



From “Observation Dude” to “An Observational Study”: Gaining Access and Conducting Research Inside a Paramilitary Organization*

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Although challenges and barriers to researchers’ access are common across any number of empirical sites in socio-legal research—as suggested by the very nature of this special issue and the call for papers that generated it—it has been suggested recently that prisons and other institutions of penal confinement provide a particularly troubling case study. For instance, Loïc Wacquant argues that “*the ethnography of the prison thus went into eclipse at the very moment when it was most urgently needed on both scientific and political grounds.*”¹ Although the causes of the decline as understood by Wacquant transcend problems with access (principally, for Wacquant, a transition from the “maternalist (semi-) welfare state to the paternalist penal state”²), access, by all accounts, is an ongoing and significant concern. As Kimberly Jacob Arriola summarizes, “conducting research in correctional settings is extremely difficult. Inmates (and any other institutionalized population for that matter) are considered a special population deserving of additional research protections. . . . Moreover, many correctional administrators may not see research as a priority and not want researchers ‘poking around’ for fear that they may discover something less flattering.”³

Of course, one must be careful not to overstate the paucity of research inside penal institutions,⁴ especially given that the decline was probably less severe outside the US, and given that the last half dozen or so years have marked somewhat of a renaissance of scholarship on life inside carceral

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¹ Loïc Wacquant, “The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration,” *Ethnography* 3, 4 (2002), 385. Emphasis in original. See also Jonathan Simon, “The ‘Society of Captives’ in the Era of Hyper-Incarceration,” *Theoretical Criminology* 4:3 (2000).

² Wacquant, *ibid.*, 382.

³ Kimberly Jacob Arriola, “Debunking the Myth of the Safe Haven: Toward a Better Understanding of Intraprison HIV Transmission,” *Criminology and Public Policy* 5, 1 (2006), 138. See also James Waldram, “Challenges of Prison Ethnography,” *Anthropology News* 50, 1 (2009).

⁴ See, e.g., Jon Marc Taylor, “Diogenes Still Can’t Find His Honest Man,” *Journal of Prisoners on Prison* 18, 1/2 (2009).

facilities.⁵ Also, the partial decline should not be taken as grounds for lionizing those researchers who do gain/have gained access to prisons and jails to carry out socio-legal research. Consider the title of a recent article by Valerie Jenness and her colleagues, “Accomplishing the Difficult But Not Impossible.”⁶ Gaining access to carceral systems and institutions is challenging in that one must navigate bureaucratic, ethical, and pragmatic hurdles (including, but not limited to, those imposed by departments of corrections and researchers’ own academic institutions), but it is equally clear that it can be done, as researchers continue to conduct research in such institutions.

Building on these ideas, in this essay I ask how the manner in which scholars gain access affects how the research is carried out, what data are collected (and what are not), and (although only hinted at in this short essay) the final scholarly product. My primary contention is that there are mechanisms of social control in which both investigator and investigated are enmeshed, and elucidating these mechanisms, as Richard Sparks has suggested, is useful insofar as “the interests at stake are constitutive of the scene under investigation.”⁷ I use as a case study my own experiences conducting research inside California’s prison reception centres to understand the processes of categorization that give rise to racial segregation.⁸ I argue that access may sometimes be secured not through the combination of persistence, tenacity, and temerity that one might hypothesize to be necessary from Wacquant’s or Simon’s interpretations of what they describe as a paucity of prison scholarship, but instead through some admixture of fortuitousness, a willingness to compromise, and capitalizing on pre-existing opportunities. Conducting research inside penal facilities, as elsewhere, is a messy business, and almost always involves trade-offs and compromises; this messiness is, in turn, shaped and moulded by questions of access and how particular researchers navigate them.

Gaining Access to California’s Segregated Prison Reception Centres

In contrast to those scholars who have gained access to prisons and jails as a consequence of their reputations as well-regarded researchers or by securing employment as a prison guard,⁹ two quite different circumstances were key in shaping how I gained access. First, I was at the time (2005) a graduate student searching for a master’s-level project commensurate with my then nascent

⁵ See, e.g., Alison Liebling, “Doing Research in Prison: Breaking the Silence?,” *Theoretical Criminology* 3, 2 (1999), 148.

⁶ Valerie Jenness et al., “Accomplishing the Difficult but Not Impossible: Collecting Self-Report Data on Inmate-on-Inmate Sexual Assault in Prison,” *Criminal Justice Policy Review* 21, 1 (2009).

⁷ Richard Sparks, “Out of the ‘Digger’: The Warrior’s Honour and the Guilty Observer,” *Ethnography* 3, 4 (2002), 578.

⁸ See Philip Goodman, “‘It’s Just Black, White, or Hispanic’: An Observational Study of Racializing Moves in California’s Segregated Prison Reception Centers,” *Law & Society Review* 42, 4 (2008).

