability, staff, prisoners and penal spaces.

As a reminder to the reader, the study set out to answer these research questions:

a) How do prison staff understand, identify and manage prisoners with 'vulnerabilities' who require relocation to a VPU or protection unit?

b) For prisoners who request and are granted vulnerable prisoner or protection status what is their decision-making process, prior to asking for help?

c) Do staff and prisoners interpret vulnerability in the same way?

d) What are the thoughts of staff and prisoners about the regime within VPUs and protection and how are these units conceptualised within the wider prison?

Vulnerability

This research explored concepts of vulnerability and found these to be fluid, constructed, imposed and sometimes resisted. It found vulnerability in prison widely understood by staff not as a risk to the self but as a vulnerability or risk of victimization by other prisoners. This was evident in prison staff rankings of mental health problems, risks of self-harm and suicide as not relevant fators for relocation to a VPU or protection unit. Their concerns, across both England and Scotland groups of staff, were to relocate prisoners who were at risk from others, rather than a risk to themselves. As for prisoners, it is more difficult to interpret whether they felt risks to themselves merited relocation to protective housing, as none were directly asked this question. However, many shared their experiences of poor mental health, thoughts of self-harm and suicide, and they clearly saw these internal vulnerabilities tied up with other characteristics given more

weight by prison staff, namely a current sexual offence, a previous sexual offence or a former status as a police or prison officer.

This research, in sharing prisoner and staff perspectives, reveals the fluidity of vulnerability in prison. In answer to research question c), staff and prisoners did not always agree on what makes someone vulnerable. The example of prisoners with sexual offence convictions who resisted being relocated is an example of this and shows how vulnerability can be created by the stigmatising response of the prison (to house people away from the mainstream). This led me to my own assessment of vulnerability in prison as something which is socially and institutionally constructed and changes over penal space and time. The fluidity of vulnerability was demonstrated in Chapter 5, an example being how prison staff at HMP Durham explained that some crimes like violence against females and the elderly previously would have merited relocation to protective housing but now tended not to require staff intervention. A further example is the emergence of new penal vulnerabilities, through the challenges posed to or by transgender prisoners.

Within this study, as noted above, I have also found that classification as a vulnerable or a protection prisoner flows from structural, personal, relational and spatial forces, rather than existing as a natural or objective phenomenon. In reality, these factors interplayed on prison wings and halls in Durham, Glenochil and Edinburgh, where the structural can be interpreted as the prison hierarchy or institutional culture of a prison; the personal relates to whether prisoners feel at risk of victimization or staff view someone as deserving of protection; where the relational relates to negotiations and discussions between staff and prisoners; and the spatial captures how vulnerability arises or declines based on where one is living in the prison and the capacity of a prison to separate those deemed vulnerable. I argue that prison vulnerability as a theoretical concept also requires a social discourse and knowledge of masculinity, amidst operations of power within a particular penal establishment. In other words, and to link the theoretical to the practical, vulnerability or the risk of victimization is dependent on the individual prisoner, hierarchy and the penal space and time in question, where individual prisoner risk is often a function of particular forms of masculinity. For example, Chapter 7 provided ample evidence of prisoners living on the VPU in Durham being at risk or vulnerable because of localised conflicts in that particular prison at the time of my fieldwork in May 2018. The decision-making process of the prisoner is, like the prison hierarchy, therefore never set in stone and is dependent on the penal space and time in question. Prison staff only respond to a request for relocation at a particular place or point in time, in respect of the first research question. I have proposed the need for a geography of prison vulnerability to take account of the way risk varies from space to

space in prison and this is therefore one of the key findings from this research study (Chapters 6, 7 and 8). The geographical dimensions of vulnerability also exist alongside the importance of moments, that is the temporal is intertwined with the spatial.[4] I showed where a prisoner, like Jack, as profiled in Chapter 6, can quickly slide from masculinity (and acceptability within mainstream populations) to vulnerability, rejection and victimization, which is when decisions by both prisoner and staff have to be quickly made.

