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Deliberative Inquiry, Criminal Justice, and Vulnerability

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Abstract

This paper discusses the *project* and *encounter* phases of Rowan (1981) dialectic research cycle in the use of Deliberative Inquiry (DI). The method was chosen to examine further the area of Vulnerable and Intimidated witnesses and follows from previous research and literature reviews (Ewin, 2015; Ewin 2016). The central tenet was to create a more in depth analysis in doing research '*with people*' instead of offering access to it via the inclusion of their response to data. The participants were a mixture of Detectives, Police Constables, victim advocates and specialists within the management or research of vulnerable populations. Three DI sessions were held to discuss the identification of vulnerable and intimidated witnesses and the process of being a witness in a criminal trial. The methodology was found to be both positive for the co-researching participant, offering an open exchange of knowledge between researcher and practitioner, and generating empirical discussion. There are however limitations that were drawn into sharp focus in an operational Policing environment; in particular, the demand on co-researchers to commit to higher priority, sporadic incidents, impacts on the time available. The method might be most valuable in conjunction with other data collection techniques, quantitative methods, and after an informed literature review has taken place. DI could be used within the framework of evidence based Policing to help integrate research into practice through the use of 'action' initiators or groups, using a combination of the dialectic research cycle and other qualitative methods to make a purposeful and informed research project or evaluation (Rowan, 1981; Heron, 1996; Reason, 1988).

Keywords: vulnerability, criminal justice, deliberative inquiry, action research

Deliberative Inquiry

Deliberative Inquiry (DI), a form of Action Research, involves two or more people researching a topic through their own experience of it, using cycles to move between their experiences, reflecting on the topic together (Heron, 1996). This is more than simply gathering data through a focus group, or interview, as the method involves the generation of knowledge by groups of participants resulting in some form of action (Reason, 1988). This could be a sense of developed understanding amongst the participants – referred in many texts as ‘*co-researchers*’. DI normally takes the form of an open discussion between participants which is facilitated by a researcher but instigated for a variety of reasons (Heron, 1996; Reason, 1988). Taylor (2014), Marshall and McLean (1988), and Mead (2002) have used DI within social research. Taylor (2014) evaluated the experiences of six female offenders serving community sentences of voluntary and unpaid work at a farm as part of a final stage in a larger series of research. Marshall and McLean (1988) sought to understand a Local Authority's change in culture over the previous four years of management to understand how the values ‘quality’, ‘caring’ and ‘fairness’ had been achieved within the organisation. Mead (2002) concentrated sessions amongst Police managers with the intention of improving leadership practices, developing and fostering ideas, and identifying how these could be implemented.

In the context of this paper, the organisational system under examination is a Police environment. This is a similar environment to that of Mead (2002) although this research does not focus on management practices but follows on from a pilot study (Ewin, 2016). In this regard, it is similar to the position in Taylor (2014) where the DI method was used towards the end of a larger piece of research. However, unlike Taylor the research here does not specifically seek to evaluate a system or approach. Moreover, it seeks to understand organisational and investigative approaches in dealing with vulnerable and intimidated witnesses. In that context, it is similar to Marshall and McLean with an ethnography being presented to assist in understanding how DI impacts upon the researcher and co-researchers within a criminal justice environment.

Criminal Justice as a ‘System’.

Criminal Justice is inherently a 'social system' of different agencies, roles and agendas. Within the context of this paper, a ‘system’ is that which has interconnected elements

