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The role of psychological risk assessment in Parole Board decision-making:

an exploration of the perspectives of psychologists, indeterminate sentenced prisoners and Parole Board members

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Providing written and oral evidence to panels of the Parole Board is a central task for prison-based psychologists.¹ Whilst there is usually a range of professional opinions available to panels of the Parole Board, psychologists are seen by some prisoners to be the people who hold ‘the key to captivity or release’² (p.121). It is not known whether Parole Board decisions are more influenced by psychologists’ reports than by those of other professionals (in fact another study suggested that parole decisions were most consistent with recommendations from Offender Managers).³ However there is certainly a view amongst prisoners that psychological assessment carries the most weight in parole decisions.

One consequence of the apparently pivotal significance of psychological assessment seems to be a tendency for prisoners to see correctional psychologists as untrustworthy and hostile (Maruna, 2011). There is evidence that some prisoners resent the power psychologists are seen to hold in relation to decisions about release or progression, as summed up by Sparks⁴ who reported that ‘Prisoners were particularly wary of input from psychologists, whose view they felt was given a disproportionate weight’ (p22). Sparks suggested that the life sentenced prisoners who took part in her study resented brief and infrequent interviews by psychologists who did not know them, yet whose opinion could make a significant difference to their progression. Maruna⁵ suggested that another possible explanation for hostility and mistrust directed towards psychologists is that it is an unforeseen consequence of changes in correctional psychological practice: increasingly detached from any role in alleviating psychological distress, the focus on risk

assessment has become ‘all-consuming’ for psychologists (p672). Crewe’s quote from a prisoner effectively sums this change in emphasis of prison service psychologists:

When I first came away, the psychologist was there if you’d got problems, to talk to. She wasn’t there to write reports, she wasn’t there to judge you, she wasn’t there to write reports and manipulate you, she was there to help you if you needed help. Now that attitude’s not there. They are there to write reports on you, they are there to judge you, they are there to fucking try and manipulate you. Your interests, your needs are pretty much last on the list (p117).

To summarise, there is some literature to suggest that psychological risk assessment is perceived by prisoners as being central to parole decision-making, at the same time as being resented and mistrusted. However, systematic investigation of perceptions and experiences of risk assessment is largely absent from the extant literature, whether those of prisoners, psychologists or Parole Board members. Samples from all three groups were interviewed in the present study in order to identify limitations, problematic and positive aspects of current practice and consider what could be done to improve the assessment landscape.

Participants and Procedure:

Detailed individual interviews were conducted with 11 psychologists, 10 indeterminate sentenced prisoners and 8 Parole Board members.⁶ The psychologists were all

1. Bowers, L. & Friendship, C. (2017). Forensic psychological risk assessment for the Parole Board. In K. Browne, A. R. Beech, L. A. Craig & S. Chou (Eds). *Assessments in Forensic Practice: A Handbook* (pp103-121). Chichester UK: John Wiley & Sons, Ltd.
2. Crewe, B. (2012). *The prisoner society: Power, adaptation and social life in an English prison*. Oxford: Oxford University Press.
3. Forde, R. A. (2014). *Risk assessment in parole decisions: A study of life sentence prisoners in England and Wales*. (Doctoral dissertation, University of Birmingham, U.K.). Retrieved from <http://etheses.bham.ac.uk>
4. Sparks, C. (1998). Lifers’ views of the lifer system: Policy versus Practice. Prison Reform Trust.
5. Maruna, S. (2011). Why do they hate us? Making peace between prisoners and psychology. *International Journal of Offender Therapy and Comparative Criminology* 55(56), 671-675.
6. In order to maintain brevity, details of participant selection processes have been omitted. This detail is available from the author on request.

Chartered and Registered; there were ten women and one man; they had been working in the field of forensic psychology for between 8 and 29 years and been Chartered for between 1 and 17 years. The prisoners were located in two prisons in the South of England, one Category B and one Category C. Six were serving mandatory life sentences, three were serving Indeterminate Sentences for Public Protection and one man was serving an Automatic Life Sentence. The prisoners had spent between 4 and 34 years in custody on their current sentence. Four prisoners had yet to reach their tariff, and six were past tariff. The Parole Board members comprised two psychologists, one psychiatrist and five independent members. There were four men and four women. They had been members of the Parole Board for between 4 and 11 years.

The interviews explored participants' overall experiences of and opinions about psychological risk assessment. Psychologists and prisoners were additionally asked about positive and negative experiences of risk assessment, and about their views and experiences of the risk assessment interview. Interviews were recorded, transcribed and analysed using Grounded Theory methods.⁷ Member checking exercises⁸ were conducted with 17 psychologists, 9 Parole Board members, and 1 indeterminate sentenced prisoner⁹ in which the emerging analysis was shared, discussed and refined.