This study has also identified how the organisation and availability of penal spaces within an establishment determines entry criteria to the VPU or protection unit, resulting in a normativity or an expectation of who is deserving or not deserving of relocation, a rationing of vulnerability status (and the protection this provides) therefore based on moral judgement. For example, F wing in HMP Durham was designed to hold the vulnerable and, in the minds of staff, the vulnerable equates to those who have committed sexual offences and are potentially at risk in mainstream populations. Given this norm or expectation, people with sexual offences are deserving of access to the institutional gateway of vulnerability, whereas those who bring problems upon themselves within prison, by accruing drug debts, for example, are less entitled and deserving of relocation in the minds of staff, as per research questions a) and c). This normative use of vulnerability was especially visible in the VPU in Durham, where there were a very limited number of spaces. This shows how capacity can play into moral judgments, where staff naming problems with capacity of VPUs articulated their objections to placing prisoners in terms, for example, of not wanting debtors to associate with the supposedly more vulnerable, passive and deserving population of sexual offenders.

In HMP Edinburgh, the availability of two separate halls for protection prisoners, Hermiston, the offence-protection hall and Ingliston, the non-offence protection hall, had an interesting impact on the moral judgement of vulnerability. Here, those remanded or convicted of sexual offences were immediately offered relocation to Hermiston, a unit designed to protect the vulnerable or those also potentially at risk in mainstream populations. There appeared to be less condemnation of debtors or non-sexual offenders compared to England, precisely because of the availability of Ingliston, a separate non-offence protection unit. Those debtors or prisoners with gang affiliations, for example, could be more easily housed in Ingliston, with less moral judgement, as they would not

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[4] The importance and intersections of space, emotions and vulnerability in prison link into work that is coming to be called 'carceral geography' (e.g. Moran, 2015), and would be a productive frame for developing further research in this area. I recognise that not all the work that engages spatial aspects of prison is comfortable with this designation.

disturb those in Hermiston, where a quieter, more passive equilibrium had been established.

This research has therefore established that vulnerability for staff arises through decisions affected by long held personal views and institutional values, as well as capacity of separate space, which, in turn, influences moral judgements on who or what is deserving of the status of vulnerable or protection prisoner. From my findings, a prisoner charged with sexual offences was seen as most entitled to protective housing in both HMPs Edinburgh and Durham, as long as there was a space available. As already noted above, however, in HMP Durham staff viewed prisoners in drug debt who requested vulnerable prisoner status as morally unacceptable – they had put themselves into situations in prison which created their need for protection. These dynamics about vulnerability hierarchies, capacity and past practice created expectations of what vulnerability should look like within a penal space, which originally had been designed especially for people convicted of sexual offences. Being imprisoned for sexual offences was a characteristic of vulnerability interpreted in very similar ways by both staff and prisoners. When it comes to non-sexual offences, however, vulnerability is much more negotiated, contested and open to moral interpretation by staff, shaped partly by constraints of what penal space is available. This was evidenced, especially in HMP Durham, through often heated staff discussions and meetings about the validity and worthiness of a request by a prisoner at risk because of drug debts or transgender status.

Interestingly, my study showed that even where a person had convictions for sexual offences, negotiation and conflict can still occur between staff and prisoners, in reference to research question c). For example, in Chapter 8, Kenny, who had been convicted of the rape of two adult women, requested protection, not because of his sexual offences, but because his appearance was similar to his brother, who worked as a prison officer in another prison. Whilst staff had already identified and earmarked him for protection in relation to his offence, Kenny's reasoning and decision-making process was totally different, especially as he continued to maintain his innocence and deny his offences. In this example, vulnerability was therefore interpreted differently between staff and prisoner and shows that even where dominant factors are present, each perception and designation is situated in particular individual circumstances. Along similar principles, my research also identified a small number of prisoners convicted of sexual offences in both Scotland and England who had chosen to live in mainstream populations rather than VPUs or protection units. This unanticipated finding relates to research questions a), b) and c): whilst staff had offered relocation, these prisoners believed they could navigate and survive in mainstream populations, either through

denying or minimizing the sexual offence, performing dominant forms of masculinity or utilising the protection of associates.

Staff

Characteristics of vulnerability

From this research, I have established that prison staff in both Scotland and England interpret characteristics of vulnerability in very similar ways when it comes to the nature of convictions, though hold more divergent views on other issues. In both systems, each request for relocation is analysed on a case-by-case basis and the most significant indicators of vulnerability are a current sexual offence, a previous sexual offence or if the prisoner was a former police or prison officer, as suggested previously in the chapter. Significantly, prisoners with mental health problems or in custody for the first time were not deemed as requiring relocation to protective housing within either penal system, in contrast to much of the previous academic research into prisoner vulnerabilities. The emergence of new penal vulnerabilities, in the form of transgender prisoners, for example, shows how dynamics of vulnerability are fluid, as staff diverged in understanding whether such prisoners would be seen as vulnerable or not.

