



**QUEEN'S
UNIVERSITY
BELFAST**

More than Just a Number: Meeting the Needs of Those with Mental Illness, Learning, Speech and Language Difficulties in the Criminal Justice System

Houston, S., & Butler, M. (2019). More than Just a Number: Meeting the Needs of Those with Mental Illness, Learning, Speech and Language Difficulties in the Criminal Justice System. *Irish Probation Journal*, 16(1), 22-41.

[http://www.probation.ie/EN/PB/0/4F9D02BEAF4746BB802584C10050185D/\\$File/More%20than%20just%20a%20number.pdf](http://www.probation.ie/EN/PB/0/4F9D02BEAF4746BB802584C10050185D/$File/More%20than%20just%20a%20number.pdf)

Published in:

Irish Probation Journal

Document Version:

Publisher's PDF, also known as Version of record

Queen's University Belfast - Research Portal:

[Link to publication record in Queen's University Belfast Research Portal](#)

Publisher rights

© Irish Probation Journal.

This work is made available online in accordance with the publisher's policies. Please refer to any applicable terms of use of the publisher.

General rights

Copyright for the publications made accessible via the Queen's University Belfast Research Portal is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The Research Portal is Queen's institutional repository that provides access to Queen's research output. Every effort has been made to ensure that content in the Research Portal does not infringe any person's rights, or applicable UK laws. If you discover content in the Research Portal that you believe breaches copyright or violates any law, please contact openaccess@qub.ac.uk.

Open Access

This research has been made openly available by Queen's academics and its Open Research team. We would love to hear how access to this research benefits you. – Share your feedback with us: <http://go.qub.ac.uk/oa-feedback>

‘More than Just a Number’: Meeting the Needs of Those with Mental Illness, Learning Difficulties and Speech and Language Difficulties in the Criminal Justice System

Stan Houston and Michelle Butler*

Summary: In the criminal justice system in Northern Ireland, as elsewhere, there are recurrent concerns about the impact of mental illness, learning difficulties, and speech and language difficulties on individuals subject to probation and within custodial environments. This commissioned study, the first of its kind in Northern Ireland, examined the salience of these issues through an in-depth qualitative approach with 20 adult male respondents with experience of these issues in the criminal justice system. The findings highlighted the dangers of objectification and the respondents’ need to be treated as ‘more than just a number’ through the adoption of a person-centred perspective that recognised their inherent worth. Axel Honneth’s (1995) recognition theory was used to analyse this central recurring theme and to articulate a tentative conceptual framework to guide professionals working with vulnerable individuals in this field.

Keywords: Mental illness, learning difficulties, speech and language difficulties, criminal justice system, Northern Ireland.

Introduction

Individuals with mental illness, learning difficulties and speech and language difficulties are overrepresented in the criminal justice system (Quinn *et al.*, 2005; Zhang *et al.*, 2011; Barnett *et al.*, 2014; Mallet, 2014; Prison Reform Trust, 2017). These types of vulnerabilities are so common that they have been identified as potential risk factors for criminality and criminal justice involvement (Farrington, 2002; Farrington *et al.*, 2006; Barnett *et al.*, 2014; Mallet 2014). Individuals experiencing these issues can find it difficult to cope

* Stan Houston is Emeritus Professor in the School of Social Sciences, Education and Social Work, QUB (email: S.Houston@qub.ac.uk). Michelle Butler is a Senior Lecturer in the School of Social Sciences, Education and Social Work, Queen’s University Belfast (QUB) (email: michelle.butler@qub.ac.uk).

in the criminal justice system (Talbot, 2008; Mallet, 2014; Prison Reform Trust, 2017). Typically, they can experience problems with comprehension, communication and expression (Loucks, 2007; Talbot, 2008; Prison Reform Trust, 2017). Such experiences can contribute to episodes of self-harm, depression, victimisation, anger, prison misconduct and reoffending (Loucks, 2007; Talbot, 2008; Barnett *et al.*, 2014; HM Chief Inspector of Prisons 2017; Mallet, 2014; Prisons and Probation Ombudsman, 2016). Yet, despite the prevalence of these issues among the criminal justice population, there is a concern that not enough is being done to adequately address their needs and reduce their reoffending (Loucks, 2007; Talbot, 2008; Criminal Justice Joint Inspection, 2014, 2015; Prison Reform Trust, 2017).

This article seeks to enhance our understanding of the needs of individuals with mental illness, learning difficulties and speech and language difficulties in the criminal justice system. There are clear differences between those experiencing mental illness, learning difficulties and speech and language difficulties, and further research could examine each of these areas individually. However, this study looked at all three areas.

Drawing on the experiences of 20 adult men with these needs in the Northern Ireland criminal justice system, this article will outline what the men regard as the main strengths and weaknesses of existing criminal justice practices, the accessibility and helpfulness of available support services, and what changes they would implement to better meet their needs. The article begins by describing the challenges these groups can encounter in their interactions with the criminal justice system, before moving on to describe the aims of this research and its research method. Next, the findings are presented. Based on the findings, it is argued that Axel Honneth's (1995) recognition theory of optional identify-formation provides a useful framework within which to guide criminal justice professionals in their interactions with individuals with these particular needs. It is proposed that adopting this model will encourage criminal justice professionals to display the behaviours identified by these individuals as examples of best practice more consistently, while also addressing some of the shortcomings identified and changes recommended.