Outcomes:

Results support the perception in the literature that Parole Board members weight psychologists' reports heavily when it comes to decision-making, as described by Graham (PBM):

I do attach quite a lot of weight to what a psychologist says...that's why we that's why we use them, they're there to give us a, a high level professional risk assessment. It's a complex issue that — if you don't take what they're saying seriously why why do we bother?...So I do take what they say very seriously.

It was also apparent that Parole Board members valued psychological assessment, which they felt

added depth and meaning to their understanding of prisoners:

I sometimes ask for a psychological risk assessment even if there isn't any obvious, erm, psychological aberration. And I do that if I think it would be useful to have that extra perspective, because obviously somebody whose trained as a psychologist is used to looking at problems in a certain way, er which is a completely different perspective. There's more, you can offer more in terms of presenting explanations than a lay person. (Steve, PBM)

Parole Board members particularly value the individual-level understanding that psychological formulation provides. Gail (PBM) describes how, in good psychological assessment 'the psychologist has really engaged to get under the skin of the individual'. Psychologists agreed with this perspective, with several participants commenting on the value of psychological formulation in understanding prisoners, facilitating risk assessment and informing recommendations.

Psychologists experienced a weight of responsibility in relation to the parole decision-making process: 'If the psychologist is saying something that is really negative, it can, it can change the course of the parole outcome' (Alex, psychologist). Some psychologists felt that the weight of responsibility was exacerbated by the Parole System, causing stress and anxiety:

My deadline is 4 weeks before everyone else's to give them time to to read yours, decide what they think, Erm, and I think that can be helpful, but it can make you feel very isolated and very alone and feel like there's a lot of responsibility on your shoulders. (Karen, psychologist)

Also consistent with extant literature, the results of this study suggested that the prisoners resented and mistrusted psychologists, whom they perceived as holding disproportionate power in relation to release and progression decisions. Psychologists were variably described as 'trying to catch [prisoners] out' (John);¹⁰

The interviews explored participants' overall experiences of and opinions about psychological risk assessment.

7. Urquhart, C. (2013). *Grounded theory for qualitative research: A practical guide*. London, UK: Sage.

8. Creswell, J. W., & Miller, D. L. (2000). Determining validity in qualitative inquiry. *Theory into practice*, 39 (3), 124-130.

9. At the time of writing, steps are being taken to engage in member checking exercises with more indeterminate sentenced prisoners.

10. The quotations in this paragraph are all from prisoners.

wanting to 'nit-pick and keep me in for nothing, really' (Colin) or to 'catch you out, make your life in here longer' (Peter). Martin summarised, 'You just don't trust their opinion. You don't trust their counsel or they just, they just lose the credibility'. Shawn described psychologists as 'the quiet ones with the power: what the psychologist says goes'; Jude (prisoner) believed psychologists had 'too much' power and Ron described the prison system as 'psychology top-heavy' where 'everything's a mind game'. Shawn believed that psychologists had 'a lot of power and influence in sentences', and Martin believed that the psychologist's report 'tips the scales' for ISPs in Parole decisions. Jim described more explicitly how he saw psychologists' reports as influencing parole decisions:

If you've got an OM supporting you and a psychologist who's not, you're probably in trouble. If you've got a psychologist who's supporting you and your OM isn't, there's more chance I think ... if you've got a psychologist who says we think this person's got a x, y, z, you know, puts a fancy looking name on it, you're really in trouble.

Prisoners seemed particularly to resent psychological power when it was perceived to be held by psychologists with little experience (for example some trainee psychologists) or by psychologists whom prisoners felt had not spent enough time with them.

Despite an overall sense of suspicion and mistrust towards psychologists, most of the prisoner participants described approaches to the risk assessment interview which enabled them to overcome suspicion and hostility, build trust and rapport with psychologists, and talk openly about problems and concerns. Importantly, analysis revealed that prisoners and psychologists had a shared understanding of what constituted an effective interpersonal approach to risk assessment. First, they agreed that clear and transparent explanations of the process and of opinions were crucial. Clarity and transparency enabled some prisoners to overcome feelings of suspicion and mistrust. Second, effective risk assessment practice was experienced as collaborative, involving proper, meaningful attempts to involve prisoners in what could feel like a coercive process. Third, respecting the individuality of prisoners was important — recognising each prisoner as a person with his own story, needs, problems and strengths. Fourth, the information gathering function of the risk

assessment interview was best achieved when the interaction was purposeful and aims driven, and 'more conversational' (Shawn, prisoner) and less like a 'job interview' (Claire, psychologist). Finally, the ideal risk assessment interview was thought to be characterised by being a 'human being in a situation with a human being' (Maria, psychologist). 'Making human connection' was central to effective interviewing, even though achieving the balance between professionalism and humanity could be challenging for psychologists. This difficult balancing act was best summed up by Ezra (prisoner):

As I said, there's a wall, I understand, that needs to be brought down; obviously that wall has to remain there, professionalism and whatnot, but at the same time, it needs to be lowered a bit, so you can go over the wall and you can see who you are talking to.¹¹

...prisoners expressed resentment and mistrust of psychologists and their role in risk assessment.

