Possibilities and Limits of forensic Social Work in the prison Environment

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Abstract:

The term forensic refers to anything related to the justice system, the legal system of a state and the responsibilities of social workers in dealing with and resolving legal problems. The very meaning of the term suggests as much. Forensic social work can be broadly characterized as a specialization in social work that focuses on law, legal issues and litigation. In a narrower sense, forensic social work refers to the knowledge, skills, measures and procedures applied when working with forensic social work clients. With this narrower definition, forensic social work can be considered synonymous with the

term criminal justice social work (Neszméry, 2021).

The primary purpose of our study is to empirically state and define the possibilities, roles and importance of social work in the prison setting. The ethical and legal framework and position of the forensic social worker in the prison setting, as well as their role and scope of practice in this setting, are directly related to this. Secondarily, we analyze crime in the prison environment and its prevention, as forensic social workers also encounter this socio-pathological phenomenon in addition to many others. In connection with this topic and the focus of the study, we also provide a definition of basic terms in the field of forensic social work.

We include a number of factors that influence the functioning of a forensic social worker in the prison environment and shape the actual practice of the forensic social worker as the basic starting points of the conducted study and empirical research. The most important factors, which represent the basic starting points of the empirical research and the conducted study, are ranked as follows: practice, representing the basic performance and delivery of social work in the prison environment; prevention, meaning the prevention of criminal behavior and other forms of undesirable behavior in the prison environment; the position of the forensic social worker and all the related possibilities for the performance of his/her position, but also the limitations of the performance of his/her activities in the prison environment; and finally, communication, which constitutes the basic tool and means of communication between the forensic social worker and his/her client in the prison environment, between the state authorities, other organizations and the forensic social worker, but also between the convicted person and his/her family.

Organisation and conduct of research

The elaboration of a comprehensive empirical study consists of a number of steps that follow logically one after the other. Together, these individual steps ultimately determine not only the course of the study design, but also the course of the research itself.

- *Selection of the research topic and study of literature and expert sources*

The first step in the compilation of this study was the selection of the topic we planned to work on. This was followed by the study of literature and familiarization with the research topic from a professional point of view so the theoretical part could be effectively processed.

- *Processing the theoretical basis of the study*

This part of the study is used to introduce the topic and familiarize oneself with the subject matter. From the theoretical part of the study comes the empirical part of the study, which includes setting research objectives, defining the research problem and formulating research questions.

An empirical investigation begins with the setting of research objectives, based on which we define the research problem. The research problem represents the area to be investigated. Subsequently, we set the research questions.

- *Defining the research population and selecting the research sample*

The research population represents all people who meet the conditions we have set and can, therefore, participate in the research. However, since the population is broad for the research, we selected the sample on which the research would be conducted.

- *Choice of research methods*

The chosen research methods are semi-structured interviews, questionnaires and data analy-

sis. "Developing a questionnaire is a practical and commonly used method" (Neszmery, 2018, p. 8).

• *Contacting respondents and transcribing interviews*

In order to conduct the research, we contacted individual research respondents and arranged a meeting. Subsequently, the interviews were transcribed for further processing and evaluation.

• *Evaluation of the responses obtained and data analysis*

The transcripts were processed using open coding, and the individual data obtained were analyzed.

We define the main research objective as the theoretical definition and empirical confirmation of the position of forensic social work and those that carry out this work - the social worker - in the prison system. Additionally, an emphasis was put on the possibilities of operating in the prison system, the limitations that govern it and those that limit the scope of its activities.

Research problem

The research problem is the cornerstone of empirical inquiry. From the research problem, we derive all the stated research objectives and research questions. We can refer to it as what inspired us to start the research, as we start from the research problem throughout the investigation and build on it. Because of the broadness of the research topic and the overall scope of all research topics, we need to specify a specific research problem that narrows down the topic. "A research topic is a framework that provides the researcher with many opportunities for research. However, a topic is a broad field that is not ready for a research design. Only a specific research problem can be investigated" (Gavora, 2010). Based on our research topic, we set the following research problem:

The scope and possibilities of the practical implementation of forensic social work in the prison environment, the possibilities of implementing social prevention, its scope, form and performance in the prison environment. The possibilities of forensic practice, the scope of the social worker in the prison environment and the limits affecting the performance of this practice that are carried out through the social worker in his/her penitentiary activity.

