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The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.

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Editorial Comment

This special issue of the Prison Service Journal focuses on life imprisonment. A life sentence is a form of punishment imposed on an individual for the remainder of their natural life — it will only end when they die.¹ Life sentences are reserved for the most serious criminal offences, such as murder, manslaughter and rape. Some offences, like murder, attract a mandatory life sentence, meaning that it is the only sanction available to a sentencing judge. For other serious offences, the court has the discretion to impose a life sentence, but they are not obliged to.²

Individuals given a whole life order, for an offence that is considered exceptionally serious,³ will serve the entirety of the sentence in custody. In all other cases, a judge imposes a tariff, which is the minimum term that must be served in custody before an individual can be considered for release. Once an individual has reached the end of their minimum tariff period they are eligible for release; however, release will only be granted once the Parole Board are satisfied that the rest of the sentence can be served safely in the community. Following release from prison, life-sentenced prisoners (LSPs) remain on licence for the remainder of their lives and are subject to recall to prison should they breach the terms of that licence. This can be because they commit a new offence (of any type) or because they violate any of the specific restrictions placed on them.⁴

There have been significant changes in the population of LSPs in the prison system of England and Wales over the last 50 years. The number of people given life sentences (including whole life orders) has grown substantially and LSPs are spending considerably longer in custody, with the average tariff length imposed on this group increasing exponentially.⁵ For example, at the end of the 1960s, less than 500 men were serving life imprisonment, and only two men had been in custody for a continuous period of more than 15 years. Comparatively, by 2020, almost 7,000 people were serving life sentences across England and Wales,

half of whom were given minimum tariffs of 10-20 years, with a further third given tariffs of at least 20 years.⁶ This reflects an increase in the average minimum tariff imposed by judges for murder, which rose from 12.5 years, in 2003, to 21.1 years in 2013.⁷

These changes to the life sentenced population have considerable implications for individuals serving life sentences and their loved ones, and for HM Prison and Probation Service (HMPPS) and third sector organisations who support LSPs. For HMPPS, these implications include the need to support the growing number of young LSPs entering prison while simultaneously managing the needs of older lifers who remain in custody for longer periods, as well as responding to the needs of the increasing number of families affected by long-term imprisonment. This special issue addresses these and other pertinent issues related to LSPs, drawing on the expertise of a range of practitioners, academics and experts by lived experience.

The special issue begins with Dr Catherine Appleton and Hannah Gilman's reflections on the evolution of the most extreme form of life sentences in our legal system — whole life orders — and their increased use in England and Wales. They highlight the challenges that 'death by incarceration' raises and call for an in-depth review of this extreme form of punishment, at a time when the Police, Crime, Sentencing and Courts Bill proposes to extend the use of whole life orders to young adults.

The following eight papers explore the experiences of life imprisonment among specific subgroups. The first, authored by ourselves and our colleague, Professor Ben Crewe, focuses on the problems faced by the growing numbers of young LSPs. Drawing on data from the largest ever study of men and women serving life sentences from a young age in England and Wales, we outline the difficulties of the early years of the sentence, the particular experiences of women, and the issues

1. Sentencing Council (2022). Life Sentences. Available from: <https://www.sentencingcouncil.org.uk/sentencing-and-the-council/types-of-sentence/life-sentences/> (accessed 23rd March 2022).

2. See n.1.

3. Crown Prosecution Service (2019), Sentencing – mandatory life sentences in murder cases. Available from <https://www.cps.gov.uk/legal-guidance/sentencing-mandatory-life-sentences-murder-cases> (accessed 13th April 2022).

4. For example, see Appleton, C. A. (2010). *Life after life imprisonment*. Oxford: Oxford University Press.

5. Crewe, B., Hulley, S. and Wright, S. (2019). The long view – life sentences. *Bromley Briefings Prison Factfile – Winter 2019*. Available from: <http://www.prisonreformtrust.org.uk/portals/0/documents/bromley%20briefings/old%20editions/Winter%202019%20Factfile%20web.pdf> (accessed 23rd March 2022).

6. Prison Reform Trust (2022), *Bromley Briefings Prison Factfile – Winter 2022*. Available from: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Winter%202022%20Factfile.pdf> (accessed 23rd March 2022).