Experiences in the criminal justice system

It can often be difficult to obtain reliable statistics on the prevalence of mental illness, learning difficulties and speech and language difficulties in the

criminal justice system, as frequently such information is not routinely collected, individuals may not be diagnosed or individuals may be reluctant to disclose this information (Loucks, 2007; Browning and Caulfield, 2011; National Audit Office, 2017). Available statistics for the Northern Ireland Prison Service indicate that approximately 27% of those in prison have a mental illness and roughly 7% have speech and language difficulties (Northern Ireland Assembly, 2016; Butler *et al.*, 2019). Less is known about the prevalence of learning difficulties, but 21% of imprisoned young people in Northern Ireland have reported a learning difficulty, while statistics in England suggest that 7% of people in contact with the criminal justice system and 29% of the prison population have a learning difficulty (Criminal Justice Inspection Northern Ireland (CJINI), 2014; NHS England, 2016; Skills Funding Agency, 2017; Prison Reform Trust, 2017). Similarly, it is unclear how many individuals with mental illness, learning difficulties and speech and language difficulties are in contact with the Irish criminal justice system, but some provisional statistics indicate that between 16% and 27% of imprisoned males and between 41% and 60% of imprisoned women have a mental illness, depending on whether these individuals are on remand or sentenced (Kennedy *et al.*, 2005). A study by Murphy and colleagues (2000) found that roughly 29% of those in Irish prisons may have a learning disability. While patchy, these statistics nonetheless indicate that a number of people in contact with the criminal justice system in Ireland and Northern Ireland experience mental illness, learning difficulties and speech and language difficulties.

Studies indicate that these individuals have a range of needs that criminal justice systems can struggle to meet (Loucks, 2007; Talbot, 2008; McNamee and Staunton, 2017; Prison Reform Trust, 2017; Helverschou *et al.*, 2018). Often, mental health services available to individuals with mental illness within the criminal justice system are not sufficient to meet their needs, contributing to these individuals demonstrating a greater risk of self-harm, depression, victimisation, anger and reoffending (Prison Reform Trust, 2017; National Audit Office, 2017). Individuals with mental illness are twice as likely to violate their probation or parole and are at an increased risk of being rearrested and re-imprisoned (Prins and Draper, 2009; Kesten *et al.*, 2012; Barnett *et al.*, 2014). Individuals with a learning or speech and language difficulty can also struggle to comprehend, communicate and express themselves to criminal justice professionals and in criminal justice processes and procedures (Loucks, 2007; Prison Reform Trust, 2017; Helverschou *et al.*, 2018). Learning difficulties can negatively impact on an individual's ability to understand and engage with

police interviews, court processes and rehabilitation programmes, placing them at a disadvantage in their dealings with criminal justice professionals and institutions (Gudjonsson and Joyce, 2011; Criminal Justice Joint Inspection, 2014, 2015). They are also more likely to continue to engage in rule-breaking behaviour in prison, resulting in greater exposure to the use of segregation and control and restraint techniques (Talbot, 2008; Prison Reform Trust, 2017). Moreover, speech and language difficulties can hamper a person's ability to process language and express their thoughts, ideas and experiences (Bryan and Mackenzie, 2008; Snow and Powell, 2005). Snow and Powell (2008) argue that unidentified speech and language difficulties can lead criminal justice professionals to mistakenly view monosyllabic responses, shoulder shrugging and poor eye contact as a lack of cooperation. Bryan (2004) has also suggested that the frustration these individuals experience in attempting to express themselves and ensure they are understood in criminal justice processes can lead to displays of anger and aggression.

Moreover, experiencing mental illness, learning difficulties and speech and language difficulties can limit the rehabilitative opportunities available to individuals, as often the selection criteria for these programmes exclude individuals with these particular needs or there may be insufficient places available on programmes designed specifically for their needs (Bryan and Mackenzie, 2008; Criminal Justice Joint Inspection, 2014, 2015; Prison Reform Trust, 2017). In order to be effective, rehabilitative programmes need to match individuals to programmes based on their risks, needs and responsivity (Andrews *et al.*, 2011; Bonta and Andrews, 2007). There has been a concern that a lack of appropriate and/or sufficient rehabilitation programmes, services and supports for individuals with these needs has limited their exposure to effective rehabilitation programmes and represents a missed opportunity for reducing future involvement in crime and the criminal justice system (Criminal Justice Joint Inspection, 2014, 2015; Prison Reform Trust, 2017). Yet, while studies have highlighted a number of weaknesses in existing service provision, less is known about what aspects of existing provision are considered to be examples of best practice by individuals with these needs or what changes they would make in order to improve the ability of the criminal justice system to meet their needs.