⁹ An example of the former is Sparks, “Out of the ‘Digger.’” An example of the latter is Mark Fleisher, *Warehousing Violence* (Newbury Park, CA: Sage Publications, 1989).

interests in (among other things) punishment, law and society, race and ethnicity, and prisons. Second, it just so happened that the California Department of Corrections and Rehabilitation (CDCR) was undergoing an attempt at institutional transformation during the same period, including a purported shift towards "evidence-based" corrections. Key to this institutional reorganization was a new research centre at the University of California, Irvine (named the Center for Evidence-Based Corrections), which was designed foremost to study and influence correctional policy in California. I am sometimes seduced by the notion that academics can (Joan Petersilia, the Center's founder and first director, would add *should*) work to do less harm.¹⁰ Nonetheless, I was and indeed am somewhat ambivalent about the Center's mission and activities, given the risk that academics may inadvertently confer on a manifestly unjust system some degree of legitimation inherent in the visible cooperation of outsiders (through their involvement as direct players in the creation and implementation of penal policies), especially through the involvement of those who might otherwise serve a clarion call role. However, the Center generously offered me modest financial support and, more importantly, the advocacy of researchers who were at the time developing professional associations with top-level administrators in the CDCR. Intellectual and cerebral concerns aside, the formal and informal support of the Center's director and co-director were instrumental in my gaining access, and it was a compromise that I was more than willing to accept.

Given that the CDCR was faced (in the wake of US Supreme Court case *Johnson v. California*¹¹) with the decision either to continue to litigate its long-standing practice of racial segregation or begin the process of racial integration (administrators eventually chose the latter), one might have predicted that correctional administrators would be keenly interested in new research on categorization and segregation in California's prisons. However, this was not particularly the case.¹² Instead, from what I can deduce having now spoken with several of the academic researchers most closely affiliated with high-ranking CDCR administrators during the movement towards evidence-based corrections, many in the CDCR considered my project to not really be "research" at all, in that it was neither quantitative nor principally designed to inform policy. As such, most administrators appear to have agreed to support it as a professional favour to the professors I worked

¹⁰ Joan Petersilia, "Influencing Public Policy: An Embedded Criminologist Reflects on California Prison Reform," *Journal of Experimental Criminology* 4 (2008).

¹¹ 543 US 499 (2005). In that decision the Court ruled the proper standard of review for California's practice of racially segregating its prisons was strict scrutiny, but remanded the case to the lower courts to apply the new, heightened, standard.

¹² To be fair, CDCR administrators were interested in *some* research, as they hired as consultants two researchers from Texas who authored what was at the time the only systematic empirical study of racial segregation in contemporary US prisons—a study cited by the Supreme Court in the *Johnson* decision. See Chad Trulson and James Marquart, "The Caged Melting Pot: Toward an Understanding of the Consequences of Desegregation in Prisons," *Law and Society Review* 36, 4 (2002).

with at the time—a way of cementing nascent relationships with the glue of reciprocal exchange. This manner in which I gained access, as the next section makes clear, had significant and ongoing consequences in terms of how I shaped my identity—and how others shaped me—once inside California’s prisons.

Access Does Not End at the Prison Gate

Three themes stand out as particularly illustrative of how I was situated in the field, especially in relation to the terms of my access. The first is captured in the nickname bestowed upon me (behind my back) in one field site: “Observation Dude.” Simultaneously endearing yet derisive, the name points to the fact that CDCR personnel considered me not unlike a younger sibling who is allowed to tag along in order to observe things she or he would not normally be privy to, but only as long as he or she does not get in the way too much or make too much of a fuss. Regardless of how officers privately felt about my presence and my nosing around, it was clearly easier to brook the inconvenience of having me there than to object (and risk being labelled a troublemaker by co-workers and supervisors). In another illustration along the same theme, I was typically accompanied on my first visit to each of the prison reception centres by professors/researchers and relatively high-ranking prison administrators working for the prison’s warden, and was as such treated by staff throughout my fieldwork as someone affiliated with influential administrators. Yet, at the same time, frontline officers and site supervisors often noted that I was “just” a graduate student, and assumed that it was my “boss” (i.e., faculty advisor) who was dictating the requirements of my study. As such, I was allowed relatively unfettered access to witness the categorization exchanges that unfold in the Receiving & Release (R&R) areas of the reception centres, but was also continually reminded (explicitly and tacitly) that my presence was being tolerated only because of my affiliations and the relative costs of objecting to my presence.

A second (related) theme is that despite comparatively speedy access and relatively unfettered ability to observe, I faced some significant hurdles in developing the sort of close rapport with people in the field typical of much ethnographic scholarship. For instance, one afternoon at a reception centre in southern California I struck up a conversation with an officer about his son, who was at that time incarcerated at a different state prison in California. The officer described for me a situation he found perplexing (and a bit disturbing), namely that his son is categorized in all official CDCR databases as “Hispanic” because of his declared gang affiliation (“Southerner”), despite being, in the officer’s opinion, “white.” Yet, when I tried to bring some other officers into the conversation, one hitherto quiet officer exclaimed something like “I really don’t care about all that shit. The only thing I care about is going home safely at the end of my shift.” This second officer made clear in no uncertain terms that everything I was

interested in was, in his opinion, the privilege of someone who does not have to worry about more fundamental concerns, such as avoiding getting injured or killed. The effect was immediate, as all the officers quietly returned to the various activities they had been doing before we began chatting. Although I was able to observe people-processing for the rest of the afternoon, my ability to learn more about the officers' subjective understandings of their experiences in participating in categorization moments was decidedly curtailed, and this happened in a manner that continued, to varying extents and in various forms, throughout my tenure at that reception centre.