 Influences on decision-making processes

In this study, I have shown how designations of vulnerability at the individual level can be influenced by a staff member's role within the establishment and their levels of experience. (I did not have enough of a gender mix of staff members to determine if this influenced how staff interpreted vulnerability.) Other influences on individual staff decision-making within HMPs Edinburgh and Durham, included levels of media coverage surrounding a particular offence, which was also a major influence on the decision-making of prisoners. A minority of prison staff in both establishments also referenced the use of cover stories as a means of trying to protect those prisoners charged with sexual offences and awaiting a place in protective housing, though it is difficult to establish whether this was a cultural attitude or just down to individual staff discretion. Prison reception staff in both HMPs Edinburgh and Durham also highlighted the importance of clear communication between prisoner escort staff and reception areas in identifying potentially at-risk prisoners. As I have suggested in the previous section, vulnerability is rationed through the availability of penal spaces and application of moral judgements, amidst a broader normative framework, with subsequent impacts on staff decision-making at the individual and collective level. So, more practically, in large, busy local prisons like

Durham and Edinburgh, vulnerability is rationed where those seen as, for a range of reasons, the most vulnerable because they are at risk or in need, can immediately gain access to VPUs or protection units. This moral economy of people and space emerges over time within an establishment and creates the hierarchy of vulnerability and its fluidity, a culture into which new prison staff are socialised in both Scotland and England, as per research questions a) and c).

Purpose of VPUs/protection housing

Although the focus of this study has been decision-making, fieldwork interviews also sought opinions of staff (and prisoners) as to the purpose of specialist housing. Without exception, participants in both Durham and Edinburgh felt that VPUs and protection were to care for and protect the most vulnerable within an establishment and data from this research suggest those who eventually were housed for their own protection felt they were safer. Prisoners expressed relief at relocation away from mainstream populations and were far more relaxed in their interactions with other prisoners. Whilst vulnerable prisoner and protection regimes were introduced and continue to be used with the best of intentions, specialist housing is also a penal management strategy utilised to control and maintain order both on these units and in the wider prison. In other words, their existence helped to prevent violence in mainstream populations in Durham, Edinburgh and Glenochil but the units also performed a function of deterrence, where those residing in them were willing to live with poorer regimes (in terms of fewer activities and opportunities generally) and remain passive, for fear of a return to mainstream populations. Whilst vulnerable and protection units have become a 'necessary evil', their existence has therefore had an unintended consequence, where prisoners who are not quite vulnerable enough to meet the entry criteria are forced to remain in mainstream populations and fend for themselves. The units in Durham and Edinburgh, rather than Glenochil which offers treatment programmes to those convicted of sexual offences, also struggled to move now deeply stigmatised individuals onwards to alternative prisons, especially prisons which do not have protective housing. Staff in both Durham and Edinburgh acknowledged the poor quality of regimes, particularly in Ingliston, the non-offence protection unit in Edinburgh. A consequence of all these factors is that, whilst vulnerable and protection prisoners were housed safely, they were effectively being warehoused, unable to progress with their sentences nor access rehabilitative or treatment programmes to work towards their release.

Prisoners

Decision-making

The decision-making process of prisoners in this research was unique and contextual to each prisoner, yet there were similarities in decision-making shared across both penal systems. For example, in Chapters 7and 8, I highlighted a wide range of influences on decision-making, including advice of a lawyer, a charity worker, fears of sexual abuse, influence of family and friends, learning disabilities, a similarity of appearance and assumed quality of regime if a prisoner relocated. All of these individualised factors played into the decision processes of men convicted of sexual offences in Scotland and England, which shows that although a sexual offence is the main determinant of relocation, other factors are also being considered. I have mentioned the importance of high-profile media coverage of a crime, and new forms of media, more specifically the ability to Google someone, even in prison via illegal mobile phones, showed how factors external to prison also shaped decision-making. Other parallels across Edinburgh, Glenochil and Durham included the impact of prison escort staff who communicated with prisoners during journeys between courts and prisons and appeared to have an influence on the decision-making of a small number of prisoners. Prior experiences in protection housing and assumed quality of regimes within protection and VPUs also had an influence on the current decision-making process of a minority, considering relocation in both Scotland and England. These parallel influences on decision-making of research participants are perhaps unsurprising, given commonalities of geographically proximate penal systems, media landscapes, prisoner transport vehicles and the fact that many of the research participants had previously lived in protective housing prior to our research interviews.