In this article, the experiences of those with mental illness, learning difficulties and speech and language difficulties are investigated to identify what those who experience these issues consider to be examples of best practice and what changes they would wish to see implemented. Based on

the findings, a theoretical framework for sensitising criminal justice professionals to the needs of individuals with mental illness, learning difficulties and speech and language difficulties is offered. In this way, this paper seeks to increase our understanding of what behaviours are viewed as examples of best practice and why, as well as offering suggestions for changes that could be made to help ensure that the needs of these individuals are addressed.

Method

The study was commissioned by the Department of Justice in Northern Ireland, a government department established in 2010 within the Northern Ireland Executive. The Department seeks to promote a safe community through innovative and imaginative problem-solving initiatives tackling crime reduction and rehabilitation within community and custodial settings. Officials within the Department commissioned the study to ascertain how a selected cohort of offenders, with identified needs, experienced the criminal justice system in Northern Ireland and what improvements they wished to be made. It is acknowledged that the areas of mental health, learning difficulties and speech and language difficulties are three very distinct areas; however, for the purposes of this commissioned research the Department wished the research to encompass all three. It was particularly keen to determine the positive and negative experiences of participants and desired changes. In this study no distinction is made between those on probation and supervised in the community and those in custody, and it may be worthwhile to pursue individual studies in the future.

This research employed an in-depth qualitative approach, combining focus groups and semi-structured interviews. Whether a focus group or an interview was used depended on the needs, capabilities and preferences of the particular participant, and the advice of expert criminal justice professionals.

Twenty adult males with experience of the Northern Ireland criminal justice system took part. While the sample size was small, the focus was idiographic, allowing an in-depth exploration of the participants' experiences and beliefs about how the criminal justice system should respond to the challenges posed by mental illness, learning difficulties and speech and language difficulties. A purposive sampling strategy was chosen because of the need to target participants who were the most able to engage meaningfully with the research questions and could give their informed consent to voluntarily participate in the research. A small panel of Department-

appointed gatekeepers (including representatives of the civil service and relevant senior clinicians) identified the sample based on this overarching premise. To be eligible to participate, individuals had to be over 18, have the capacity to give informed consent, not be experiencing an acute episode of ill-health, speak English, and be able to understand, communicate and cope in an interview or focus group setting.

The final sample consisted of 10 individuals with mental illness, five with learning difficulties and five with speech and language difficulties. The attribution of these conditions was formally adduced through medical, para-medical and psychological clinicians in the prisons and community. For example, mental illness was diagnosed through the *Diagnostic and Statistical Manual of Mental Disorders* (DSM 5; American Psychiatric Association, 2013). Learning disability was recognised through medical or psychological testing aimed at determining an individual's intellectual capacity to comprehend new or complex information or learn new skills aimed at coping independently. Speech and language therapists categorised communication difficulties in terms of receptive or expressive challenges caused by primary impairments such as stammering or for secondary reasons relating to other disorders (such as learning disability). All of the participants had experience of key aspects of the criminal justice system, including imprisonment, remand and probation.

The participants were recruited through the Probation Board for Northern Ireland and Northern Ireland Prison Service psychology departments. Due to the nature of their work, these staff were well placed to identify potential participants and acted as gatekeepers for the research. The assistance of a speech and language specialist was sought to review the information sheet, consent form and interview schedule to ensure that this material was accessible to participants. This professional also spoke with the five participants with speech and language difficulties (before they were approached by the researchers), to assess the level of their difficulties, and advise the researchers on appropriate communicational strategies. Once a potential participant was identified, the nature of the study was explained and they were given a study information sheet. Each participant was made aware that participation was voluntary and that a refusal to take part would not affect their rights or dealings with any of the criminal justice agencies.

If they agreed to take part, participants were given the opportunity to decide if they would prefer to take part in an interview or a focus group. Eleven participants took part in focus groups, ranging from two to four participants. The interviews varied in length between 15 and 42 minutes, with

an average length of approximately 28 minutes. Focus groups ranged in length from 25 minutes to almost one hour, with an average length of roughly 36 minutes. Interviews and focus groups were held within prison or probation offices and were digitally recorded with the participants' permission. Consent was viewed as an active, continuing process rather than a one-off event.

Based on their understandings of the criminal justice system, participants were asked about: (i) positive experiences and areas of good practice; (ii) negative experiences and areas for improvement; (iii) the accessibility and helpfulness of information about current services and supports; and (iv) what changes they would like to see implemented to improve the experience of the criminal justice system for those with similar needs to themselves. Participants were encouraged to 'tell their stories' so that important contextual information was generated. This orientation was premised on the notion that we live in a storied world and that we interpret the actions of ourselves and others through the stories we exchange. The recordings of the interviews and focus groups were then transcribed and analysed thematically. This procedure involved a number of steps including data familiarisation, initial coding generation, searching for themes, attaching definitions and labels to themes, and presenting a report. Ethical approval was obtained from Queen's University Belfast, Northern Ireland Prison Service and the Probation Board for Northern Ireland.

Results

Because the participants' perspectives were strikingly similar across each of the three sub-groups, the findings are presented under the categories of good practice, poor practice, accessibility of information regarding current service provision, and desired changes.