In summary, whilst Parole Board members valued psychological assessment and reported weighting it heavily in their decision-making, prisoners expressed resentment and mistrust of psychologists and their role in risk assessment. This matters because resentment and mistrust is likely to impact on prisoners' engagement in the risk assessment process, making it harder to gather the information needed for risk assessment, and more challenging to motivate prisoners to participate in their own risk management. However,

there was substantial common ground between psychologists, Parole Board members and prisoners when it came to views about good risk assessment practice. This common ground can be built on in order to maintain the value and legitimacy of psychological assessment in the eyes of the Parole Board, and increase legitimacy of psychological assessment and perceptions of fairness amongst Prisoners.

Implications for Parole Board practice:

Whilst the results of this study are consistent with the view that psychological assessment can lack legitimacy in the eyes of prisoners, the results also suggest that psychological assessment is valued by Parole Board members. What is currently unknown is whether the weight given to psychological assessment by the Parole Board impacts prisoners' perceptions of the parole process. The procedural justice literature suggests that decisions that feel fair and transparent

11. See Shingler, Sonnenberg & Needs (2017) for a detailed account of the results pertaining to the risk assessment interview.

are those that tend to be complied with.¹² If prisoners feel that parole decisions are too heavily influenced by psychological assessment that they do not perceive to be legitimate, this may well have implications for their perceptions of fairness and ultimately for compliance with risk management attempts. The current study did not explicitly explore prisoners' perceptions of fairness around parole decision-making, and this would be a useful avenue for further research.

In the meantime, it is in everybody's interests for the parole process to be perceived as fair and legitimate by all those involved, and this study provides some pointers to how this can be achieved. First, this research, discussion with Parole Board members and colleagues and my own assessment practice highlight that other professionals rely heavily on psychological reports when forming their own assessments. Psychologists are frequently given deadlines in advance of other colleagues in order for those colleagues to use the psychological assessment in preparing their own reports. Whilst it is essential that colleagues share opinions and discuss cases, it is also important that a range of perspectives is available to panels of the Parole Board from professionals with different training, experience and priorities (a 'relational approach').¹³ There is a risk that the priority given to psychological risk assessment reports (by virtue of earlier deadlines, for example) undermines a relational approach, and reduces other professionals' confidence in making their own assessments. A more relational approach to Parole Board risk assessment might help to provide a broader range of information to Parole Board members, reduce the pressure and weight of responsibility on psychologists, as well as begin to challenge prisoners' perceptions of psychologists' power and influence.

Second, the results of this study indicate that Parole Board members want to understand prisoners as

individuals in order to make the best recommendations. The Parole Board members see psychological assessment, in particular the formulation, as central to facilitating individual level understanding. The importance of individuality was also identified by the psychologists and prisoners in this study. This agreement about good risk assessment practice can be built on in order to assist in making the whole process more legitimate: maintaining a focus on prisoners as individuals throughout assessment and parole decision-making is crucial. Psychological assessments should retain a focus on psychological formulation, in order to provide Parole Board members with the individual level understanding that they so highly value. The priority given to the use of structured professional judgement (SPJ) approaches to psychological assessment needs to be balanced with an individual level approach to assessment and formulation. Involving prisoners in the development of their formulation could further increase legitimacy.¹⁴

Third, the results point to the importance of a more contextual approach to understanding the entire process of risk assessment¹⁵: if prisoners do not trust psychologists, yet see them as having disproportionate influence over parole outcomes, this arguably has implications for how prisoners behave during

psychological risk assessment interviews. Prisoners could be understandably reluctant to be fully open about current or past dysfunction for fear of the potential consequences of negative recommendations in psychologists' reports. Recognising these influences on prisoners, alongside the high stakes nature of risk assessment for those serving indeterminate sentences is crucial, and greater awareness of contextual issues in risk assessment can only improve the process.

Fourth, clarity was identified as central to good assessment practice; it is also central to the perception of fairness.¹⁶ Hardwick¹⁷ has described the importance of

...maintaining a focus on prisoners as individuals throughout assessment and parole decision-making is crucial.