Identity and decision-making

A key finding from this study is that an identity of masculinity or vulnerability and the performance of these identities lies, not only at the heart of a prisoner's decision-making process but also how the individual adapts to life in VPUs and protective housing. In Chapter 3, I analysed the work of 'risky decisions', where prisoners weigh up the risks of victimization in mainstream populations against risk of tedium in protective housing, that measures for protection will be inadequate or that it will be impossible to return to mainstream populations in the future (Hay and Sparks 1992). My research provides recent support that Hay and Spark's finding of these weighing of options continues but suggests that a prisoner's self-perceptions of masculinity or vulnerability will determine the

priority afforded to each of these potential risks and rewards. Masculine or vulnerable identities are drawn upon within different parts of the institution, so in Chapter 6, I highlighted the case study of Jack who initially rejected the offer of a VPU space by staff in the prison reception in Durham, given its stigma and association with weakness. Jack's desire for masculinity, status and credibility drove his initial decision-making to move to a mainstream population, even with sexual offence charges, as he believed he could cope with any potential risks of victimization. I have therefore built on the work of Hay and Sparks by proposing that some prisoners weigh up an additional factor in their decision-making process, namely a risk to pride, as they fear ending up relocated to a place where the vulnerable, weak and emasculated reside.

In addition to Jack's case in Durham, this research has also highlighted a small number of prisoners in both the English and Scottish sub-samples who were able to survive in mainstream populations, even with sexual elements to their crimes. In Chapter 8, I analysed the cases of Gordon and Archie in Glenochil whose initial decision-making was also influenced by a masculine identity as they chose to move to mainstream populations in previous establishments. At the point of remand or sentence, Gordon and Archie, along with Jack and Bobby in Durham, therefore believed that either their own agency, resilience, physical prowess or protective networks would outweigh any potential risks of victimization. This research has also established that the pathways to VPU or protection housing, for those who initially tried to navigate mainstream populations, were far more complicated and less about a negotiated dialogue and decision-making process but rather about an 'incident' in mainstream, security intelligence or staff, forcing prisoners to relocate.

For those prisoners in my sample less concerned about preservation of prison-dominant masculinity, the pathways to the VPU and protection were much more consensual and straightforward. For example, most participants remanded or convicted of sexual offences were relocated immediately from prison receptions, first night centres or induction units, as soon as spaces in protective housing became available. The decision-making process of first-time prisoners charged with sexual offences was much more about fears of victimization and safety rather than any accrued status or masculinity and this drove their decisions to relocate to specialist housing at the very first opportunity. A masculine or a vulnerable identity also determined the way prisoners adapted to the VPU or protection, as those whose priority was safety expressed relief as their overriding emotion. On the other hand, Jack and other participants, whose masculinity and pride had been shattered through relocation, expressed anger, disappointment and uneasiness at having to now live alongside prisoners convicted of sexual offences, even though they

may have been convicted of a similar crime themselves. This attitude extended to the day-to-day life of Jack and others, who positioned themselves above other prisoners who were either convicted of sexual offences against children or who did not subscribe to the masculinity and status upon which they based their identities. My data have shown how self-perceptions of masculinity or vulnerability are therefore at every stage of a vulnerable prisoner's journey through the establishment.

Penal spaces

As I suggested earlier in this chapter, vulnerability is determined by moral judgement and the allocation of penal space. Logically, the decision-making process is therefore also determined by moral judgement and the allocation of named, separate, specialist housing. In an establishment that integrates all prisoners, as Durham did prior to 2017, there is no decision-making process, as to what constitutes vulnerability, to be made. Once a prison decides to separate out vulnerable and protection prisoners, however, penal management decisions need to be made, which means that some form of entry criteria will have to established. By deciding to create a separate, protective penal space and naming it as such, you then have to work out which prisoners you should and should not fill it with, and it is at this point where determinations of vulnerability and the decision-making process must begin. The integration of all vulnerable (VP) and own protection (OP) prisoners on the VPU in Durham and separation of offence (OP) and non-offence protections (NOPs) in Edinburgh has been a useful, interesting example of the allocation of penal space and its implications, at work. Within both Durham and Edinburgh, the reception areas were also vitally important to the flagging up and identification of potentially at-risk prisoners. The fast-paced, busy environments of these sections of the prison are where mistakes can be made and prisoners, in particular people charged with sexual offences, can be exposed to serious risks of assault. It is important therefore to explore, as this study has done, not only the experiences of prisoners in protective housing, but the journeys they make prior to getting there.