Positive experiences and examples of best practice

The participants greatly appreciated a person-centred response from professionals. Incidents where participants felt that their voices were heard and considered – where staff appreciated the challenges they faced, and saw beyond their 'offender' label – were highlighted as examples of best practice. The adoption of a person-centred ethos helped to generate a more positive experience of the criminal justice system among participants and reinforced a belief that criminal justice staff were committed to rehabilitation. More specifically, participants valued staff who demonstrated important relational

qualities, such as being approachable, showing sensitivity to their needs, providing practical support, and seeing beyond their criminal label. The telling statement 'I'm more than just a number' was repeated with a notable frequency:

Did you ever see that film *I'm Not a Number, I'm a Person*? It's like that there.

Participants put emphasis on the significance of interpersonal interactions and the extent to which others took notice of, and acted on, requests for support. Those who behaved in a professional, polite manner, listened to what the individual had to say, recognised when they were struggling and took action to assist them were held up as examples of best practice and role-models. Participants recounted examples of best practice and these role-models from across the criminal justice agencies in Northern Ireland:

I want ... people obviously to try to understand me. Try to, if they have never experienced it, it doesn't really matter, they can still sort of try to understand what I am saying and ... just really try to understand it. They are not just trying to say, yes, yes, yes and blah, blah, blah. Just trying to tell you what you want to hear.

The demonstration of empathic, relational skills showed the professional's willingness to understand the participant's state of mind and helped to ameliorate their fears and anxieties. For instance, when reflecting on his experiences in prison, one of the participants was very grateful that his need for space and privacy was recognised and met by prison staff:

They had never doubled me up [i.e. put in a shared cell] and in view of my mental health problems, because ... I would be very uncomfortable with that.

The notion of 'looking out for you', empathising with fears and anxieties, emphasising personhood, and the importance of validating subjective experience were underscored across the sample as examples of best practice that criminal justice staff should embody. Such acts signalled care for the participants, and their interactions and relationships with criminal justice professionals were viewed as vital in helping them to cope with their difficulties:

If I have a good strong relationship in the beginning then I can understand more things that the people are saying to me, than I do if I don't have a good relationship with them [staff] ... if I don't have that, then I don't have anything.

A second theme to emerge indicated how the participants valued the humanitarian and progressive aspects of criminal justice institutions and processes, including available rehabilitative services and supports. Participants with mental illness appreciated a focus on enabling reform and rehabilitation rather than solely on punishment. The former stance enabled self-reflection and, in doing so, helped further personal maturation, the development of coping skills and resilience, and psychological growth. Through engaging in structured activities, participants stated that they had an opportunity to gain recognised achievements, leading to increases in self-esteem and confidence. These findings reflect the value of adopting a strengths-based approach when working with individuals with these needs:

I have learned a lot in institutions ... education wise as well ... I became a lot smarter through education ... You pick up a lot, you start to experience life more. That's the good side to it ... A lot of bad stuff has happened to me, but I am standing here now, I am standing with my head held high at the moment [due to achievements while in prison].

Those with learning, speech and language difficulties also underlined the importance of structure, routine and purposeful engagement in helping them to feel safe and cope with their situation. Such activities kept them pre-occupied so that they did not have time to dwell on their worries, fears, anxieties or frustrations. In this way, activities such as education, training, employment or exercise were seen as beneficial not just because they led to qualifications, but also because they provided a distraction from fears, worries, anxieties and frustrations:

When I went into prison I got an orderly job ... so I did, straight away. ... [It was helpful] because it got my head going and it kept me doing things.

Examples of poor practice and areas for improvement

Examples of poor practice identified by the participants involved a lack of empathy and a tendency to objectify the participant by adopting a demeanour

of official distance and/or retreating into proceduralism. As before, examples of poor practice were given from across the various criminal justice agencies in Northern Ireland:

never lifted her head once to have eye contact. She kept her head down and she kept writing whatever it was she was writing ... I was expressing myself and I wasn't getting any feedback.

The word 'insensitive' was used on a number of occasions to describe the impact of such practices. Insensitive responses that negated inner emotions – a person's sense of vulnerability – were frequently highlighted by participants as examples of poor practice. Often, they were compounded by a failure to listen and a tendency to favour adopting procedural responses over the formation of meaningful relationships.

The sense of being not listened to, and being disrespected, prejudged, belittled and not helped, was recalled as a particular negative experience. This could lead to feelings of frustration when participants did not fully understand events, or found it difficult to express themselves. Participants also felt that their difficulties contributed to others viewing them as 'easy targets', potentially leading to victimisation by their peers. How criminal justice professionals responded during these incidents was particularly important and could escalate negative emotions and behaviours:

If you feel like you are down a bit that day or something, if you say something to a prison officer ... they more or less lock you down. You know, they take everything off you, they take everything away from you, you know. Your TV or anything ... For instance, 'I feel like putting a rope up in here' ... They look at that 'Oh you are a danger now, we have to put you in a safer cell' ... That there really, really affects me, you know. It makes it worse.