working together to achieve something; within this are linear boundaries and environments which are often influenced by a combination of interdependencies (Ison, 2008). Criminal Justice, unlike medicine and traditional sciences, does not have a vast expanse of empirical data in which it can rely on to make evidence-based decisions (Nutley, Walter & Davies, 2007). There has been an appetite towards evidence-based policing for some decades (Michael, 2014). The Society of Evidence Based Policing SEP¹, N8 Policing Research Partnership² and the What Works Centre for Crime Reduction³ are a number of partnerships and initiatives that exist to bring together evidence in support of evidence based decision-making. It is common that the relationship between knowledge, evidence and research are mixed, yet the common view is of a hierarchical relationship (Nutley, et al., 2007). In thinking about the flow of knowledge, evidence and research in the ‘system’ of justice it may be better to think of knowledge as ‘the interpretation of research’; Marston and Watts (2003) emphasise that policy making communities often claim the idea of evidence-based practices when in reality this is merely a symptom of management attempting to address political ideology. The term ‘evidence-aware’ is perhaps more realistic. The common system infrastructure of relationships between knowledge, knowing and embedding this into tacit practitioner frameworks is complex but has been examined in health and social care settings (Brechin & Siddell, 2000) perhaps to a greater extent than in Policing. Gomm and Davies (2000) identify that “laws and theories about people, their health and well-being, their illnesses and distress, their patterns of behaviour and relationships are particularly hard to achieve” (p.12). Systems of law enforcement have traditionally relied upon experiential knowing; construct of tacit knowledge built up over a number of years of experience (Brechin & Siddell, 2000). Whereas the tradition of health has been to rely upon empirical knowing based on randomised clinical or control experiments. Moreover, some high-quality research, which has clear and unambiguous implications, fails to attract the necessary change, perhaps aimed at incorrect audiences or specialisms. There is a danger that knowledge becomes more about the evidence base for Policing, inherently a specialism, and does not seek to collaborate in partnership or enterprise (Michael, 2014).

¹ The Society of Evidence Based Policing is made up of police officers, police staff, and research professionals who want to transform policing through understanding what works, available at: <http://www.sebp.police.uk/>

² The N8 Policing Research Partnership (N8 PRP) has been established to enable and foster research collaborations that will help address the problems of policing in the 21st century and achieve international excellence in policing research, available at: http://n8prp.org.uk/about_us/

³ A programme facilitated by the College of Policing to promote evidence based practices, available at: <http://whatworks.college.police.uk/Pages/default.aspx>

In examining the barriers to health and social care development, Needham et al. (2000) identifies that the way in which research is communicated, the confidence of practitioners to use or implement that research, conflicts with long-held beliefs, and practitioner experiences all become reasons why an evidence based approach may not take hold. Information overload and a lack of systematically reviewed high quality research evidence may also be reasons why evidence-based research fails to achieve success (Trinder, 2008). Needham et al. argues that in order to improve the communication of research there must first be an appreciation that busy practitioners may find it hard to read large volumes of research that has no specific meaning to them. Trinder (2008) supports this and adds that professionals may not draw on research knowledge because of a reliance on other, less reliable indicators, being “primary training, prejudice and opinion, outcomes of previous cases, fads and fashions, advice from senior and non-senior colleagues” (p. 3-4). This is something that has broader understanding in literature around the implementation of research, which is arguably a complex and subtle process with ambiguous, amorphous and incremental stages of progression (Nutley, et al., 2007). To say simply that a practice becomes ‘evidence-based’ because one area has been examined and practice changed in response to a critical report or study, does not take account of other areas within the ‘system’ which may also have been affected by so called ‘evidence-based’ change, or lack of change (Marston & Watts, 2003).

The relationship of so called 'systems thinking' supports the greater understanding of interrelated systems coming from the understanding of the build-up of whole pictures of phenomena, and not by breaking them down in to constituent parts (Flood, 2001). This has happened in previous research that has relied upon statistical quantitative methods, which concerns itself with one aspect of output; for example, to say that a Police Service area is poor because it has a lower rate of detected crime than in another. The failure to identify specifically targeted operations or culture leaves this statistical basis without critical explanation. Amorphous and unsupported single method evidence amongst practitioners does not create a feedback system that can explain why a particular strategy has succeeded or failed. Lewin (1948) found that practitioners who were involved in decision-making had higher productivity than practitioners who had more dictatorial approaches to evidence based practices. Therefore, practitioners involved in well-founded research development, management and design may possess a higher likelihood of research being accepted and change through practice created. Arguably, this is what action research could achieve if

applied in specific areas of the research journey. In some smaller research areas there may be a need to systematically review qualitative and quantitative elements in order to establish the feasibility of a particular method (Trinder, 2008). This is particularly pertinent to the area of police investigative practice, which relies on several outputs from case-law, forensic science, political landscape, managerial intervention, partnerships cohesion, and approved professional practices (see Ewin, 2015; Ewin, 2016; Nutley et al., 2007). Needham et al. (2000) identified this theme in the healthcare setting; several small, randomised control trials were systematically examined in the area of corticosteroids to expectant women where results indicated that the inexpensive treatment reduced respiratory distress and the likelihood of babies dying. Earlier studies were too small to have any impact however following systematic reviews there was a change to clinical guidance. Critically this brought together evidence from research, professional and user perspectives, this became known as systematically developed statements to assist practitioners, creating a high quality output of research design basis and review (Trinder, 2008). This creates a more holistic and embedded approach to using an evidence base in practice (Nutley, et al., 2007; Rachels, 1998; Trinder, 2008).