The research problem determines and defines our research aim and the area in which we want to conduct the research. From the chosen research problem, we derive specified research objectives that reflect the areas of interest occurring in the research problem. On this basis, we have defined research questions that enable us to accurately address the phenomenon we want to study.

I. The research will be concerned with forensic social work itself in the prison setting and how it is defined and understood by its practitioners.

II. The position of forensic social work in the prison system within the scope of the practitioner's ability to perform and operate within the constraints that circumscribe the practice.

III. Social prevention and its scope, form and the way it is implemented in the prison environment.

The research question, which represents the main objective of the investigation, is as follows in the framework of our conducted empirical study:

How do social workers perceive their status and position in the prison environment, the possibilities of forensic practice and the limitations of this practice?

The research question highlights the position of the social worker and their competencies for the possibilities of practicing forensic social work. However, it does not only point to the possibilities, it displays how far the possibilities extend, i.e., the limits. The research question relates us to the research aim and our stated expectations about the empirical results achieved. Specifically, the research question focuses on the perception and understanding of the possibilities of social work in a prison setting by the workers who carry it out. How do social workers perceive all the possibilities of social work in the prison setting and what limits the profession and therefore their practice of forensic social work?

Sample of respondents

The research sample is the final population on which the research will be conducted. "The sample is not usually large, and there is no strict rule by which its size can be determined. In principle, sample selection in qualitative re-

search is deliberate, sequential and based on the willingness of participants to cooperate" (Skutil et al., 2010; In Bačíková - Janovská, 2018, p. 120). There is no uniform rule for the size of a sample, but a sample is selected on the basis of choice.

Our study and empirical research address the topic of the possibilities and limits of forensic social work in the prison setting. Based on this topic and our stated research problem, our research population is represented by social workers working in a prison setting. We selected our research sample from the population by what is known as available sampling - picking and choosing.

There are certain reasons for choosing available sampling for our research. The first is the amount of such workers, and the second is their availability. As there is not a single forensic social worker in the Slovak Republic who performs forensic social work in prison conditions (we do not have such a position and classification in place), our research sample consists of social workers working in prisons and performing forensic social work. Another and very serious problem for forensic social work is the workforce itself (Neszmery, 2020). Since these social workers work in a closed environment and even have an industry-specific role within the field of social work, finding and contacting them is not easy.

Research methods

The research methods used in our empirical research were semi-structured interviews that were processed and evaluated using open coding. This was followed by data analysis of the individual responses obtained in the conducted interviews. However, the primary research method was the individual research interview. "The research interview is a scientific method that is pre-planned. It is an asymmetrical situation, i.e., the researcher conducts the interview and asks the questions, and the respondent answers them. The answers are recorded by the researcher and later evaluated. The interview not only lets you capture the facts, it allows you to delve deeper into the motives and attitudes of the respondents. It is also possible to observe the external reactions of the respondent and to guide the further course of the interview accordingly" (Gavora, 2010).

In their work, Bačíková and Janovská describe the research interview according to Ferjenčík. Unlike Gavora, they do not describe the interview on the basis of its substance, but they describe the interview as a method and process of data collection. "Interviewing is a research data collection technique that is widely used in the social and behavioral sciences, including education and psychology. It is a verbal (and non-verbal) interaction between two or more actors, which may have different goals. It is a mediated and highly interactive process of data acquisition" (Bačíková - Janovská, 2018, p. 122).

A semi-structured research interview is a method of data collection where there are pre-prepared research questions that the researcher poses to the respondents. There is not a set, fixed structure, and the researcher often asks follow-up questions. This type of interview is not tightly planned. No strict agenda is followed as in a structured interview, nor do we conduct an open-ended interview without guidelines as in an informal interview. In this type of research interview, we have a planned outline that we stick to.

"This type of interview has been developed to ascertain subjective theories and shares common features with the guided interview. The interview guide is constructed according to topic areas, which are always introduced by an open-ended question that the interviewee is expected to answer immediately on the basis of his or her knowledge" (Hendl, 1997, p. 90).

The basis of the research methods used is to ascertain a body of information that, when processed and analyzed, will ultimately point us to the output data that represents the output of the empirical investigation - the findings. However, for correct empirical research, it is necessary to observe several principles (Muránsky, 2018). Among the basic principles, we rank adherence to the code of ethics and attention to social rights. "They should facilitate education and also create the appropriate conditions that are necessary for the application and development of individuals' abilities for the good of society" (Neszmery, 2020, p. 9).