In this study, the purpose of VPUs and protection units was not a primary goal at the outset of the research. However, my focus on decision-making around these units led to reflections of staff and prisoners about what they are meant to achieve. If the purpose of the units in Durham, Edinburgh and Glenochil is to protect the most at risk from harm by others within an establishment, then, as far as my research participants were concerned, the VPU and protection units achieved this aim, as per research question d). A more critical perspective, however, is that vulnerability is a constructed concept, and in prison it operates to separate out the weak, where VPUs and protection focus on control of the

weakest as the least demanding means of securing order in the overall prison, a penal policy less concerned with good quality regimes that provide opportunities for progression and treatment but with control of passive populations who cannot or do not want to assert their penal rights and entitlements. By this measure, protective housing has progressed little since the 1990s, when Sparks et al (1996) identified that vulnerable prisoners have been and continue to be hard to accommodate in constructive ways.

Implications for policy and practice

This thesis has attempted to analyse sociologically and criminologically the situation of vulnerability for particular prisoners. It has been hard, however, not to comment or to share my personal views about successes and failures of housing vulnerable prisoners. In this final section, I end by harnessing the data presented here, and what I have made of it, to briefly comment on the implications and suggestions for policy and practice that my data lead me to feel are warranted. I believe a lack of academic scrutiny has major implications for prisoners, staff, policy and practice. This study could not have been conducted without the support of the prison services of Scotland and England and shows the value of collaborations between academics, practitioners and policymakers. I have been able to write up a summary of this work for non-academic outlets (Cornish, 2019), believing that sharing the voices of those inside can raise awareness in ways that encourages further research but also action.

My work has contributed to the sociology of prisoner vulnerability by broadening the concept away from an interpretation focused predominantly on risks to the self and risks posed to those convicted of sexual offending. In Chapter 2, I explained how the Prison Rules in Scotland and England provide no definition as to what constitutes vulnerability nor specific guidance as to its characteristics. This is sensible policy, on reflection, given the emergence of new penal vulnerabilities as can be seen in relation to trans-gender prisoners, for example. Throughout the thesis, I highlighted the fluidity of vulnerability, evidenced by the wide range of prisoner characteristics that resulted in victimization, in addition to the broad range of influences on decision-making of those who requested protective housing. Elsewhere in this Conclusion, I suggest that training should be provided to new staff as to what vulnerability, in the context of decision-making and protective housing, may look like. However, it is vitally important that no rigid definition or criteria of vulnerability is proposed, given potential for the emergence of new penal vulnerabilities. Staff discretion when assessing the reasons why someone is at risk within a particular penal space is important but further consideration could be given to establishing principles or guidelines that limit influence of preconceived ideas and

organisational culture (such as that which almost automatically connects offending type to likelihood of vulnerability).

Throughout the thesis, I have shown how vulnerability as a broad, fluid concept and performance is closely tied to masculinity. These intersections of masculinity and vulnerability were most clearly evidenced through the performances of a number of persons convicted of sexual offences who initially chose to live in mainstream prison locations but whose fortunes suddenly changed, requiring subsequent re-locations to stigmatised, protective housing. Sparks et al. suggested in the mid 1990s, that penal conditions in Britain were not conducive to the integration of those with sexual offending backgrounds (Sparks, Bottoms and Hay, 1996) and whilst I wholeheartedly agree with this assessment, both previously and currently applied to most penal spaces, my data has shown that not all persons convicted of sexual offences are equally at risk in mainstream populations. A narrow, normative understanding of vulnerability focused on type of (i.e. sexual) offending, alongside an assumption that all those with sexual offence convictions are equally at risk in mainstream populations, has an impact, as my data showed, on opportunities for re-location of those who do not fit this profile. Her Majesty's Prison and Probation Service (HMPPS) and Scottish Prison Service should therefore re-consider concept of vulnerability, encouraging staff to critically debate its meaning, whilst promoting an understanding that vulnerability and risk of victimization is far broader and more complicated than a matter of offence type.

My work has also contributed to a sociology of vulnerability by demonstrating how the concept is socially constructed, arising from relational, discretionary, historical and subjective factors, rather than existing as an objective state or status (see Chapter 3). Whilst my data (empirical findings, Chapters 5-8) highlighted mostly similar interpretations of vulnerability across Scotland and England, participants also referenced deeply subjective understandings, resulting in conflict amongst staff as to who was 'deserving' of protective housing. A further practical conclusion is that assessments of vulnerability should be more considered, involving a range of sources, rather than a reliance on one, individual staff interpretation.