7. Crewe, B., Hulley, S. and Wright, S. (2020), *Life imprisonment from young adulthood: adaptation, identity and time*. London: Palgrave. P. 3.

faced by men and women who are approaching (or beyond) their tariff date, offering recommendations for policy and practice.

Dr Susie Hulley and Dr Tara Young then explore identity among young men serving life sentences for murder, convicted in trials using joint enterprise (which enables more than one person to be convicted of a single offence). They present body-maps created by two men, which illustrate the stigma and prejudice that these men felt was central to their experience of the criminal justice process, despite their young age. For them, the label of 'murderer' overshadowed — and continues to overshadow — aspects of the self that are ethical and good. The authors draw attention to the value of creative methods, in research and practice, to empower people to actively tell their own stories.

Threaded between this article and the piece that follows is the story of an individual whose expertise is rooted in his own experience of serving a life sentence.⁸ In an interview between Zahid, who is serving his life sentence in the community after 15 years in custody, and Dr Susie Hulley, we hear about the particular challenges of coming to the end of a long tariff and facing the Parole Board. Zahid draws attention to the 'tightrope' that late-stage prisoners must walk, as they seek to secure release while also managing their own anxieties in the complex environment of prison.

Dr Rachel Rose Tynan then presents the experiences of four boys serving life sentences, for whom joint enterprise is also relevant. She explores the feelings of illegitimacy associated with their convictions, the specific pains of being sentenced to life imprisonment as children and the experiences of racialised identities and stalled development. In conclusion, Tynan argues for regimes that 'meaningfully reward' engagement and for creative approaches to children serving such extraordinary sentences.

Based on his research in three English prisons, Ben Jarman's piece then shifts focus to the adaptive patterns of older male LSPs who are sentenced beyond their middle age. He explains the tendency of these men to focus heavily on the past, and to present a moral outlook that minimises and neutralises their offences. These findings have important implications for effective rehabilitative work with this population.

Stepping outside of the prison, Dr Gwen Adshead, Dr Callum Ross and Dr Katie Salucci then draw on their work as practitioners in secure psychiatric settings to examine the experiences of male LSPs who find themselves 'stuck' between the prison system and the high-secure psychiatric care. They describe the challenges of transitioning into and out of these systems using the narratives of men in their care and set

out a number of recommendations for improving this experience.

Dr Maria Adams and Professor Dan McCarthy then turn the narrative lens outwards, beyond the walls of the prison, to the families of LSPs. In the absence of specific research, they consider the broader literature on the needs of, and challenges facing, families whose loved one is serving a lengthy custodial term. They highlight the ways in which experiences may differ depending on the age, race, gender and sentence stage of the prisoner, and call for family contact in spaces that enable open but confidential communication, prioritisation of the needs of children, and greater investment in counselling and family therapy.

The final two articles in this special issue sketch out work designed to improve the experiences of individuals serving life sentences. At a local level, Helen Thomas and Dr Celia Sadie describe the piloting of a group-based therapeutic initiative with boys aged 15-17 serving life sentences at HMYOI Cookham Wood. This compelling article complements research summarised in Wright, Hulley and Crewe's earlier piece, describing the themes of loss, identity and hope that emerged in the group discussions. They also reflect on the complex ethical challenges of setting up and facilitating the group, offering advice for practitioners who may wish to embark on similar initiatives.

The issue ends with description of a broader, National Lottery-funded programme entitled Building Futures, currently being delivered by the Prison Reform Trust. Claudia Vince outlines the background and aims of this programme, which focuses on the impact of periods of imprisonment of 10 years or more and draws on the lived experience of individuals who are serving, or who have served, such sentences. The authors emphasise the importance of the programme in the context of the growing number of LSPs entering the system, highlighting this as 'the most profound challenge' facing HMPPS at this time.

In this special issue we, and the authors of the pieces, hope to provide food for thought and to provoke discussion about how the system can manage and support the burgeoning population of LSPs who, with their diverse needs, present a range of challenges to the HMPPS and staff working within the system.

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8. Our original intention had been to include two pieces reflecting expertise through lived experience, including one co-authored by Serena Wright and 'Margaret Elizabeth', a woman currently serving a life sentence in custody. However, complications arising from COVID have required us to push back the publication of this piece. We are now planning to publish this in a future edition of the *PSJ*.