At times, it seemed that the participants and staff could struggle to escape from negative spirals of communication and interaction with each other. Participants recounted stories of lashing out at themselves and others as they struggled to cope with their emotions and restricted ability to understand and express themselves, while staff were described as adopting a more distant and procedural response, increasing participants' sense of frustration and anger:

It makes you want to go fucking ballistic ... I said 'Right, enough is enough. I am going to fucking hang myself.' Just a figure of speech ... and the Senior Officer goes 'Right, you are on observations again' ... And I says ... 'If you are going to do that, I am going to fucking hit you'. ... A negative cycle.

Another theme to emerge was that particular places and events could induce feelings of fear or lower mood or precipitate self-harm. In particular, participants described places with poor staff visibility, a lack of amenities or when people were being moved to a new cell as exacerbating mental illness and adding to fears and anxieties about unknown others, bullying and victimisation. They explained that such feelings could hinder their ability to cope and engage in rehabilitative programmes:

I was on the computer typing up stuff, and two guys were just saying stuff to me and I was really shaking ... there was nothing I could do. I couldn't say something to the person who ran [the rehabilitative programme] at the time.

A final theme to emerge was delays experienced in the criminal justice system. Often this was put down to problems with inter-agency communication and information sharing. It was felt that opportunities for desistance and to lessen future involvement in the criminal justice system were being missed as a result of these delays. For example, one concern related to delays experienced in obtaining approval for requests to change their address, which could lead to opportunities to obtain suitable accommodation being lost. For others, delays in accessing health care in the community undermined progress made during rehabilitative programmes in prison and hindered efforts to reduce reoffending.

The accessibility and helpfulness of information about current service provision

When criminal justice professionals took time to adopt a person-centred approach, and ensured that individuals understood what was happening to them, levels of satisfaction with current service provision rose. However, the extent to which professionals engaged in this practice across the criminal justice agencies was patchy. Even though examples of positive, accessible communication were evident, communicational breakdowns and confusion also occurred. Some argued that the criminal justice system tended to

respond more positively and personally at the start of the process (when dealing with individuals as suspects), by providing requisite facts and details, but then became more distant and bureaucratic during court proceedings and imprisonment.

The work of Appropriate Adults and Registered Intermediaries was viewed as especially beneficial by those with communication and learning difficulties. Appropriate Adults support vulnerable people during police interviews, when no parent, partner, carer or key worker is available (Department of Justice Northern Ireland, 2016). Registered Intermediaries assist people with significant communication difficulties during the investigative stage of the criminal justice system by assessing communication ability and needs, providing reports to investigating police officers and the court and attending the interview and trial to facilitate communication and comprehension (Department of Justice Northern Ireland, 2016). Participants felt that Appropriate Adults and Registered Intermediaries were there to help them understand the process, make it accessible and transparent and ensure that they were not placed at a disadvantage due to their particular needs. Likewise, some of the legal profession were described as being very good at explaining information.

Nevertheless, there were some caveats. Participants' experiences of the legal profession varied substantially and were influenced by whether they received legal aid. Those who were not in receipt of this resource were unable to seek legal advice as and when required, due to the associated financial costs, prompting them to instead attempt to navigate their own way through the criminal justice system. Moreover, the Appropriate Adult and Registered Intermediaries schemes had limited availability and tended not to operate in prisons. Participants stated that this sometimes led them to plead guilty to prison misconduct charges as they felt that they did not properly understand the process or it was not worth the cost of consulting with their legal representative:

I have to pay him [solicitor] ... about two or three hundred pound [for legal advice] ... for just a stupid cell being wrecked like. And I didn't understand it [adjudication process] ... I sat down with a Governor and ... I just took the blame for it.

The tendency to assume that individuals understood criminal justice jargon and the details of licensing requirements was a repeated theme across

the sample. Such experiences left individuals feeling anxious, frustrated and embarrassed:

They tell you what it is, but they don't tell you how to do it.

While information booklets were available, participants often viewed them as an insufficient resource if verbal clarification was not also offered:

No one helps you know the system. People in here do not explain. You get a booklet when you come in. That's all.

This lack of information and confusion could contribute to reoffending, as demonstrated by one participant who had been rearrested for failing to comply with the conditions of his licence:

If I knew what I had to do, then I wouldn't go straight back in [to prison] ... I had an order to do, but I didn't know what I was doing, how to do it.

Proposed changes to the criminal justice system

The participants unanimously endorsed the need for a person-centred approach within the criminal justice system. Person-centredness was synonymous with simple acts of courtesy, feeling listened to, and recognition of how personal difficulties may impact on one's understanding, engagement, mood and behaviour. Participants also emphasised the importance of seeing beyond the criminal label to the person beneath:

If I was to change anything in the justice system it would be ... the way you are treated.

Participants wanted to have their voices heard. While it was acknowledged that there were mechanisms in place for this to happen, they often reported feeling not heard. They also explained that existing systems tended to assume a certain level of comprehension and literacy which should not be taken for granted among those with learning, speech and language difficulties.

This call for person-centredness fed into the participants' second main recommendation. Simply put, professionals were asked to take more time to ensure that individuals properly understood criminal justice jargon, processes and requirements in order to avoid confusion, frustration and reoffending.