Whilst my data showed that re-location to protective housing was a deeply stigmatising experience, prohibiting a return to mainstream populations for most, others were able to rise above this label and identity, discarding it and gaining re-acceptance into masculine, mainstream populations. The decision-making process of staff tended towards risk-aversion, however, where staff interpreted vulnerability as a permanent, fixed label and identity; if you had lived on a vulnerable prisoner unit (VPU) or protection hall previously,

then you were likely to be re-located there in future. Through deeper understanding that vulnerability, like masculinity, is tied to penal space and is a fluid, dynamic concept rather than a fixed, permanent identity, prison staff can further promote a culture that encourages the progression of vulnerable and protection prisoners back to mainstream locations, most likely in other prisons, rather than allowing some to languish in protective housing indefinitely. Although some high-profile protection prisoners should never be allowed to return to mainstream populations for reasons of safety, a more nuanced, considered understanding of vulnerability, its fluidity and broad characteristics should help improve its penal management.

Some particular issues I note from the research are as follows: More specific information needs to be provided to prisoners about the existence of protective housing, its purpose and the factors to consider in relocations. This would need to be done very sensitively and discreetly and could, potentially, be considered earlier in the criminal justice process, for example, through liaison officers in the criminal courts. More guidance could also be given to staff, explaining vulnerability in the Prison Rules. More fundamentally, though, if staff are socialised into a way of perceiving vulnerability, training might be provided that challenges this and supports more rounded assessments of vulnerability. Staff ideally would also hold a shared understanding of risk before making decisions about relocation, as per research question a), especially where penal space is limited or originally designed primarily for those convicted of sexual offences. The provision of cover stories because of a lack of protection spaces is also, at best, poor practice and, at worst, wholly unacceptable because it places the onus on the prisoner rather than staff to keep someone safe. Finally, more research should be conducted, focusing on day-to-day life and relationships formed within protective housing and, from this, how classification as vulnerable and time spent in specialist housing impacts on release and subsequent periods of imprisonment.

The lack of scrutiny of the decision-making process of both staff and prisoners has major implications in terms of providing safer custody. Vulnerable and protection prisoners may be physically separated, kept out of view of mainstream prisoners in self-contained units but their personal wellbeing must be brought to the attention of the academic community, so researchers can work on this issue with policymakers and practitioners. Lives have been taken by prisoners awaiting relocation to vulnerable prisoner and protection units, as   reports by the Prisons and Probation Ombudsman (PPO) into number of deaths in custody in England have highlighted. Further lives will be lost without collaborations with prisons and listening to the voices of the most at risk and vulnerable within them. Beyond the safety of people in prison, how people are housed and treated

also carries implications for how they, and society, feel about the legitimacy of punishment. My research found prisoners who had difficult experiences trying to access protective housing and staff who seemed to have very different ideas about who deserved it. These point to an illegitimacy of imprisonment that should be addressed.

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Appendix A. University of Glasgow ethical approval

University of Glasgow

College of Social Sciences

20/12/2017

Dear Neil Cornish

College of Social Sciences Research Ethics Committee

Project Title: Protective Housing in Scottish & English Prisons: Decision-making Processes and Experiences

Application No: 400170046

The College Research Ethics Committee has reviewed your application and has agreed that there is no objection on ethical grounds to the proposed study. It is happy therefore to approve the project, subject to the following conditions:

- Start date of ethical approval: 20/12/2017
- Project end date: 30/09/2019
- Any outstanding permissions needed from third parties in order to recruit research participants or to access facilities or venues for research purposes must be obtained in writing and submitted to the CoSS Research Ethics Administrator before research commences. Permissions you must provide are shown in the *College Ethics Review Feedback* document that has been sent to you.
- The data should be held securely for a period of ten years after the completion of the research project, or for longer if specified by the research funder or sponsor, in accordance with the University's Code of Good Practice in Research: (https://www.gla.ac.uk/media/media_490311_en.pdf) (Unless there is an agreed exemption to this, noted here).
- The research should be carried out only on the sites, and/or with the groups and using the methods defined in the application.
- Any proposed changes in the protocol should be submitted for reassessment as an amendment to the original application. The *Request for Amendments to an Approved | Application* form should be used:

  https://www.gla.ac.uk/colleges/socialsciences/students/ethics/forms/staffandpostgraduateresearchstudents/

Yours sincerely,

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College Ethics Officer

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Appendix B. Interview Schedule - Prisoners

Section 1 Introductory Questions
Name
Age
Remand or Sentenced
Ethnicity/Nationality
Interview Number
Preferred Pseudonym

Section 2 Current prison experience
Are you Remand or sentenced prisoner on a VPU/protection hall?
If sentenced, sentence length (short term or long term)
Actual offence
Offence or non-offence Category

Special category (eg IPP, MAPPA, Sexual Offences Order?)From which part of the prison did you move onto the VPU/protection hall?