Methodological approach

This paper discusses the action research based approach in a study of Police Officers and allied agencies involved in the management or interaction with vulnerable and intimidated witnesses. Whilst systematic review has its place in constructing a valid evidence base there are still the fundamental issues to overcome (e.g. Marston & Watts, 2003; Needham et al., 2000), where the practitioner has then to use the research to inform practice. Liamputtong (2006) provides a number of ethno-methodological considerations in relation to the involvement of 'vulnerable' groups in research. In this study, there was no direct involvement with vulnerable victims and witnesses. Action research traditionally involves groups and communities who are vulnerable and oppressed (Liamputtong, 2006); however, as demonstrated by Mead (2002), Marshall and McLean (1988), and Taylor (2014) there are many different applications. Arguably, and given the context of the research basis and challenges in gaining evidence in support of change, there is some sensitivity around this enquiry. The co-researchers were identifiable to each-other within the group and the topic being discussed involved those who are 'vulnerable'; be that the meaning given in socially constructed vulnerability, by legal definition under the Youth Justice and Criminal Evidence Act 1999, or other identifiable definition.

In speaking about their experiences, self-identified weaknesses, and concerns the co-researchers possess a certain amount of ‘vulnerability’ themselves. In introducing the co-researchers, I asked that each remain respectful of the environment of the research, this was about building knowledge and not creating blame or distrust, all co-researchers indicated that they understood this and were happy to continue. With anonymity in mind the co-researcher’s organisation and positions have been anonymised, any circumstantially identifiable data has been removed. This was an important part of the buy-in from the co-researchers. Three out of the forty-three Police forces in England and Wales were contacted and asked if they would like to take part, simultaneously a number of invitations were sent to auxiliary organisations who feature in the management or support of vulnerable and intimidated witnesses as identified in the pilot element to this study (Ewin, 2016). These organisations included independent advocacy services, support network charities, local government initiatives, and witness support agencies. Prospective co-researchers were offered the choice of taking part in either a semi-structured interview or a co-operative inquiry group. This was to enable the widest possible participation where potential co-researchers were not able to attend the DI sessions. Where the largest geographical collection of potential participants existed, an enquiry group was first formed, and further authorisation sought within that Constabulary area. A letter of request, identifying what was involved in the research, was then written to the Chief Constable responsible for that Constabulary or respective organisational manager. Only once this authorisation was given were dates and meeting locations set for the inquiry group meetings and an e-mail sent within the organisation to potential co-researchers. A point of contact within the Constabulary also assisted with the broadcasting of the research proposal.

In using a DI method, and reflecting on the cycle phases as discussed earlier (Heron, 1996; Reason, 1988), along with the use of semi-structured interviews, Rowan (1981) provides some explanation as to the cycle of the researcher. I have used this cycle to reflect on the methodology stages within this research. Rowan’s dialectical research cycle describes the processes of being, thinking, project, encounter, making sense and communication within the researcher’s road to developing the product of research. In the phase of “being” I aimed to uncover definition from a practitioner’s perspective on Special Measures - a series of measures which may be used to assist vulnerable and intimidated witnesses - and more neutrally vulnerability within the context of criminal investigation. In the phases of “thinking” I sought to identify how the problem exists through a literature review. This

review phase can be found in Ewin (2015) and Ewin (2016). In the “encounter” and “making sense” phases I viewed Heron (1996) four-fold interaction phase of self-reflection for the co-researchers, and Rowans making sense phase as being complicit elements. A minimum of four weeks existed between each group meeting, allowing for group self-reflection and in order to transcribe and ‘write-up’ previous sessions – considering this as part of the making sense phase. This staging of sessions also assisted in promoting individual autonomy (Heron, 1996) and in developing a sense of analytic induction, pursuing data until inconsistencies cease to emerge, with reference to the fact that this method was being combined with semi-structured interviews and grounded theory (Bryant & Charmaz, 2007). A visualisation of this process can be found below (Fig 1).