Sentenced to die in prison: Reflections on whole life orders

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Introduction

In a recent global study on life imprisonment, Van Zyl Smit and Appleton found that 65 out of 216 countries and territories across the globe allowed for the imposition of whole life imprisonment, with the UK being one of only two European countries (the other being Turkey) that had the power to impose fully irreducible life sentences.¹ Described as 'death by incarceration',² a whole life sentence represents the most punitive type of life imprisonment.³ Although whole life sentences in the UK were condemned by the Grand Chamber of the European Court of Human Rights as inhuman and degrading in the judgment in *Vinter in 2013*,⁴ they have become an increasingly popular sanction amongst legislators and the judiciary in England and Wales. The number of individuals serving such orders has grown from 23 prisoners in 2000 to 63 in 2021, an increase of 174 per cent.⁵ This number is set to rise further, given that the current government's Police, Crime, Sentencing and Courts Bill⁶ proposes to expand the existing criteria for judges to impose whole life orders, including the possibility to enact lifelong detention for the first time on convicted persons aged between 18 and 20 years old.

In this article, we first reflect on the evolution of whole life tariffs following the abolition of the death penalty, and consider how prior to the Criminal Justice Act 2003, life imprisonment never meant (whole) life in prison. Secondly, we examine the rise of the 'whole life order' (WLO) following the 2003 Act, and briefly reflect on the number of WLO prisoners who have died in prison. We then consider the impact of such sentences on individuals who are serving lifelong detention and assess the extent to which imprisonment for (whole) life is akin to a 'fate worse than death'.⁷ Finally, we examine some key challenges raised by permanent incarceration, and call for an in-depth review of the imposition and impact of this extreme form of punishment.

Life did not mean (whole) life

Up until the mid-twentieth century, the imposition of the death penalty was mandatory following a conviction of murder in England and Wales. However, death sentences could always be commuted to life imprisonment through a system of clemency known as the 'Royal Prerogative of Mercy', a system that was commonly used.⁸ Following the Murder (Abolition of Death Penalty) Act in 1965 and the abolition of capital punishment, life imprisonment became the mandatory

1. Van Zyl Smit, D. and Appleton, C. (2019). *Life imprisonment: A global human rights analysis*. Cambridge, MA: Harvard University Press.
2. Johnson, R. and McGunigall-Smith, S. (2008). Life Without Parole, America's other death penalty: Notes on life under sentence of death by incarceration. *The Prison Journal* 88(2), pp.328-346 (p.328).
3. Life imprisonment in England and Wales is a sentence that lasts until the death of the prisoner, but in most cases the prisoner will be considered for early release after serving a minimum term in prison, set by the judge. They will then serve the remainder of the sentence in the community under the supervision of the Probation Service (see Appleton, C. (2010) *Life after life imprisonment*. Oxford: Oxford University Press). When a *whole life order* is imposed, no minimum period is set, and the expectation is that the person will die in prison. Though relatively uncommon in the UK, such sentences are frequently imposed in the United States, known as 'life without parole' or LWOP (see e.g., The Economist (2021). Why life without parole is nearly always too long. The Economist, 10th-16th July 2021 edition).
4. *Vinter and Others v. United Kingdom*, ECtHR (apps. 66069/09, 130/10 and 3896/10), 9 July 2013 [GC].
5. *R v. Secretary of State for the Home Department, ex Parte Hindley* [2000] All E.R. 385 (HL); Ministry of Justice (2021) *Offender Management Statistics Quarterly Bulletin: October to December 2020, England and Wales*. London: Ministry of Justice.
6. Police, Crime, Sentencing and Courts Bill 2021: Sentence lengths for serious offenders factsheet, available at: <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-sentence-lengths-for-serious-offenders-factsheet> (accessed July 2021).
7. Hartman, K. (2013). The Other Death Penalty. In K. Hartman (Ed.). *Too cruel, not unusual enough: an anthology published by The Other Death Penalty Project*. Lancaster, CA: The Other Death Penalty Project (p.127).
8. Hood, R. and Hoyle, C. (2015). *The death penalty: A worldwide perspective (5th edition)*. Oxford: Oxford University Press (p.52).