Location	Yes	No
Reception		
First Night Centre		
Induction Unit		
Mainstream Wing		
Segregation Unit		
Healthcare		
Transfer from Other VPU/protection hall		
Transfer from Other Prison		
Other		

How long had you been in Durham, when you moved to the VPU/protection hall? Did you move to the VPU/protection hall with other prisoners or on your own?

How long have you now been on the VPU/protection hall? Was there any local/national media reporting of your case? Yes/No………please explain………

Section 3 Previous prison history

Is this your first time in prison?
If yes, did you know about VPU/protection halls as an option?

Section 4 Decision-making Process

Prisoner Decisions
How did you end up here on the VPU/protection hall?
Did you request to be relocated to a VPU/protection hall or was it suggested to you and, if so, by whom?
Did the process of reception, first night centre and induction influence your thinking, in terms of relocating to a VPU/protection hall?
Do you think you would have made the same decision/s in a different local prison?
Are there any circumstances where you would not move to a VPU/protection hall?
How did you make the request to move? (eg approached an officer, written application etc)

What were the pros and cons in your mind of requesting a VPU/protection hall?
Have you spoken to any other prisoners about their reasons for moving to a VPU/protection hall?
What was the time period between your request and actual relocation?
Were you happy with the way your request was handled?How do you think prison staff view a request to go to a VPU/protection hall? Any improvements to the process?

Staff Interventions
How did staff approach you about relocating to a VPU/protection hall?
Why do you think they approached you?
Was an assessment carried out and, if so, what did you think of their assessment of the situation?
If not good experience, did you appeal the decision/ask for a second opinion/react?
With hindsight, do you think the correct decision was made?
What was the time period between staff suggesting you move and relocation?
Were you given any information about the VPU/protection hall, prior to relocation?
Can you recommend any improvements to the process?

Section 5 Life on a VPU/protection hall
What do you think is the purpose of a VPU/protection hall?
Did you receive an induction on the VPU/protection hall?
Who do you think should/should not be housed on a VPU/protection hall?
What do you think about the mix of prisoners on this unit?
How did you feel when you first arrived on the VPU/protection hall?
Do you feel safe on this unit?
Do you feel stigmatized having moved to a VPU/protection hall?
Can you tell me about relationships with staff?
What is the day to day regime like and what opportunities do you have to influence the regime?
Have you considered a prison transfer or a movement back to mainstream conditions?
Do you think that you have to act or behave in a certain way to stay on the unit?

Section 6 Concluding questions
Do you think anything can be done to help you move back to mainstream conditions or do you now feel stuck on this wing or other VPU/protection halls?
Do you feel more or less vulnerable, whatever that means to you, since being on the unit?
Any further comments about the assessment process or living on a VPU/protection hall?

Appendix C. Interview Schedule - Staff

Section 1: Introductory Questions
1. What is your role and responsibilities within the prison?
2. Can you describe the physical and functional areas of the prison you work in?
3. How long have you worked in your current capacity?

Section 2: Duty of Care
1. What are the range of options available to staff to try and protect prisoners in this prison?
2. Does the level of threat posed to a prisoner and best course of action to protect them ever provoke disagreement amongst staff members?
3. If a prisoner enters a prison charged with a sexual offence are they automatically assigned protection/vulnerable status or do they have a choice?
4. Where are 'non-offence' protection prisoners housed in this prison and what is the rough capacity? Are remand held with sentenced?
5. I am aware that under Prison Rule 95 (Scotland)/Rule 45 (England and Wales) prisoners can be 'removed from association' for their own protection? Is this the case and, if so, is this a management tool used only in mainstream locations?

Section 3: Vulnerability and protection
1. What do you think is the purpose of 'protection housing'/'vulnerable prisoner units'?
2. Who do you think should be housed in protection?
3. Which prisoners, in your opinion, should not be housed in protection/VPU?
4. Do you think the type of prisoner living in protection/vulnerable housing has changed over time?
5. Do you think the 'type' of prisoners in protection is representative of other large, local prisons in the country?