Data processing and analysis

The data we worked with in our research were collected using direct, individual, semi-structured interviews conducted with re-

search respondents who represent social workers in a prison setting and who practice forensic social work. All interviews were recorded and then carefully transcribed, thus providing us with transcripts that we can work with and analyze further.

We processed the interview transcripts using open coding. The principle of open coding is to analyze the data and label important themes - categories. We then assign codes to these categories that represent the categories and describe them. "The code should be a generalization of the information and can take the form of common words or technical terms. As a rule, we return to the naming of codes in the course of working with the text and modify and refine them. At the next stage, we compare the codes, hierarchically arrange them into groups and create categories" (Bačíková - Janovská, 2018, p. 132).

Once we have created the categories, we assign the appropriate phenomena to them. Under the categories are phenomena - areas that are directly related to the category and represent important phenomena in the category. Throughout the coding process, we base our coding on the research questions. In our research study, we created the following categories that emerged from the interviews we obtained through coding: Practice, Position, Prevention and Communication. These categories represent the main themes that relate to our research questions and research problem. However, all of these categories and

Pic. 1 Concept of categories and phenomena
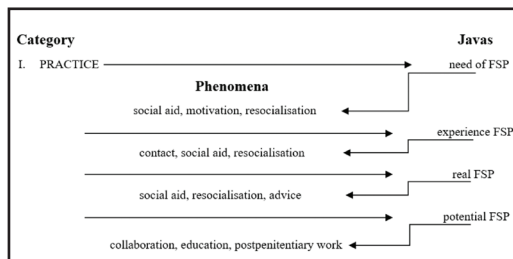

Source: own processing

the individual phenomena that fall under them were displayed and emerged after conducting open coding. Based on these categories, we are then able to infer the objectives and provide an interpretation of the data obtained.

Results

Finally, we present the results we found after coding the transcripts and analyzing the individual interview questions. For the results, we present the interpretation of the data and our findings regarding each category.
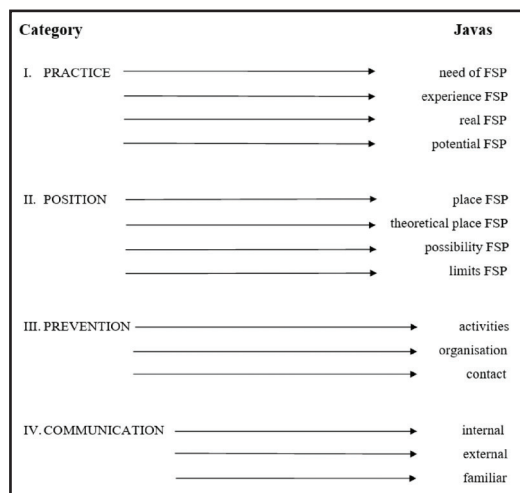
The first category that emerged for us was Practice. This category combines the actual practice of forensic social work in a prison setting, the respondents' experience of practice, the reasons for the need for social work in the VTOS and the possible future potential of FSPs in the VTOS.

Pic. 2 Practice

Source: own processing

As we can see, the results of coding and data analysis give us the following data. The main components of the Practice category are social assistance and resocialization. These two components appear in every single phenomenon of this category. Thus, we report the following results:
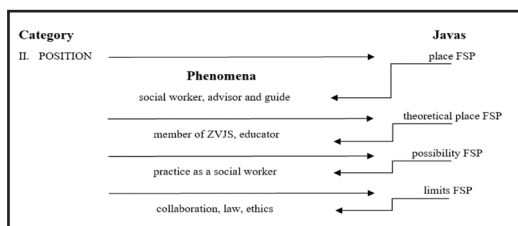
The object of practice of a social worker performing forensic social work in a prison environment is to provide social assistance and help with solving the social problems of clients serving a prison sentence. The subject of practice for these workers is also the socialization and preparation of clients serving a prison sentence for release and for re-entry and integration into society.

We base our results on the literature by Leskova titled "Social Worker in Penitentiary and Post-Penitentiary Care." "Social work with convicted and accused persons during imprisonment

is carried out from the time they are charged to the end of their VTOS in order to alleviate or eliminate social problems, and it also prepares convicted persons for a proper life after VTOS" (Lešková, 2013, p. 54).