sentence for all persons convicted of murder.⁹ However, life did not mean life in prison in a literal sense. The Royal Commission on Capital Punishment in 1953 noted that: 'A sentence of imprisonment for life is never carried out literally', and that while life-sentenced prisoners had died in prison before their minimum period of punishment had been set or communicated to them, there was 'no case recorded in which it has been decided that a person shall be kept in penal servitude until he dies.'¹⁰ The Commission reported that, at the turn of the century, 20 years was the maximum term of detention set for life prisoners in England and Wales. However, there was a downward trend, and by 1939, most life prisoners were released after serving between 10 and 13 years.¹¹ This reflected a growing recognition in the UK and Europe that, even with improved prison conditions, imprisonment for very lengthy periods was detrimental and inhumane. As noted by the Commission: 'If the cage were roomier and more comfortable, it would remain a cage.'¹²

Whole life prison terms only started to emerge towards the end of the twentieth century, following the introduction of the government's tariff-setting procedures in 1983, which came shortly after a number of murderers were convicted of widely reported crimes, and was 'clearly designed to ensure that some lifers would serve a longer portion of their sentence in prison.'¹³ For example, in July 1990, the Home Secretary (Minister of Justice), David Waddington, set 'whole life' as the minimum tariff period to be served in custody by Myra Hindley, one of the so-called 'Moors murderers'.¹⁴ In *Hindley's* case, the recommendation made by the Lord Chief Justice in 1982 was originally for a 25 year tariff or minimum prison term. This was increased in 1985 by then Home Secretary Leon Brittan to a 30 year tariff period, and not a whole life prison term. But as the period of 30 years came close to an end, it was increased to a whole life tariff, a decision confirmed by successive Home Secretaries until Hindley died in prison in 2002, aged 60, having served 36 years in prison.¹⁵

In the case of *Hindley*, the House of Lords (then the court of final instance in England and Wales) held unanimously that there was no reason in principle why a crime, if sufficiently heinous, should not be regarded as deserving of lifelong incarceration for the purposes of pure punishment.¹⁶ Yet even in *Hindley's* case, some hope remained that prisoners serving whole life tariffs could be considered for release by the Home Secretary if they made exceptional progress while in custody.¹⁷ Thus, at the end of the twentieth century, there remained the possibility of being considered for release before death, even with a whole life tariff.

The rise and deaths of WLO prisoners

The Criminal Justice Act in 2003 extended the scope of life imprisonment to include — *for the first time in legislation* — whole life orders as the ultimate penalty in England and Wales.¹⁸ The law provided that the imposition of WLOs should be considered as the *mandatory minimum* starting point for sentencing individuals over the age of 21 who were convicted of exceptionally serious offences, including premeditated killings, double murders, child murders and political murders.¹⁹ The 2003 Act also provided for the effective resentencing of existing life-sentenced prisoners who met the criteria of the new WLO. Importantly, there was no provision for any reduction or review of a WLO: the provisions of the 2003 Act meant that such persons could be sentenced to die in prison. The irreducible and punitive nature of the WLO in England and Wales was recently reaffirmed in the Sentencing Act 2020, which stated that: 'A whole life order is an order that the early release provisions are not to apply to the offender.'²⁰

Since the implementation of the 2003 Act, the number of WLOs imposed by the judiciary has dramatically increased. At least one (and sometimes as many as seven) WLOs has been imposed each year in England and Wales, with the sole exception being 2020 (the year of the onset of the global coronavirus