Participants felt that individuals should be informed of their rights in an accessible format, reducing reliance on the legal profession, and ensuring that they did not risk being disadvantaged in their dealings with the criminal justice system. They contended that schemes such as the Appropriate Adult and Registered Intermediaries should be expanded and extended into the later stages of the criminal justice system, including prison. They felt that such developments would help those with mental illness, learning, speech and language difficulties to better cope with, understand and participate in criminal justice processes.

Finally, it was recommended that more emphasis be placed on the provision of rehabilitative services, inter-agency co-ordination and co-operation, and the resourcing of existing services. Participants felt that greater availability of rehabilitative opportunities designed to meet their particular needs would be beneficial. In addition, it was felt that there needed to be greater co-operation and co-ordination between government departments and criminal justice agencies if their needs were to be met in a way that improved their responsiveness to rehabilitative programmes, encouraged desistance and reduced reoffending:

I actually think that the ... systems should be joined up. I think that the police service should be talking to probation; probation should be talking to the courts. And then the courts, they hand you over to the prison service.

Discussion and conclusion

Within the participants' accounts, there was a prevailing sense of wanting to be treated as 'more than just a number' and when criminal justice professionals had engaged with the participants in this manner, it was highly valued. The consistent adoption of a more person-centred approach by all criminal justice professionals was the cornerstone of what participants wanted to see changed in the criminal justice system. Adopting this approach was believed to facilitate the ability of those with mental illness, learning, speech and language difficulties to comprehend, communicate and express themselves, as well as promoting the construction of identities that encourage inner congruence, self-worth and desistance from crime.

Based on these findings, it is proposed that Axel Honneth's (1995) recognition theory of optimal identity formation can offer a useful framework to guide the work of criminal justice professionals and institutions in their

interactions with individuals with these particular needs. According to Honneth (1995), recognition involves acknowledging that an individual is worthy of respect and requires positive feedback from others in order to develop a healthy sense of identity. Often, what is meant by the term 'respect' can be confusing for criminal justice professionals, as there are two different types of respect: one that is earned or bestowed due to a person's position/actions and one that is more basic and involves polite, considerate treatment of others (Butler and Drake, 2007). While both can occur in the criminal justice system, it is argued that the second is more consistently achievable in interpersonal relationships within the criminal justice system (Butler and Drake, 2007). Using Honneth's (1995) theory, criminal justice professionals should be encouraged to adopt the following four principles in their interactions with individuals with mental illness, learning, speech and language difficulties:

- (i) *personalisation* – responding to the individual as a person with a unique psychological history, needs and emotions
- (ii) *recognition* – responding to the person with a basic level of respect, recognising their strengths and providing care and positive feedback to encourage the development of a healthy identity
- (iii) *relationships* – developing meaningful relationships that will assist comprehension, communication and expression, as well as promoting desistance and reduced reoffending
- (iv) *optimising positive identity formation* – separating behaviour from personhood to facilitate the development of identities whereby individuals can still feel valued and worthwhile, despite past behaviours.

The adoption of this theory is compatible with the existing literature on desistance, as these studies have demonstrated the importance of positive self-identities and developing meaningful relationships between criminal justice professionals and those in the criminal justice system as being key to facilitating desistance (e.g. Maruna, 2001; McNeill, 2006; Barry, 2007). Similarly, the use of a strengths-based approach in the criminal justice setting has been argued to encourage the development of positive self-identities and avoid an emphasis on deficits (e.g. Maruna and LeBel, 2003; Ward and Maruna, 2007). Consequently, using this theory to guide criminal justice interactions should also help to facilitate desistance. However, a failure to adopt the four principles outlined above may undermine the development of a positive self-identity and lead to the use of self-protective strategies,

whereby people's ability to respond to programmes, interventions and criminal justice professionals is lessened because they are focused on using defensive measures to protect themselves and their identity in an environment that they do not understand, struggle to cope with, or fear.

A number of limitations must be borne in mind when interpreting the findings. In particular, the small sample size and selection criteria limited the generalisability of the findings. Moreover, purposive sampling by the gatekeepers, regardless of its form, can contain bias affecting the results and conclusions drawn. That said, the gatekeepers were reflexively aware of the dangers of confirmation bias. The governing aim was to identify a heterogeneous sample with the apposite experience to address the study's formative questions. Hence, selection was based on a knowledge of the subject's attributes rather than their perceived compliance. In addition, a more in-depth longitudinal study would have been useful for gaining a more detailed understanding of the temporal ordering of events and the direction of their impact and developing the researcher-participant relationship. Future research should seek to incorporate the views of criminal justice staff to provide a more comprehensive analysis. Despite these weaknesses, this study addresses a gap in our understanding by highlighting the behaviours deemed to be best practice by those with mental illness and learning, speech and language difficulties, and offering a theoretical framework that can be used to guide criminal justice interactions with these individuals, which is also compatible with desistance research.

Within the criminal justice organisations in Northern Ireland, there is growing recognition of the importance of adopting a more person-centred approach, as evidenced through initiatives such as the Prisoner Development Model and the adoption of problem-solving justice.