As this anecdote demonstrates, although some doors opened rather quickly in terms of my gaining access to California's segregated prison reception centres, others were simultaneously locked shut. In particular, I was able to conduct numerous observations and ask officers informal questions about processes, but lacked the warrant, opportunity, time,¹³ and resources to develop the sort of intimate connections with inmates and/or officers that would have enabled me to conduct a more conventional ethnography.¹⁴ That the interactions I was able to observe were substantial in number and rich in meaning, and hence adequate for making a contribution to the literature on racialization, law, punishment, and prisons, was a felicitous outcome, but one nonetheless shaped by how I was situated in the field with attendant opportunities and limitations.

Third, despite having somewhat constrained access, it is revealing of the scene under investigation¹⁵ that I was allowed to witness semi-illicit behaviour that would not just have been frowned upon by the very administrators who afforded me privileged access, but might well have led to staff being disciplined. Here, too, an anecdote is revealing, one that I somewhat irreverently refer to in my field notes as the "dicks swinging in the air story." In brief, one afternoon during my observations at a prison reception centre in central California, an area supervisor became upset at a group of noisy men waiting in a large holding cell (or "tank," as they are called). Fed up with noise while attempting to conduct interviews with prisoners across the room, the supervisor (a sergeant) suddenly threw his pen onto the counter and then walked quickly over to the tank. Several officers, observing the actions of their boss, followed suit. In front of about two dozen (now silent) men, the sergeant exhorted something like "If you all don't shut the fuck up, I'm going to have my men go in there and we're going to strip you all out your oranges [uniforms] until you're all standing around with your dicks swinging in the air, looking at each other like the dumb fucks

¹³ Although I have focused here on external factors shaping my access and field research, I would be remiss not to at least mention in passing that a contributing factor was my own desire to complete the project relatively quickly, especially given impending deadlines from my academic department.

¹⁴ The consequences of this trade-off extended well beyond the fieldwork phase of the project, as I was encouraged during the process of preparing a manuscript for publication, first by an anonymous reviewer, and later by the journal's editor, to strip the ethnographic label from how I categorized my research.

¹⁵ Again, see Sparks, "Out of the 'Digger.'"

you're acting like. Got it!?" The sergeant got what he wanted, for that level of cacophony never returned that afternoon. Later he explained to me that "around here" we do what is necessary, even if it is not in the Department Operations Manual.

Although clearly effective at quieting the group down, it will come as little surprise that the sergeant's actions—and specifically his threat to strip the men in the cage of their clothing—are not authorized by departmental policy. That I was allowed to witness the event demonstrates much about the prison context, foremost that everyday life in carceral facilities does not always accord with written policy. It also makes clear that my identity in the field was not simply that of a junior researcher with ties to key administrators. Perhaps the fact that I was at the time a graduate student, and therefore seen as occupying a relatively low position in the hierarchy, caused officers and supervisors to see me as less likely to report the event and risk getting them sanctioned by administrators. Alternatively, returning to a previous analogy, older siblings commonly engage in low-level deviance in front of their younger siblings, precisely because the younger sibling is viewed as annoying but innocuous. For instance, I doubt staff would have beaten an inmate in front of me. Conversely, just as younger siblings often elect not to tell their parents about their older siblings' deviance—choosing sibling affection over parental appreciation—so too did I privilege getting good, rich "data" and establishing rapport (limited as it was) with R&R workers over whatever I might have gained from reporting their actions to administrators. In summary, over the course of even the short period I spent in California's prison reception centres, I was able to witness many fascinating and (for me) productive exchanges—but only up to a point (as the second theme makes particularly clear), and with distinct boundaries largely known to all.

A Few Words about Broader Implications

Several themes from this case study are, I believe, likely to be of interest well beyond the empirical confines of the research project discussed herein. Given space requirements, I will state them here only in brief form. First, access to research (socio-legal and otherwise) is a process, not a moment; the failure to fully probe that process risks obscuring the ways in which the nature of access affects the research project from start to finish. Second, although research textbooks and monographs often give the impression that study design is a series of choices and decisions made objectively by researchers before embarking on a project, I have endeavoured to illustrate that (at least in sites that are relatively difficult to access, and certainly in my case) decisions regarding what types of information to collect and what role one takes in the field are equally affected by the nature of how one gains access, and do not always unfold in consistent, predictable ways. Third, and related, one way to navigate entrée to sites that are sometimes seen as understudied and/or

difficult to access is to be more flexible than one might otherwise prefer in terms of one's relationships with gatekeepers, people in the field, and colleagues.

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