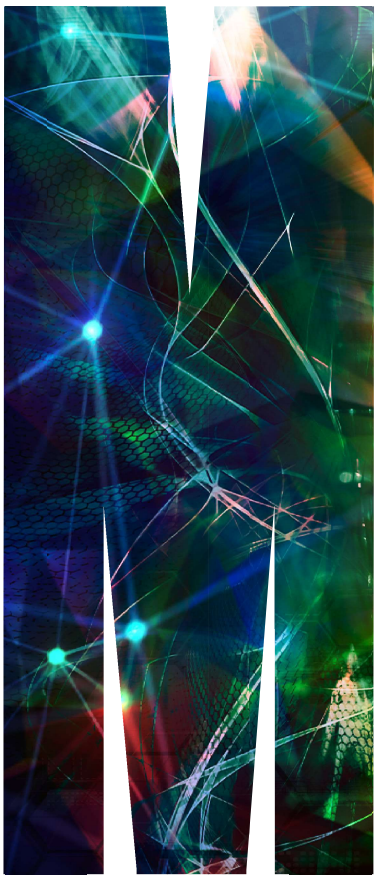
MONASH University



‘Giving voice’ to youth justice clients: challenges and opportunities

OPEN Forum – ‘Capturing client voices in challenging contexts’

Centre for Excellence in Child and Family Welfare

9 Dec 2020 (online)

shelley.turner@monash.edu | @turner_research

‘Giving voice’

MONASH University

Practice-based research studies

- Turner, S (2019), *Case management in juvenile justice: clients' perspectives*, Monash University. Thesis. https://doiorg/10.26180/5d672b9a9a740

  This study examines how juvenile justice clients understand and experience case management, from their own perspectives.

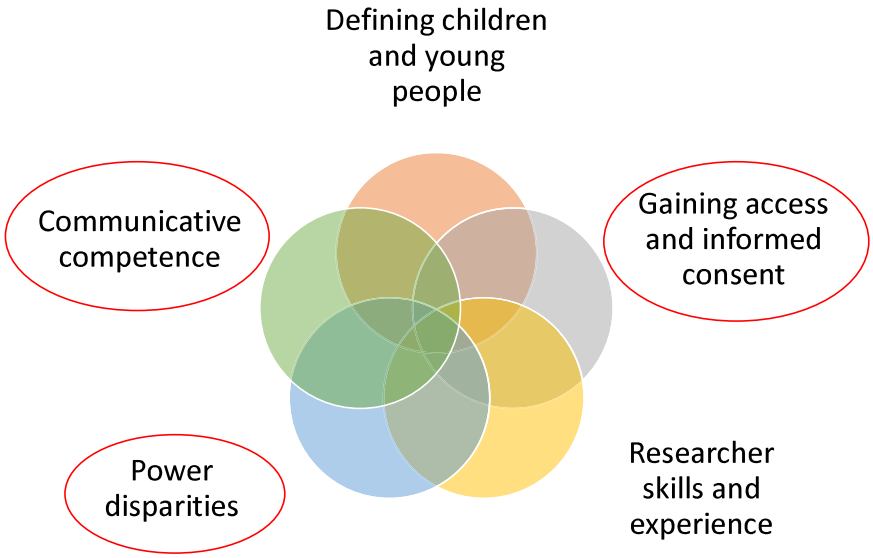
- Warton, T, (2020), *The development of a criminal identity amongst adolescent males*. Monash University. Thesis. https://doi.org/10.26180/5e4c952a91525

  This study analyses the narratives of young people in the criminal justice system to explore the development of a criminal identity, from the perspectives of young people.

'Giving voice' intentions

- Prioritising the marginalised voices and perspectives of youth justice clients in the research
- An interpretive approach, where the young people's voices are filtered through the researcher's interpretations and assumptions about the world
- Aim is to 'democratise ways of knowing' (Humphries 2008, p.194) and raise the status of the knowledge of marginalised groups closer to that of scientific 'knowers'
- Contribute the unique perspectives of youth justice clients about their lived experiences of the 'system' to the dominant, 'expert' understandings to inform youth justice policy, procedure and practice

Literature synthesis



Power disparities

Power-in-numbers
Adult researchers should interview children as a *group*, rather than as individuals (Eder & Fingerson 2001; NSW CCYP 2005; Suthers 2011).