The implementation of the Prisoner Development Model ensures that a Prisoner Needs Profile is completed on all sentenced prisoners within 30 days. This aligns with the Resettlement Pathways and is used to establish the individual's Personal Development Plan (PDP). The PDP focuses on the development work required during the individual's time in custody and is undertaken by staff in the Prisoner Development Units – prison officers and Probation Officers as well as psychologists – and by a wide range of partners in the voluntary and community sector.

Likewise, the development of a problem-solving approach to justice seeks to look at the individual causes linked to a person's offending. The problem-solving approach to justice led by the Department of Justice and delivered by

Probation and other criminal justice agencies is firmly embedded in the Northern Ireland Executive's draft Programme for Government (2018). This programme aims to maximise interagency co-operation and communication and address the needs of individuals (Northern Ireland Executive, 2016).

These developments are to be welcomed and encouraged. They reflect an increasing movement towards recognising the importance of treating people more humanely across the criminal justice system, challenging binary notions of 'victims' and 'offenders', encouraging a more holistic and strengths-based approach to rehabilitation and engagement, and recognising basic human needs for communication and positive interaction (e.g. Burke *et al.*, 2018; Craissati, 2019; McAlinden, 2018). In criminal justice systems, system reform must start at the axiological level: eliciting the first principles of values, norms and axioms on which technocratic changes emerge.

Acknowledgements

The authors would like to thank the Department of Justice Northern Ireland for funding this research. However, it should be noted that the views expressed in this paper are the authors' own and do not necessarily represent those of the Department of Justice Northern Ireland.

References

- American Psychiatric Association (2013), *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.), Washington, DC: American Psychiatric Association
- Andrews, D.A., Bonta, J. and Wormith, J.S. (2011), 'The risk-need-responsivity (RNR) model: Does adding the good lives model contribute to effective crime prevention?', *Criminal Justice and Behavior*, vol. 38, no. 7, pp. 735-755
- Barnett, D.E., Katsiyannis, A., Zhang, D. and Zhang, D. (2014), 'Delinquency and recidivism: a multicohort, matched-control study of the role of early adverse experiences, mental health problems, and disabilities', *Journal of Emotional and Behavioral Disorders*, vol. 22, no. 1, pp. 3-15
- Barry, M. (2007), 'Listening and learning: the reciprocal relationship between worker and client', *Probation Journal*, vol. 54, no. 4, pp. 407-422
- Bonta, J. and Andrews, D.A. (2007), *Risk-Need-Responsivity Model for Offender Assessment and Treatment* (User Report no. 2007-06), Ottawa: Public Safety Canada
- Browning, A. and Caulfield, L. (2011) 'The prevalence and treatment of people with Asperger's syndrome in the criminal justice system', *Criminology and Criminal Justice*, vol. 11, no. 2, pp. 165-180
- Bryan, K. (2004), 'Preliminary study of the prevalence of speech and language difficulties in young offenders', *International Journal of Language and Communication Disorders*, vol. 39, no. 3, pp. 391-400

- Bryan, K. and Mackenzie, J. (2008), *Meeting the Speech, Language and Communication Needs of Vulnerable Young Children*, London: Royal College of Speech and Language Therapists
- Burke, L., Collett, S. and McNeill, F. (2018), *Reimagining Rehabilitation: Beyond the Individual*, London: Routledge
- Butler, M. and Drake, D. (2007), 'Reconsidering respect: its role in Her Majesty's Prison Service', *Howard Journal*, vol. 46, no. 2, pp. 115–127
- Butler, M., Kelly, D. and McNamee, C. (2019), *Explaining Disparities in Prisoner Outcomes*, Belfast: Queen's University Belfast
- CJINI (2014), *The Safety of Prisoners Held by the Northern Ireland Prison Service*, Belfast: CJINI
- CJINI (2018), *Resettlement: An Inspection of Resettlement in the Northern Ireland Prison Service*, Belfast: CJINI
- Craissati, J. (2019), *The Rehabilitation of Sexual Offenders: Complexity, Risk and Desistance*, Abingdon, UK: Routledge
- Criminal Justice Joint Inspection (2014), *A Joint Inspection of the Treatment of Offenders with Learning Disabilities within the Criminal Justice System – Phase 1 from Arrest to Sentence*, Manchester: HM Inspectorate of Probation
- Criminal Justice Joint Inspection (2015), *A Joint Inspection of the Treatment of Offenders with Learning Disabilities within the Criminal Justice System – Phase Two in Custody and the Community*, Manchester: HM Inspectorate of Probation
- Department of Justice Northern Ireland (2016), *Mental Health and Wellbeing and Personality Disorders: A Guide for Criminal Justice Professionals*, Belfast: Department of Justice Northern Ireland
- Farrington, D. (2002), 'Developmental criminology and risk-focused prevention', in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology* (pp. 657–201), Oxford: Oxford University Press
- Farrington, D. Coid, J., Harnett, L., Jolliffe, D., Soteriou, N, Turner, R. and West, D. (2006), *Criminal Careers up to Age 50 and Life Success up to Age 48: New Findings in the Cambridge Delinquent Study*, London: Home Office Research, Development and Statistics Directorate
- Gudjonsson, G. and Joyce, T. (2011), 'Interviewing adults with intellectual disabilities', *Advances in Mental Health and Intellectual Disabilities*, vol. 5, no. 2, pp. 16–21
- Helverschou, S.B., Steindal, K., Nøttestad, J.A. and Howlin, P. (2018), 'Personal experiences of the criminal justice system by individuals with autism spectrum disorders', *Autism*, vol. 22, no. 4, pp. 460–468
- HM Chief Inspector of Prisons (2017), *Annual Report 2016–17*, London: The Stationery Office
- Honneth, A. (1995), *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, Cambridge: Polity Press
- Kennedy, H.G., Monks, S., Curtin, K., Wright, B., Linehan, S., Duffy, D., Teljeur, C. and Kelly, A. (2005), *Mental Illness in Irish Prisoners: Psychiatric Morbidity in Sentenced, Remanded and Newly Committed Prisoners*, Dublin: National Forensic Mental Health Service