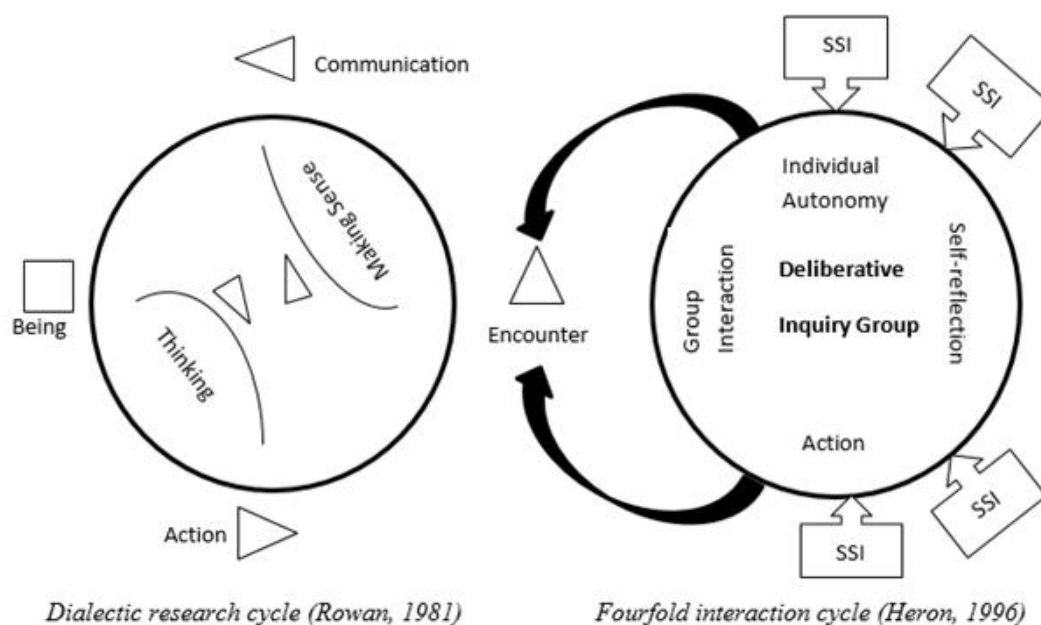


Figure 1. Combined dialectic and four-fold interaction cycles and Semi-Structured Interviews

To help distinguish between the group sessions and the topics being discussed, there were identified titles for each session. The first being to establish how the group defined and dealt with vulnerable and intimidated witnesses. Secondly, reactions to third party data through the use of qualitative responses gathered from advocates of the crown be they defence, prosecution, or judiciary. These responses were harvested during the pilot study (Ewin, 2016) or were from semi-structured interviews being conducted simultaneously as part of the larger research series. Thirdly, reaction to case-law; here the group was asked to look at a number of case law examples and discuss their feelings on relevance within their practice. The group

were also asked to reflect on what they had done in the previous sessions and decide on actions they would like to take forward. In each of these titled phases, the group was allowed to discuss the topic in any way they felt relevant. A number of working questions were generated to help in moving the discussions forward or generating discussion from the co-researchers. Some of these were based on the findings of the literature review and others from the pilot study (Ewin, 2016). In each of the sessions the co-researchers were given time to discuss their ideas and thought processes and a recording was then made of the discussions which followed as part of the entire groups focus. A sample of the working questions are shown below (Table 1) along with a summary of the information inputted into the group using case-law, semi-structured interviews and existing data:

Table 1

Working Questions

Session Feed	Sample Question
<p>Vulnerability Identification Session 1</p>	<p>What ‘characteristics’ do you feel are important to identify?</p> <p>What experiences do you have from within your organisation or department?</p> <p>What are the hurdles to communicating this between organisations?</p>
<p>Case law Deliberation - Session 3</p> <p>R v Forster (Dennis) [2012] EWCA Crim 2178</p> <p>Sed v R [2004] EWCA Crim 1294</p> <p>R v Iqbal (Imran) & anr [2011] EWCA Crim 1348</p> <p>R v PR [2010] EWCA Crim 2741</p>	<p>Is this type of Special Measures application seen in practice?</p> <p>How could some of these complications have been overcome during the initial investigation?</p> <p>Are there any similar experiences you can share with the group/research?</p>