Reciprocity
People should be paid or compensated for their time to participate in research.

Adult
- Researcher 'expert'
- Law-abiding
- Deserving citizen
- Worker

Child / young person
- Researched 'subject'
- Criminal / offender
- Undeserving citizen
- Client

Power in numbers

!! Privacy legislation and policies to protect the identity of young offenders make group interviews or focus groups impractical

!! Group interviews create 'contamination' (Trotter 1995) and 'labelling' risks (see Latessa & Lowenkamp 2006; Nee 2004; Trotter 1995; Turner & Trotter 2016; United Nations 1985)

!! While group interviews may be practical in custodial settings, this is likely to be perceived as a security risk and drain on resources

⇨ The potential harms and practical difficulties of a group interview approach appear to outweigh the potential benefits

⇨ Used an individual approach with specific techniques aimed at creating a non-threatening, **naturalistic** and **responsive** interview experience for each participant

Reciprocity

!! There is currently no agreed position on whether children and young people, and those involved in the criminal justice system, should be paid for participating in research or what kind of recompense is appropriate (Israel 2004; Powell et al. 2012)

!! Debates oscillate between the view that payment functions as an inducement or bribe and the counterview that payment for research participation is a reasonable and ethical form of reciprocity (NSW CCYP 2005; Powell et al. 2012)

!! Youth justice administrators are (understandably) concerned about the former, which may outweigh the latter

⇨ We negotiated the latter position with the ethics committees (i.e. $50 gift cards that could not be exchanged for cash or used for the purchase of tobacco or alcohol (Turner, 2019) and socks (Warton, 2020)

Communicative competence

'Young offenders are disadvantaged with respect to their ability to "tell their story" (Snow & Powell 2004, p.223).

- The design, implementation and analysis of interviews should be developed from knowledge about the nature of young people's communicative competence (Eder & Fingerson 2003)

Communicative competence

- !! Unlike most adults, young people may not speak at length during qualitative interviews and require more probes and structured questioning (Harden et al. 2000)
- !! Youth justice clients tend to have *poorer than average* literacy and oral language skills (see Allerton et al. 2003; Bartels & Richards 2013; Kenny et al. 2006; Putninš 1999, Snow & Powell 2002, 2005, 2008, 2011)
- !! Young male offenders tend to have low expressive vocabulary, poor auditory processing skills, and significant difficulty understanding abstract or figurative language, and constructing narratives that are logical and coherent (Snow and Powell 2004, 2005, 2008, 2011, 2012)
- !! May try and hide their anxiety, embarrassment and oral language deficiencies in forensic interviews (e.g. by just answering 'yep', 'nup', 'dunno' or 'maybe' and providing affirmative responses to closed questions, even when not comprehending the questions) (Snow and Powell 2004, 2012).

Communicative competence

!! Young people with prior interview experiences with police, youth justice workers or child protection workers could construct the research interview as threatening (Holt & Pamment 2011)

!! The issues experienced by young offenders in their oral communication are exacerbated when they feel under pressure, such as during a police interview (Snow and Powell, 2004, 2012)

Achieving a naturalistic interview context

A relaxed, naturalistic approach refers not only to the interviewer's way of being, but also to the **context** for the interview. This is improved if the interview is situated within a broader activity with which the participants are already familiar (Eder and Fingerson 2003, p.35).