The second category of coding results is Position. This category represents the social worker's place in the prison environment - their position within the prison system. It also includes the theoretical place of the social worker performing FSP in the prison environment if they had not created their own place within social work. However, it also includes the possibilities and limits to the practice of forensic social work, as these are also phenomena that affect the social worker's position and determine the range of their performance and authority.

Pic. 3 Position

Source: own processing

The coding and data analysis performed showed us the results that can be seen in the processed output of the coding and analysis. The social worker stands out to us as the main phenomenon in the Position category. However, we can see that most of the other phenomena that emerged also touch on the social domain. As a result, we report the following:
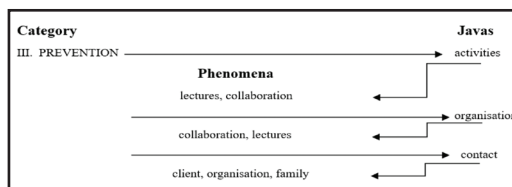
The position of the social worker performing forensic social work in the prison system is fixed in the social work domain - the social worker is referred to in the prison system as a member of the CJS in the place of a social worker. In his/her position, he/she has sufficient space to practice in collaboration with other professional members of the ZVJS while operating within the limits of the code of ethics, the law and the instructions of the supervisor.

We base our findings on the Order of the Director General of the Prison and Judicial Guard Corps No. 60/2008 - Social Work. "In institutions for the execution of imprisonment, social work is carried out with convicts by a social worker. Social work with accused and convicted persons in a detention centre shall be carried out by a social worker or an educator in charge of social work. The social workers shall be methodically guided and supervised by an official of the Department of Detention and Sentence Enforcement of the General Directorate of the Penitentiary and Judicial Guard Corps" (ZRGR ZVJS, Order No 60/2008, §3).

Prevention is the third category and one of the main themes that were displayed in the coding results. Prevention encompasses all the prevention activities implemented in the prison environment, cooperating with organizations implementing prevention and focusing on improving the integration of ex-convicts into society. It also involves contacts for those released from the VTOS. However, this also includes the provision of contacts and liaison within the framework of social work in the prison environment between convicts and external organizations, authorities and family.

Pic. 4 Prevention

Source: own processing

In the category of prevention, we saw lectures and collaboration as the main phenomena within the category as a whole. These two phenomena are represented in two of the three phenomena that this category contains. However, the third phenomenon also contains phenomena that are related to prevention activities. On this basis, we report the following:
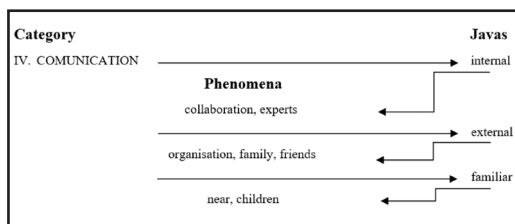
Preventive activities implemented by social workers in the prison environment within the framework of forensic social work are carried out in the form of lectures and with the help of cooperation from external organizations. These preventive lectures are carried out by social workers and experts on various topics. They also deal with contact and communication, since these aspects also fall within the educational procedures when working with convicts.

Our findings are supported by the Order of

the Director General of the ZVJS No. 26/2005: "In order to implement the Crime Prevention Strategy in the Slovak Republic in the practical activities of the Corps, the social prevention activities in the penitentiary institutions and the participation of civic associations, foundations and churches in the social prevention activities with convicts were methodically guided. The training of lecturers and professionally qualified personnel in the field of social-psychological training was methodically coordinated with the aim of orienting them to the performance of special educational procedures in the treatment of convicts" (ZRGR ZVJS - Commentary, Order No. 26/2005).

The last category that came up as an output of our coding and data analysis is communication. Communication itself runs through all the categories and plays a role in each. However, as a category in its own right, communication encompasses different types of communication. This includes internal communication within the working professional team of the CJSW, as well as in the context of working with a client in a prison setting. Then there is external communication, which the social worker also helps to provide; this communication takes place between the client in the SVSO and external organizations, family and friends. Lastly, we include family communication when the convicted person interacts with his/her relatives, acquaintances and children (Neszmery, 2019).