The first session was attended by 13 people with the profiles mixed between Detectives from Public Protection, Criminal Investigation Department, and the Safeguarding Team; two victim advocate ‘partners’; a representative from a local council with a specialism in autism. Each group was asked to discuss a number of questions and then asked to feedback to the entire group. This enabled a 30-minute unrecorded discussion and a 30-minute recorded discussion.

Ethnography

Marshall and McLean (1988), and Mead (2002) had two very different approaches to inquiry in respect of the position of the researcher themselves; the latter being from within the organisation and the former being ‘outsiders’. The researchers specifically report their ethnographic experiences as being embedded within the organisation in which the inquiry took place. This was felt to be an important consideration. Bentz and Shapiro (1998) describe hermeneutic inquiry and ethnography with a view to the researcher themselves; “hermeneutic” meaning ‘the art and science of interpretation’. Mead (2002), and Marshall and McLean (1988) describe their ‘lived’ experiences of ‘doing’ research in using a DI. In essence, they produce an ethnographic framework around the research itself, this is useful in orientating the framework in which the inquiry sat. In order to produce a similar outcome, I sought to replicate the ethnographic status within this research method. Marshall (2001) also discusses this aspect of self-reflection in a sense of ‘doing’ inquiry and arguably, this is also part of the “making sense” phase as discussed by Rowan (1981). This is almost like an ethnomethodology.

In perusing this form of research I foresaw a number of different hurdles in setting out what I wanted the study to achieve. Even within that first sentence ‘what I wanted to achieve’ was potentially a hurdle to DI. I had a sense that this research would not be about me. This research was about them, the co-researching participants, a group of practitioners who I engaged with on a regular bases and saw frustrations, reflections and examinations of their experiences. I am myself a serving Detective Constable and I have worked within a Policing environment for several years. I consider myself not be so naïve to think that the Police is a static organisation or that it would not benefit from development in some areas or be influenced by the findings of empirical research. I believe in creating evidence based work environments in public sector organisations. In doing this inquiry I was acutely aware of the

time pressures within most Policing departments, and to make an inquiry interdisciplinary, I was aware of the potential realistic challenges in simply getting co-researchers in the same place at the same time. The first acceptance was that I may not be able to get everyone 'around the table'. On reflection trying to get an even spread of multidisciplinary individuals is a challenge; not least, due to the working practices and shift patterns of the people involved in this area of work. This is a key consideration for anyone undertaking this type of work. Unlike Mead (2002), I am not a senior Police Officer nor do I make decisions about the allocation of Police resources or time. In the preceding phase of the co-operative group meetings, I distributed an electronic questionnaire using various forms of social media, conferences and personal contacts (Ewin, 2016). Until formulating this DI, I had not specifically externalised my research with the view that others would be involved in anything other than a questionnaire. This could be viewed as a positive and a negative, where practice and academic discipline meet there should be some understanding that some environments may not embrace the theory. In my DI I found that most people were supportive but those who did not want to take part simply did not engage. One thing that I have always been aware of is how my position as a Detective Constable would work in terms of 'power' in my relationship with other co-researchers. I often found myself asking the question, am I a Detective or a Researcher? The simple answer that I arrived at is that I am a practitioner 'doing' research and I have always enjoyed doing research 'with' people rather than research 'on' people. I tried hard to ensure that this relationship and position was communicated to all involved, enabling them to make a decision about how that may impact them. I also hoped that my position may make some professionals feel more comfortable in sharing experiences. I approached the meetings with an open mind as to what could, and what would be achieved. However, I cannot distance myself fully from my position and I wonder what limitations this has upon what participants were willing to share with me.