!! Researchers must consider their own safety, which limits the choice of times and locations for interviews, but public spaces may compromise participants' privacy

⇨ Community participants nominated a preferred suitable interview time and location; most opted to use a private room at their local JJCS office, around the same time as their YJ supervision appointment

⇨ Young people in custody reported enjoying the 'time out' for an interview

Achieving a naturalistic interview approach

⇨ A flexible, semi-structured interview format, using 'responsive interviewing' (Rubin & Rubin 2005) to generate a conversation (i.e. not relying on pre-set questions, but responding with questions to and on the basis of what said by the interviewee)

✪ An open-ended and non-directive approach can allow young people to bring up topics that are familiar and important to them (Eder & Fingerson 2001, 2003) – gives some power to the participant

⇨ Using specific techniques recommended by Snow and Powell (2004): continually and sincerely checking level of understanding (e.g. by asking the same question in different ways and checking the consistency of responses); providing ample time for responses to allow for any reduced processing capacity; and using clarifying strategies, such as open-ended questions and grammatically simple sentences

Member checks through follow-up interviews

✪ Some form of **member check** or **participant validation** is often recommended as good research practice, typically a follow up 'validity interview' to check the credibility of the researcher's interpretations or findings

!! None of the young people appeared to *actually* check their interview transcript for accuracy – even with offers of assistance, and not enough responded for a follow-up interview

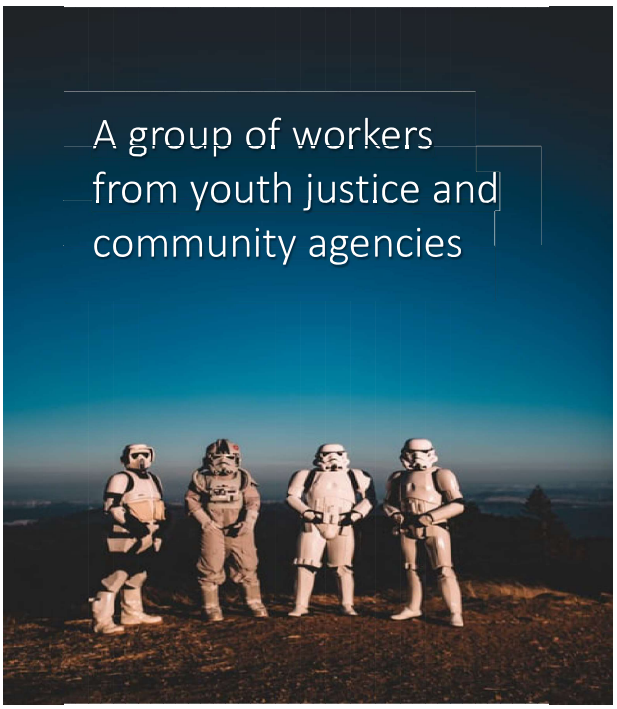
!! This appeared consistent with experiences of other researchers in studies conducted directly with youth justice clients (see Hartwell et al. 2010; Moore, Saunders & McArthur 2008)

Concerns about member checks

- !! Buchbinder (2011, p.106) contends that a key challenge for conducting member checks is how the researcher deals with the 'transfer of power to the interviewer during the validation interview'.
- !! Similarly, Ashworth (1993) argues that underlying power dynamics in member checking can essentially undermine the process
- !! In a study of its use in health care, Goldblatt, Karnieli-Miller and Neuman (2011, p.389) found that member checking can cause harm to vulnerable participants and to researchers
- !! Unless in a *group*, participants may not feel able to act with the candour required to challenge the researcher's interpretations (see also Eder & Fingerson 2001; NSW CCYP 2005; Suthers 2011).
- !! Ashworth (1993, p.14) maintains that while 'participant views should be taken very seriously indeed' and researchers should at some point check with a participant that they understand what the individual has said, this should not be conflated with validating the research findings

So…

⇨ I panicked.