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12. Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: Encouraging public cooperation with the police and courts*. New York: Russell Sage Foundation.
 13. Austin, W., Kagan, L., Rankel, M. & Bergum., V. (2008). The balancing act: Psychiatrists' experience of moral distress. *Medical Health Care and Philosophy*, 11, 89-97.
 14. Shingler, J., & Mann, R. E. (2006). Collaboration in clinical work with sexual offenders: treatment and risk assessment. In W. L. Marshall, Y. M. L. Fernandez, L. E. Marshall, & G. A. Serran, (Eds). *Sexual Offender Treatment: Controversial Issues* (pp225-239). Chichester, UK: Wiley.
 15. Shingler, J. & Needs, A. (2018). Contextual influences in prison-based psychological risk assessment: Problems and solutions. In G. Akerman, A. Needs & C. Bainbridge (Eds). *Transforming Environments and Rehabilitation: A Guide for Practitioners in Forensic Settings and Criminal Justice*. Abingdon, Oxon, UK: Routledge.
 16. Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: Encouraging public cooperation with the police and courts*. New York: Russell Sage Foundation.
 17. Hardwick, N. (2017, November). Parole – 50 years and counting. Presentation given at Parole, Probation and Prisons – Past, Present and Future. London.

parole processes and decisions being clearer, and how he believes additional steps could be taken to increase clarity and transparency.¹⁸ Any opportunity to make risk assessment and parole decision-making clearer should be taken as a way of increasing legitimacy of the entire process. Whilst psychological reports and parole decisions may feel clear to professionals, they may not always be clear to prisoners. Again this was not specifically investigated in this study, and research into prisoners' understanding of their psychological assessment reports and their parole decision letters would be invaluable. One prisoner pointed out to me that psychological assessments were inaccessible to many prisoners purely by virtue of their length, a view echoed by many of the Parole Board participants in my study.¹⁹ Clarity in all aspects of the assessment and parole process is crucial, and there is no doubt that this can be further improved.

Fifth, prisoners particularly resented psychological power when it was perceived to be held by psychologists whom they felt had not spent enough time with them. Whilst resources are understandably tight, a number of psychologists talked about steps they had taken to improve their assessment practice which redistributed the time they spent on tasks, without necessarily spending more time overall. For example, some psychologists described having a separate meeting with prisoners in which they explained the assessment process clearly, answered questions and went through the consent form. As this process has to be done, having a separate meeting in which to do it overcomes a number of hurdles: it gives both psychologists and prisoners more time to think and reflect; it provides an opportunity to discuss and overcome suspicion, and to begin to build rapport. It also communicates a sense of respect for prisoners' choices, in that no assumptions are made about their willingness to consent. Additionally, whilst some prisoners in this study resented being assessed by trainee psychologists, two men particularly singled out and named the same trainee psychologist as someone who made them feel valued, heard and understood, and whom they could trust. This suggests that being a

trainee in itself is no barrier to good assessment practice. It also highlights the importance of trust, rapport and a human connection between psychologists and prisoners in risk assessment, as described above — seemingly, those aspects can overcome barriers of hostility and suspicion. This knowledge could be used to support both trainee and qualified psychologists in increasing their own risk assessment legitimacy via their interpersonal approach.

Finally, the implications of the weight assigned to psychological assessment need to be considered — for example, to what extent does the sense of weighty responsibility impact psychological recommendations, in particular any tendencies towards risk averseness? There was some evidence from the study that the weight of responsibility resulted in more cautious decision-making from psychologists.²⁰ These influences on risk assessors need to be investigated in more detail, but even this preliminary level of awareness should help both psychologists and Parole Board members to reflect on potential influences and consequently weigh up the available information more effectively.

Conclusions

Psychological risk assessment is a complex task, with competing demands and multiple stakeholders. This study provides some insight into how psychological risk assessment for parole purposes is experienced by three key stakeholder groups. It has confirmed difficulties with working relationships between prisoners and psychologists, as well as confirming perceptions about the weight given to psychological assessment in parole decision-making. It has also identified problems of legitimacy in psychological risk assessment. However, it has also identified areas of shared understanding of good practice between prisoners, psychologists and Parole Board members, which can be built on. It is hoped that the increased knowledge and awareness provided by this study can facilitate the sharing of good practice as well as improvements in the process, experience and outcome of psychological assessment for those whom it affects.

18. At the time of writing, The Times newspaper (05/01/18) reported on the Parole Board decision to release John Worboys, in what the article described as 'a secret Parole Board hearing' (p. 1, column 5).

19. Shingler, J. (2017). Psychologists' role in Parole Board decision-making: What do Parole Board members think about psychological assessment? *Forensic Update* 126.

20. Adshead, G. (2014). Three faces of justice: Competing ethical paradigms in forensic psychiatry. *Legal and Criminological Psychology*, 19(1), 1-12; McDermott, F. (2014). Complexity theory, trans-disciplinary working and reflective practice. *Applying Complexity Theory*, 181-198; Stanford, S. (2009). 'Speaking back' to fear: Responding to the moral dilemmas of risk in social work practice. *British Journal of Social Work*, 40(4), 1065-1080.