9. See Van Zyl Smit, D. (2002). *Taking life imprisonment seriously in national and international law*. The Hague: Kluwer Law International; Kandelia, S. (2011). Life meaning Life: Is there any hope of release for prisoners serving whole life orders? *The Journal of Criminal Law* 75, pp.70-87.
10. Royal Commission on Capital Punishment (1953). *Royal Commission on Capital Punishment 1949-1953 Report* (Cmd. 8932). London: HMSO, para 644.
11. See n.10, paras 645-646.
12. See n.10, para 656. See also Council of Europe (1977) *Treatment of long-term prisoners*. Strasbourg: Council of Europe.
13. Shute, S. (2004). Punishing murderers: Release procedure and the "tariff". *Criminal Law Review*, pp.160-182 (p. 169). See also Padfield, N. (2002). *Beyond the tariff: Human rights and the release of life sentence prisoners*. Cullompton: Willan Publishing.
14. See Harrison, F. (1987). *Brady and Hindley: Genesis of the Moors Murders*. London: Grafton Books.
15. See Pettigrew, M. (2016). Myra Hindley: Murderer, Prisoner, Policy Architect. The development of whole life prison terms in England & Wales. *International Journal of Law, Crime and Justice* 47, pp.97-105; Millar, S., Hall, S. and Wilson, J. (2002). With release in sight and after 36 years in jail, Myra Hindley dies: Death of Moors murderer lets Blunkett off the hook. *The Guardian*, 16 November 2002, available at: <https://www.theguardian.com/uk/2002/nov/16/ukcrime.sarahhall> (accessed July 2021).
16. See n.5.
17. *Queen v. Secretary of State Home Department, ex Parte Hindley* [1997] EWHC Admin 1159 (18 December 1997). See also *Hindley v Regina, Secretary Of State for the Home Department*: CA 5 Nov 1998.
18. Appleton, C. and Grøver, B. (2007). The pros and cons of life without parole. *British Journal of Criminology* 47(4), pp.597-615.
19. See Schedule 21 of the Criminal Justice Act 2003 for a complete list of the specified offences.
20. Section 321(5) of the Sentencing Act 2020.

pandemic).²¹ As of 31st March 2021, the total number of whole life sentences imposed in England and Wales since the abolition of the death penalty was 99, the majority of which (72) have been imposed since the Criminal Justice Act 2003.²²

As others have noted, increases in the minimum terms to be served by life-sentenced prisoners in England and Wales in recent years have been driven by punitive political trends and legislative changes. They are not necessarily, as some have suggested, a direct consequence of shifts in the severity of murder²³ or caused by broader increases in the overall prison population (which rose by 24 per cent between 2000 and 2020²⁴; the population of individuals serving WLOs rose disproportionately, by 187 per cent, in the same period).²⁵ This increase is also not a direct result of a greater number of WLO individuals growing older in prison. Recent data from the Ministry of Justice indicates that a significant number of WLO prisoners in England and Wales have died at a relatively young age. Preliminary research suggests that as of 31st March 2021, 21 out of the 99 individuals who have been sentenced to whole life imprisonment died at an average age of 63 years old, having served, on average, 19 years in prison. That is, 18.5 years below the national average life expectancy.²⁶ Furthermore, whole life prisoners appear to be serving less and less time in prison before death, whilst also seemingly dying in prison at a younger age. Those individuals who started their whole life sentence prior to 2000 and have since died in prison (11 people), died at an average age of 68 years, having served an average of 29 years in prison. Comparatively, those sentenced to whole life prison terms between 2000 and 2020 who have since died (10 people), did so at an average age of 56 years, having served an average of seven years in prison, including two WLO prisoners who committed suicide.²⁷ Though a relatively small cohort of prisoners, this raises significant questions about the imposition and impact of WLOs, the detrimental effects of lifelong detention, the

conditions of confinement and regime for this group of prisoners and their physical and mental health, and demands review and assessment of what it is like to be sentenced to die in prison.

A fate worse than death?

[Life in prison is] a slow, torturous death. Maybe it would have been better if they had just given me the electric chair and ended my life instead of a life sentence, letting me rot away in jail. It serves no purpose. It becomes a burden on everybody. (Benjamin Velasquez, serving life imprisonment without parole).²⁸

While there has been no comprehensive empirical study of prisoners serving WLOs in England and Wales, a small but growing international literature has started to shed light on what it might be like to serve the most extreme form of life imprisonment.²⁹ Accounts from prisoners serving life imprisonment without parole (LWOP) sentences in the United States suggest the pains of imprisonment are particularly acute for this group of prisoners. They report the penalty to be inherently inhumane; a sentence of ‘continual despair’, ‘infinite meaninglessness’, a ‘slow death row’ and ‘a fate worse than death.’³⁰ This can result in some LWOP prisoners feeling that immediate death would be preferable: ‘We have a guy [serving LWOP] in here right now he says, you know, ‘It would be better if they just take us out back and shot us.’³¹ In similar vein, Vannier’s (2021) analysis of 298 written testimonies from LWOP prisoners in California found that almost all of the men and women who shared their stories, described their punishment as akin to a death sentence. As one participant wrote:

[As an LWOP prisoner] ... You simply have no tunnel or light — you just exist in a separate

21. Freedom of Information Requests from the Ministry of Justice, dated 21 December 2020, 11 February 2021, 9 March 2021, 8 April 2021 and 21 May 2021.