MONASH University

Audience Review

- A form of **credibility triangulation** involving **multiple analysts** (i.e. presenting the findings of a study, as a way of testing their credibility, to its intended readers and users) (Patton 2002)
- Resembles McNiff's (2016) **validity group** concept, whereby the credibility of the researcher's claims and supporting evidence are tested by others
- Purpose is to challenge the apparent veracity of the researcher's individual, thematic constructions; not to collect further data
- Refutability principle (Silverman 2005, 2013) – actively looking for ways to refute initial assumptions about data

MONASH University

Acknowledge power disparities

- Downplaying, rather than acknowledging the researcher's role and power in a study can potentially have a **patronising** effect (Healy 2001)
- This is particularly pertinent to studies in statutory contexts, where it is dubious, at least, to suggest the research participants hold power that is equal to or greater than the researcher's

- '[P]ower that is acknowledged can be subjected to mechanisms of democratic control; power that is denied can become unlimited and capricious' (Phillips 1991, p.134).

MONASH University

How ‘co-’ can you go?

MONASH University

References (A-H)

Allerton, M, Champion, U, Beilby, R, Butler, T, Fasher, M, Kenny, D, Murphy, M & Vecchiato, C 2003, *2003 NSW Young People in Custody Health Survey: Key Findings Report*, NSW Department of Juvenile Justice, Haymarket, NSW.

Ashworth, P 1993, 'Participant Agreement in the Justification of Qualitative Findings', *Journal of Phenomenological Psychology*, vol. 24, no. 1, pp. 3-16.

Bartels, L & Richards, K 2013, 'Talking the talk: therapeutic jurisprudence and oral competence', *Alternative Law Journal*, vol. 38, no. 1, pp. 31-3.

Buchbinder, E 2011, 'Beyond Checking: Experiences of the Validation Interview', *Qualitative Social Work*, vol. 10, no. 1, pp. 106-22.

Eder, D and Fingerson, L 2001, 'Interviewing children and adolescents', in JF Gubrium & JA Holstein (eds), *Handbook of interview research: Context and method*, Sage, Thousand Oaks, CA, pp. 181-202.

Goldblatt, H, Karnieli-Miller, O & Neumann, M 2011, 'Sharing qualitative research findings with participants: Study experiences of methodological and ethical dilemmas', *Patient Education and Counseling*, vol. 82, no. 3, pp. 389-95.

Hartwell, S, McMackin, R, Tansi, R & Bartlett, N 2010, ''I grew up too fast for my age': Postdischarge issues and experiences of male juvenile offenders', *Journal of Offender Rehabilitation*, vol. 49, no. 7, pp. 495-515.

Healy, K 2001a, 'Participatory action research and social work: A critical appraisal', *International Social Work*, vol. 44, no. 1, pp. 93-105.

Holt, A & Pamment, N 2011, 'Overcoming the challenges of researching ‘young offenders’: using assisted questionnaires – a research note', *International Journal of Social Research Methodology*, vol. 14, no. 2, pp. 125-33.

Humphries, B 2008, *Social Work Research for Social Justice*, Palgrave, Basingstoke.

MONASH University

References (I-N)

Israel, M 2004, Ethics and the Governance of Criminological Research in Australia: A Report for the New South Wales Bureau of Crime Statistics and Research, New South Wales Bureau of Crime Statistics and Research (BOCSAR), Sydney.

Kenny, DT, Nelson, P, Butler, T, Lennings, C, Allerton, M & Champion, U 2006, *NSW Young People on Community Orders Health Survey 2003-2006: Key Findings Report*, The University of Sydney, NSW.

Latessa, EJ & Lowenkamp, CT 2006, 'What Works in Reducing Recidivism', *University of St. Thomas Law Journal*, vol. 3, no. 3, pp. 521-35.

McNiff, J, 2016, 'Testing the validity of knowledge claims', in *You and Your Action Research Project*, Fourth edition. edn, Routledge, Abingdon, Oxon, New York, NY, pp. 116-24.

Moore, T, Saunders, V & McArthur, M 2008, *Lost in Transition: Exploring young people's experiences of transition from youth detention in the ACT*, Institute of Child Protection Studies, Australian Catholic University (ACU), Canberra, viewed 6 July 2014, <http://www.acu.edu.au/about_acu/faculties,_institutes_and_centres/centres/institute_of_child_protection_studies/our_work/publications/publications_subject_matter/youth_justice>.