Pic. 5 Communication

Source: own processing

Communication as a separate category does not contain any recurring phenomena that would point us to something specific. However, it also contains phenomena such as organizations, experts and cooperation, among others. We can place all these phenomena in the official domain, and on this basis we can assume that the main aspect in the category of communication is the

professional, official communication itself. According to what was reported, we present the following:

Communication as such is an essential part of life. With the help of communication, we can progress in life and solve everything necessary. However, convicts experience a disadvantage in this regard. They need the help of a social worker when communicating outside the VTOS, whether it be formal or informal. Communication with the authorities, organizations and even family is extremely difficult, and the wait for a result is often long. On this basis, we argue that convicts are at a considerable disadvantage when it comes to external communication.

We support our assertions with literature from Leskova, who draws similar conclusions. "Communication/correspondence between the client and the institutions is difficult, as institutions are often unwilling to accept and discuss assistance directly with the client who needs it based on the recommendation of the social probation officer alone" (Lešková, 2013, p. 113).

Conclusion

The aim of the empirical exploration in the present study was the position of the forensic social worker in the prison environment. In the theoretical definition part, we discussed the social worker carrying out his/her work in the prison environment, his/her possibilities in carrying out forensic social work and the limitations that restrict his/her performance. Thus, we have defined the activity of the social worker in the context of penitentiary practice. The results of our research yielded findings that reflected theory and yielded insights that the theory itself did not provide. Thus, the possibilities of work performance in both of the aforementioned directions are defined theoretically and supported by the research part of the thesis. The limitations related to forensic social work in the prison system were found mainly in three directions, which are the qualification of the workers, the compliance with the legal framework and the adherence to the code of ethics. These limitations were also confirmed in the research conducted, as the respondents pointed out these three directions in the limitations they felt in their performance in the prison environment. No other limitations were identified that would affect the perfor-

mance and operation of forensic social work in the prison setting.

References

1. BACIKOVA M, JANOVSKA A (2018) *Fundamentals of educational-psychological research methodology. A guide for teacher education students.* Kosice: SafarikPress, 2018. 154 p. ISBN 978-80-8152-695-4.

2. GAVORA P (2010) *Electronic textbook of educational research* [online]. Bratislava: Comenius University, 2010 [cit. 2023-4-3]. ISBN 978-80-223-2951-4. Available from: http://www.e-metodologia.fedu.uniba.sk

3. HENDL J (1997) Prague: Karolinum, 1997. 243 p. ISBN 80-7184-549-3.

4. LESKOVA L (2013) *The social worker in penitentiary and postpenitentiary care*. Brno: Tribun EU, 2013. 137 p. ISBN 978-80-263-0554-5.

5. NESZMERY S (2018) The position of the European Family Law Commission in the European family law system in the context of its objectives and scope of action. In *Review of social sciences and humanities*, vol. 6, 2018. no. 3, pp. 1 - 11. ISSN 1339-259X.

6. NESZMERY S (2019) In *Revue of social sciences and humanities*, vol. 6, 2019. no. 1, pp. 1 - 13. ISSN 2336-3479.

7. NESZMERY S (2020) Applying basic strategic principles in social work. In *Review of social sciences and humanities*, vol. 8, 2020. no. 1, pp. 1 - 11. ISSN 1339-259X.

8. NESZMERY S (2020) Social rights and their application in crisis situations. In *Review of social sciences and humanities*, vol. 8, 2020. no. 3, pp. 1 - 17. ISSN 1339-259X.

9. NESZMERY S (2021) Forensic social work. In *Proceedings of the International scientific and professional conference on forensic social work. Theoretical and practical bases of social work with offenders and victims of delinquent activity*. Bratislava: Comenius University in Bratislava, Faculty of Education, Department of Social Work, 2021. p. 8 - 13. ISBN 978-80-223-5294-9.

10. MURANSKY M (2018) *Conduct and morality. University scripts for the subject of philosophy*. Bratislava: Slovak education-publishing s.r.o., 2018. 104 p. ISBN 978-80-89934-05-1.

11. COLLECTION OF ORDERS OF THE DIRECTOR GENERAL OF THE FORCE OF THE CIVIL AND JUSTICE GUARD No. 60/2008 of 15 December 2008 (2008) Collection of orders of the Director General of the Prison and Judicial Guard Corps on social work in the Prison and Judicial Guard Corps.

12. COLLECTION OF ORDERS OF THE DIRECTOR-GENERAL OF THE PRISON AND JUSTICE GUARD No 26/2005 of 1 November 2005 (2005) Collection of Orders of the Director-General of the Prison and Judicial Guard Corps on the protection of the health of defendants in custody and convicts serving prison sentences against the harmful effects of smoking.