I sent out an invitation for people to be involved with the research, the response was better than I had expected. I found that people wanted to be involved and there was a feeling of passion about the topic area of vulnerability, victims and witnesses. In opening the first inquiry session and announcing that this research was about shared and lived experiences, I was anticipating silence, instead there was an atmosphere that everyone had volunteered and people wanted to be involved. I began by introducing the topic of vulnerability and anticipated that most had read the majority of the participant information sheet; however, this was recapped to make it clear and more personal to the group. I found myself asking what I

would want to be told, within that was the feeling that I would want to be respected and my responses kept confidential. I gave some reassurances around this. Having never audio recorded anything beyond a suspect or witness interview, I was sceptical about how audio recording Police Officers and practitioners would work, given that this method is predominantly used to evidentially record suspect accounts. I introduced that this was to help with validity, and so that I did not have to produce vast notes as to what had been said within these group sessions. I did not meet any resistance within the group, they said that they understood their responses would be anonymised. There were however times within the group sessions for co-researchers to have discussions without being recorded, this gave way to some time to think and formalise ideas whilst getting used to the surroundings of the rather formal boardroom style meeting facility. The first group was attended by thirteen people and this was a real boost to what I thought would be a low attendance – perhaps a testament to feeling that people wanted to be a part of the research and share their experiences of vulnerability. Taking the approach of Mead (2002) I had not set out what membership of the group would look like although I had expressed that this research was about the views of the ‘practitioner’ and I wanted as many people to be involved as possible.

In the short time after the first meeting I had a number of co-researchers approach me and ask “*was that ok?*”. I did not expect this but considered that some co-researchers might feel that they had to satisfy a pre-defined response in relation to some of the group work, reassuringly most said that it had been useful, asking when the next session was going to be. I advised the group that we would be discussing some responses from other disciplines within the next session and this seemed like a natural response because many had started to discuss how other organisations might describe vulnerability or how they dealt with it. I did self-reflect and change the next session slightly to accommodate what had been discussed within the first session. I e-mailed the co-researchers a document containing anonymised responses from the pilot study and some semi-structured interviews. This made for a very in depth review for the next session as many of the co-researchers came with their own views, and self-generated research around the material which they had been sent. I was really encouraged by this as the co-researchers had developed their own sense of enquiry about knowledge with individual autonomy, thus fitting partly into the Heron (1996) analogy of the four-fold interaction. Unlike the previous session the co-researchers were asked to respond individually and this led to some in-depth and varied responses which some co-researchers sought to agree with and others had different ideas which provided for some useful

interjections and discussion. I had very little to do other than ensure that everyone had the opportunity to speak. In providing each with ‘air-time’ within the group, I found it a good way of bringing in each co-researcher’s views and ideas into the discussion. However, within the third meeting of the group a couple of co-researchers asked if they could respond together rather than as individuals. This again felt like the group was making the research their own and this was not discouraged.

I was asked “*what do you think*” by a couple of the group and this, I felt, was part of the ‘buy-in’ of the research being co-operative as they were asking for my own knowledge. I felt that I should not quash this but did not go so far as to make the research about my response, and limited this to a small input. I was glad that I had phrased some questions for the group to answer as I felt that this gave people some direction and promoted discussion. There was never any sterile space, and the hour long sessions were predominantly filled with discussion. As each of the sessions were recorded I would then transcribe the audio recording and at the end of the sessions provided an opportunity for the group to review these. This provided a useful tool for measuring validity but also in reflection as to what the group had discussed and achieved. It was also a great way of “making sense” in following Rowans (1981) dialectical research cycle. Although I was aware of the background to the research and the methodology, I aimed to keep much of this from the minds of the co-researchers and allow them to focus on their own discussions. The co-researchers were however keen to know what would ultimately happen to the data, the information provided prior to the meetings gave some insight. Many in the group expressed that they hoped this helped explain the difficulties faced in dealing with vulnerable and intimidated witnesses. I expressed to the co-researchers that this research was however not an examination, it was neither about individual intelligence nor knowledge of legislation, this seemed to put the group at ease. I did not prevent individuals from inviting new co-researchers to the group, after all this was about the group researching their own practice. I did however introduce two further co-researchers into some of the sessions who had previously not attended. This did not seem to have much effect on the existing group, who warmly welcomed them and their input.