Nee, C 2004, 'The Offender's Perspective on Crime: Methods and Principles in Data Collection', in A Needs & G Towl (eds), *Applying Psychology to Forensic Practice*, BPS Blackwell, London.

NSW Commission for Children and Young People 2005, *Participation: Count me in! Involving children and young people in research*, State of New South Wales and Social Justice and Social Change Research Centre, University of Western Sydney, Sydney, viewed 12 June 2016, <http://cdn2.hubspot.net/hubfs/522228/publications/taking_participation_seriously/Count_me_in.pdf?t=1447048406511>.

References (P-S)

Patton, MQ, 2002, *Qualitative Research and Evaluation Methods*, Sage Publications, Thousand Oaks, Calif.

Phillips, A 1991, *Engendering Democracy*, Polity Press, Cambridge.

Powell, MA, Fitzgerald, RM, Taylor, N & Graham, A 2012, *International literature review: ethical issues in undertaking research with children and young people*, for the Childwatch International Research Network, Southern Cross University, Centre for Children and Young People, Lismore NSW and University of Otago, Centre for Research on Children and Families, Dunedin, NZ, viewed 17 November 2017, <https://epubs.scu.edu.au/cgi/viewcontent.cgi?article=1041&context=ccyp_pubs>.

Putninš, AL 1999, 'Literacy, numeracy and non-verbal reasoning skills of South Australian young offenders', *The Australian Journal of Education*, vol. 43, no. 2, pp. 157-71.

Rubin, HJ & Rubin, IS 2005, *Qualitative Interviewing: The Art of Hearing Data*, 2nd edn, Sage Publications, Thousand Oaks, CA.

Silverman, D 2005, *Doing Qualitative Research*, 2nd edn, Sage Publications, London.

—— 2013, *Doing Qualitative Research*, 4th edn, Sage Publications, London.

Snow, P & Powell, M 2002, The Language Processing and Production Skills of Young Offenders: Implications for Enhancing Prevention and Intervention Strategies, CRG 23/00-01, Criminology Research Council, Canberra, viewed 14 May 2014, <http://www.criminologyresearchcouncil.gov.au/reports/200001-23.html>.

—— 2004, 'Interviewing juvenile offenders: the importance of oral language competence', *Current Issues in Criminal Justice*, vol. 16, no. 2, pp. 220-5.

—— 2012, 'Youth (in)justice: oral language competence in early life and risk for engagement in antisocial behaviour in adolescence', *Trends & issues in crime and criminal justice*, no. 435, pp. 421-40.

References (S-U)

Snow, P and Powell, M, 2005, 'What's the story? An exploration of narrative language abilities in male juvenile offenders', *Psychology, Crime & Law*, vol. 11, no. 3, pp. 239-53.

—— 2008, 'Oral language competence, social skills and high-risk boys: what are juvenile offenders trying to tell us?', *Children & Society*, vol. 22, no. 1, pp. 16-28.

367

—— 2011, 'Oral language competence in incarcerated young offenders: links with offending severity', *International Journal of Speech-Language Pathology*, vol. 13, no. 6, pp. 480-9.

Suthers, A 2011, 'What do 'they' think? Young offenders' views of youth offender panels: a case study in one Youth Offending Team', *British Journal of Community Justice*, vol. 9, no. 3, pp. 7-26.

Trotter, C 1995, 'Contamination theory and unpaid community work', *Australian & New Zealand Journal of Criminology*, vol. 28, no. 2, pp. 163-77.

371

Turner, S and Trotter, C, 2016, *Best practice principles for the operation of community service schemes: a systematic review of the literature*, Corrections Victoria, Department of Justice, Melbourne, viewed 3 July 2016, <http://www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/>.

United Nations 1985, *Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*, resolution / adopted by the General Assembly, 29 November 1985, A/RES/40/33, viewed 2 December 2014, <http://www.un.org/documents/ga/res/40/a40r033.htm