- Kesten, K.L., Leavitt-Smith, E., Rau, D.R., Shelton, D., Zhang, W., Wagner, J. and Trestman, R.L. (2012), 'Recidivism rates among mentally ill inmates: Impact of the Connecticut Offender Reentry Program', *Journal of Correctional Health Care*, vol. 18, pp. 20–28
- Loucks, N. (2007), *The Prevalence and Associated Needs of Offenders with Learning Difficulties and Learning Disabilities*, London: Prison Reform Trust
- McAlinden, A. (2018), *Children as 'Risk': Sexual Exploitation and Abuse by Children and Young People*, Oxford: Oxford University Press
- McNamee, G. and Staunton, C.T. (2017), 'Supports for offenders with learning disabilities in the Irish judicial system: a critical review', *Irish Journal of Applied Social Studies*, vol. 17, no. 1, pp. 94–105
- McNeill, F. (2006), 'A desistance paradigm for offender management', *Criminology and Criminal Justice*, vol. 6, no. 1, pp. 39–62
- Mallett, C.A. (2014), 'The "learning disabilities to juvenile detention" pipeline: a case study', *Children and Schools*, vol. 36, no. 3, pp. 147–154
- Maruna, S. (2001), *Making Good: How Ex-convicts Reform and Rebuild their Lives*, Washington, DC: American Psychological Association
- Maruna, S. and LeBel, T.P. (2003), 'Welcome home? Examining the re-entry court concept from a strengths-based perspective', *Western Criminology Review*, vol. 4, no. 2, pp. 91–107
- Murphy, M., Harrold, M., Carey, S. and Mulrooney, M. (2000), *A Survey of the Level of Learning Disability among the Prison Population in Ireland*, Dublin: Department of Justice, Equality and Law Reform
- National Audit Office (2017), *Mental Health in Prisons*, London: National Audit Office
- NHS England (2016), *Strategic Direction for Health Services in the Justice System: 2016–2020*, London: NHS England
- Northern Ireland Assembly (2016), *Official Report: Monday 21 November 2016*, available at <http://aims.niassembly.gov.uk/officialreport/report.aspx?andevDate=2016/11/21anddocID=281881> (accessed 21 May 2017)
- Northern Ireland Executive (2018), *Draft Programme for Government Framework 2016–2021*, Belfast: Northern Ireland Executive
- Prins, S. and Draper, L. (2009), *Improving Outcomes for People with Mental Illness under Community Corrections Supervision: A Guide to Research-Informed Policy and Practice*, New York: Council of State Governments Justice Center
- Prison Reform Trust (2017), *Bromley Briefings Factfile (Autumn 2017)*, London: Penal Reform Trust
- Prisons and Probation Ombudsman (2016), *Annual Report 2016–17*, London: Prisons and Probation Ombudsman
- Quinn, M.M., Rutherford, R.B. and Lorene, P.E. (2005), 'Youth with disabilities in juvenile corrections: a national survey', *Exceptional Children*, vol. 71, no. 3, pp. 339–345
- Skills Funding Agency (2017), *OLASS English and Maths Assessments by Ethnicity and Learners with Learning Difficulties or Disabilities: Participation 2014/15 to 2015/16*, London: Skills Funding Agency

-
- Snow, P.C. and Powell, M.B. (2005), 'What's the story? An exploration of narrative language abilities in male juvenile offenders', *Psychology, Crime and Law*, vol. 11, no. 3, pp. 239–253
- Snow, P.C. and Powell, M.B. (2008), 'Oral language competence, social skills and high-risk boys: What are juvenile offenders trying to tell us?', *Children and Society*, vol. 22, no. 1, pp. 16–28
- Talbot, J. (2008), *Prisoners' Voices: Experiences of the Criminal Justice System by Prisoners with Learning Disabilities and Difficulties*, London: Prison Reform Trust
- Ward, T. and Maruna, S. (2007) *Rehabilitation: Beyond the Risk Paradigm*, London: Routledge
- Zhang, D., Hsu, H.Y., Katsiyannis, A., Barret, D.E. and Ju, S. (2011), 'Adolescents with disabilities in the juvenile justice system: patterns of recidivism', *Exceptional Children*, vol. 77, no. 3, pp. 283–298