In reflecting on the experience of using this method I would be really positive about using it again. I found that the group were keen to ‘have their say’ and were open minded about other people’s ideas and feelings about the subject. I also had a couple of co-researchers approach me and ask how they could gain degree qualifications whilst working as they found the work I was doing was interesting. I felt that by allowing the co-researchers to

make sense of other data sources this brought out some experiences and limitations as to what that particular response might mean in practice. For example, one response discussed was from a retired circuit Judge, as one co-researcher pointed out the status of being retired might provide them with a limited field of reality in terms of current practice.

The final planned group meeting had to be moved twice and on the day it was due to take place it was cancelled due to an operational policing commitment. This was disappointing for me and some of the participants who arrived at the meeting venue as planned. This is perhaps one key reflection as Policing is sporadic by nature and with no one else to run the session, I had to cancel this. However, during the course of three meetings, we had discussed a number of key areas and the group had begun to generate actions to take forward and had made reflections within the group. This method was 'evaluative' as well as 'investigative', in the former it sought to see how certain practices were being operated and the latter sought to see where developments could be made, originating from those who would be affected by change of practices. This method was used in conjunction with semi-structured interviews, as this is also good way to engage with people who either do not want to be involved with the deliberative group or simply do not have the time. The impact on the researcher is also quite demanding in terms of reviewing and interpreting results but also steering the group and understanding where the developing themes are. I felt within this group that there was a natural point, after the second meeting, where people became more inquisitive about the topic. I do feel that a further phase would have been to consult members of the group on the specific effect of DI. However, having a set number of sessions is perhaps detrimental considering that by session three the group had already discussed most of the material and made recommendations on how the system could be improved; in essence coming up with a plan.

Discussion

If the objective of research is to gain understanding through the application of a method in any given situation, then arguably DI is one approach that should be considered as a viable method. The use of DI is an application of a method to understand social reality (Bryman, 2008). The reasons for its use in this field was to bridge a gap between the quantitative data, knowledge, and reality. The sense of the researcher captured within an ethnography, and the broadening of the participation field, through the use of semi-structured interviews adds to

the phenomenological reality. However, there are arguably limitations to this methodology. In considering the arguments around this type of methodology, with the epistemological position that the researcher is 'part of the system' of research then there is a clear distinction that the researcher has some bearing on the position of the discourse. Without the presence of the researcher, the co-researchers may not have arrived at the same conclusions. The feedback from one Detective in this study was "I think this approach is an excellent way to generate discussion points and consider others viewpoints. It was most useful to have input from people who work in different agencies other than the police in order to gain their perspective. The length of time of the sessions was just right at about an hour and because specific focus was given for each session it covered a fairly wide range of topics". This fits with the approach of action research and DI, in being recognised as a 'collaborative' approach. Within this debate Shuttleworth et al. (1994) highlights: 'imbalances in power relations contribute to a major contradiction between the outsider professional researcher's role in introducing ideas and planning shared learning process, and the insider participants' abilities to influence the development and framing of emergent knowledge'. This therefore is an important and considered paradox between the relationship of the researcher and the co-researchers. The importance of a position and influence commentary from the researcher is therefore an important phase.

Within the ethnographic discussion around this discourse and considering the dialectic framework of Rowan (1981) in "making sense" and Heron's (1996) four-fold interaction on "self-reflection" for co-researchers, there is a sense that there is a shared experience to be gained in reflection. These elements are intrinsic to the deliberative approach as co-researchers need time, along with the researcher, to reflect (Heron, 1996; Reason, 1988). Within this study, the "reflection" phase for the researcher was used to write up narratives from co-researcher discussions in order to present them back to the group. In any element of planning this type of research an observation should be given to the empirical realism, the use of appropriate methods to understand reality, as the reality here was pursued and inductive approach. Cunningham (1988) warns that an obsession by the researcher to produce some 'action' endangers the sense that this method is about research. As a further discussion to Marshall and McLean (1988) their "action" was perhaps that the group continued to meet after the researchers had 'withdrawn'. Invariably action created by the methodology itself with some influence in that the study was founded by a managerial desire to learn about the embedded nature of organisational values. What drew Marshall and McLean's study out was

the reported sense of the researcher's reflections within each of the phases of inquiry. This is arguably a state of revision, a constructivist ontology, played out here in the pursuance of Shuttleworth's 'insider participants' abilities to influence the development and framing of emergent knowledge'. In order to frame that knowledge, the inquiry phase becomes less about action and more about embedding dialogic value (Cunningham, 1988; Bryman, 2008).