Section 4: Assessment and Decision-Making Process
1. Do prison service staff, police, courts or prison escort staff 'flag up' potential protection hall prisoners before they arrive at this prison?
2. How and when are protection/VPU prisoners first identified?
3. Which members of staff are involved in the decision-making process to relocate someone to protection? (eg Reception, first night officers, induction, mainstream, senior officers, Governor, Safer Custody, Social Work/Probation, Psychology, Chaplaincy)
4. How do you distinguish between genuinely 'vulnerable' prisoners and those who try to engineer moves to a protection hall with negative intentions?
5. Aside from prisoner characteristics, what else informs the decision-making process of staff when relocating a prisoner to protection?
   a. Cell availability in protection/VPU?
   b. Communication with colleagues?
   c. Policy guidance and documents? Please explain which of these documents you would refer to, if any, when relocating a prisoner to protection/VPU?
   d. Time pressures?
   e. Gender of staff member making decision?
   f. Level of experience of individual staff member making decision?
   g. Overruling of decisions from higher authorities eg Governor (Does HQ ever get involved?)
   h. History, habit and staff culture at this prison?
   i. Fear of litigation?
   j. Media reporting of a case?
   k. Any other influence on decision-making process?
6. Can you provide a case example, where staff disagreed over whether a person should be moved into specialist housing?
7. How do staff tend to approach someone about moving to protection/VPU?

8. Can staff force prisoners to move into protection/VPU or can prisoners refuse relocation, and do you know the legal position?
9. What information is given to prisoners about protection and the consequences of moving, prior to relocation?
10. Is there a set period of time, within which a move to protective/vulnerable housing must be completed and how do you document the decision-making process?

Section 5 Staff who work on wings and halls for protective/vulnerable prisoners
1. Are staff given any special training to work in this unit/hall?
2. I asked about the purpose of a protection hall previously; do you think the unit is more about 'care' (protecting the vulnerable) or 'control'?
3. Do you think the unit fulfils its purpose?
4. (England) I've been informed that a lot of changes have occurred within the VPU over the last few years. Can you tell me about some of these, please?
5. What do you think is the over-riding emotion that prisoners first feel when arriving in this unit/hall?
6. Is an Induction provided for new arrivals to this unit/hall?
7. Do protection/vulnerable prisoners share cells?
8. What tends to be the day to day regime here?
9. What do you think about the current mix of prisoners on the unit?
10. Do you think prisoners have to act or behave a certain way in order to remain in specialist housing?
11. Once prisoners have settled, is there further scrutiny as to who is on the unit and why?
12. What do you think of staff-prisoner relationships in this hall/unit?
13. Decision-making Process and leaving the unit: Can you explain who is involved and the reasons why a prisoner may be moved to:
    a. Mainstream conditions? Please provide an example of this happening
    b. Alternative protective accommodation?
    c. A different prison? Please provide an example
    d. A segregation unit? Please provide an example
14. Can you explain some of the challenges you face in moving prisoners on from protective/vulnerable housing?
15. Do you think prisoners are more or less 'vulnerable', whatever that term means to you, after having been in protection/vulnerable housing?

Section 6 Any other comments
16. Do you have any further comments about how the experiences of both staff and prisoners in protection/vulnerable housing might be improved?

Appendix D. Questionnaire for ranking vulnerability characteristics

Please score each factor on a scale of 1 to 5 as to whether they might be a factor in relocating to protective/vulnerable prisoner housing.

1=Yes, definitely relevant
2=Likely to be relevant
3=Maybe, depends on circumstances
4=Unlikely to be relevant
5=No, not relevant

Characteristic	Importance (1 Yes, definitely to 5 No, not relevant)
Victim of Bullying/threats/assault	
Informant	
Debt within the Institution	
Sexual Offence against an adult male	
First time in prison	
Sexuality eg Homosexual	
Physical size	
Gang activity	
Sexual Offence against a child	
Transgender prisoner	
Mental health reasons	
Physical health reasons	
Sexual Offence against an adult female	
Personality characteristics/inability to adapt to mainstream	
Violence and other crimes against a female/elderly person	
Previous/Historical Convictions eg previous sex offence, previous offence against a vulnerable person	
Known enemies within the prison	
Former police, prison officer, Sheriff or Judge	
Suicide Risk	
Terrorism related offending	
Any other reason?	
(Ask interviewee to explain and elaborate on their choices	