Cunningham (1988) awards low level confidence in research where the researcher has not provided some holistic value or personal skill in performing around that methodology. The value and the validity of the method, describes Heron (1988) is within the co-opted nature of the inquiry. Hart and Bond (2000), in their health based research, reflect that there are broadly four types, rather than origins, of action research: 1) experimental: applying experimental methods to social problems; 2) organisational: grown out of 'bottom-up' approaches to organisational change; 3) professionalising: grounded in knowledge and professionalising and 4) empowering: based within educating and consciousness raising. In each of these 'types' the outcome is different and ranges from structural change to consensus modelling. The narrowing concern in using this method is that groups exist in isolation, creating change that they see fitting of the narrative within the group, only ordering outcome where mutual agreement is reached and ignoring other factors at work. In this research the co-researchers volunteered their attendance but significantly they were asked to consider the values within previous research phases, case-law and semi-structured interviews against their own values. This settles the research within the professionalising 'type' where previously outcomes have been described as being 'towards improvements in practice defined by professionals on behalf of users' (Hart & Bond, 2000). This view is however verging on becoming less about research and more about outcome which Cunningham (1988) described as being a poor product in the use of action research and deliberative inquiry.

Recommendations

The following are a number of considerations for this type of research methodology, this paper is a snap shot of DI being applied within a criminal justice setting and forms part of a larger body of work.

- 1) Power – this is a really important consideration and whilst this was done by a practitioner doing research there has to be a reality that some people may not engage for that reason. This is both a limitation in some circumstances and a

benefit in others, for example in Taylor (2014) and Mead (2002) these are two very different power relationships for both the initiating researcher and also the participants themselves.

- 2) Identity and anonymity - This is a really key consideration and one which should not be overlooked in terms of planning. Offering full anonymity is somewhat limited by the fact that co-researchers will exist together in the same environment. Although in Taylor (2014) one participant suggested that they would deny involvement if asked.
- 3) Attendance - Mead (2002) captured this aspect and in a Policing or operational public service environment it may not be possible to engage each co-researcher fully at each meeting. Therefore, using other methods and incorporating their views into the research design may help in the overall approach and evidence based design. An open invitation at the commencement should be considered and certainly no one should be forced as this may create the wrong atmosphere. Making the disciplines too broad may mean that the research fails to achieve outcomes for some participants.
- 4) Language and facilitating discussion - the co-research audience should have an appropriate language platform. The use of acronyms or complex language may confuse certain co-researchers and the role for a 'facilitator' to ensure that the discussion moves forward in a meaningful and open way which is understandable to everyone in an important one.
- 5) The intended outcome should be assessed - as seen in this paper the application of DI has a number of functions which can be evaluative, explorative or simply to understand a 'system'. In designing an overall research process, it should be considered how this method would be used alongside others. This could be part of a systematic review of culture, or part of an experimental randomised control trial sequence to explain anomalies or quantitative data.
- 6) Evidence base - it was helpful in this approach to have reviewed literature and conducted a pilot study as this helped to direct initial questioning and approaches to design. This also assisted with the researchers understanding of where to pitch the DI and consider what actions might be generated from it.
- 7) Data analysis – although not a discussion within this paper it was useful to have considered how I was going to interpret the data produced. I elected to use grounded theory because of its use in synthesis across methods (Charmaz, 2011).

A more commonly used analysis is Narrative Analysis or Thematic Analysis (Bryman, 2008; Kirkland, 2012). The overall research question should drive this process. The use of grounded theory can be seen in Ewin (2016).

Hart and Bond (2000) is arguably the most appropriate approach in relation to DI, reinforcing the idea that this type of deliberative design can be utilised in a number of settings. In progressing this area of research there are a number of considerations for development and this includes designing evaluation models to understand what impact DI has on co-researchers and attempting to understand how the impact of other complementary designs, such as semi-structured interviews, impacts on the areas covered by the design. The ultimate results of this DI are not discussed but the ethnographic element hopefully provides some insight into the 'project' and 'encounter' phases of the dialectic research cycle (Rowan, 1981).

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