22. See n.21. The total figure of 99 does not include individuals who were sentenced to whole life imprisonment but were subsequently released under the Good Friday Agreement. It also does not include whole life sentences that were set and subsequently reviewed by the Secretary of State ‘resulting in the tariff being changed to one of a specified length with an expiry date’ (Freedom of Information Request, 8 April 2021).

23. Crewe, B., Hulley, S. and Wright, S. (2020) *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*. London: Palgrave Macmillan.

24. <https://www.prisonstudies.org/country/united-kingdom-england-wales> (World Prison Brief, accessed July 2021).

25. See n.21; *R v. Secretary of State for the Home Department, ex Parte Hindley* [2000] All E.R. 385 (HL).

26. Life expectancy in the UK at birth between 2017-2019 was 79 years for males and 83 years for females. See: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/lifeexpectancies> (accessed July 2021).

27. See n.21; Scott-Moncrieff, L., Briscoe, J. and Daniels, G. (2009) *An independent investigation into the care and treatment of Daniel Gonzales: A report for NHS South East Coast (formerly Surrey and Sussex SHA) and Surrey County Council*, available at: http://hundredfamilies.org/wp/wp-content/uploads/2013/12/DANIEL_GONZALES_SEPT2004-.pdf (accessed July 2021).

28. Zehr, H. (1996). *Doing life: Reflections on men and women serving life sentences*. Intercourse, PA: Good Books (p.86).

29. See e.g., n.2.

30. See n.7, pp.123, 177, 29, and 127 respectively

31. Leigey, M. (2015). *Serving a life without parole sentence: The forgotten men*. New Brunswick: Rutgers University Press (p.15).

*dimension, floating what seems between life and death. One foot amongst the living and one foot in the grave. Forever floating, never settling, a nomad, a constant traveller to nowhere, taken over by the jet stream of uncertainty... you literally exist simply to die!*³²

Importantly, Vannier's recent study starts to unpack the concept of 'death' and the process of dying in prison, a concept that remains underexplored in prison sociology. Drawing attention to the horror and severity of whole life sentences, Vannier highlights three sociological dimensions of death that emerge from prisoners' understandings of LWOP as a death sentence: (i) *procedural death* — the limited access LWOP prisoners have to their sentences being reviewed and overturned; (ii) *carceral/social death* — the exclusion of LWOP prisoners from rehabilitation programmes and activities that help people find meaning and purpose; and, (iii) *embodied death* — the ageing processes and illnesses that impact prisoners' bodies, and the limited care offered by medical and prison staff to LWOP prisoners who are considered ineligible for compassionate release, even when terminally ill.³³ Vannier suggests that the argument from death penalty abolitionists and campaigners that life in prison preserves prisoners' lives and is more humane than the death penalty, misrepresents and understates the severity of LWOP, as well as the implications for the people serving it. Even prisoners on death row believe that life imprisonment without parole is a worse punishment than the death penalty.³⁴

The challenge of life meaning death

The emergence and growth of whole life sentences across different jurisdictions has attracted significant concern and criticism in recent years.³⁵ Furthermore, the legal status of whole life detention has been the subject of much scrutiny by the European

Court of Human Rights. Through a series of decisions,³⁶ there has been a growing recognition of a human right that all life prisoners should have access to a process that gives them hope of release in the light of progress made in prison and the capacity of every human being to change, despite any crime committed. This is not to say that life prisoners should be released where they remain dangerous. The Court has been keen to emphasise that a right to have a sentence reviewed is different from a right to be released from prison.³⁷ However, there needs to be hope to be considered for release and a clear method of rehabilitation and review. Prison sentences that are irreducible, denying all hope of release, violate human dignity.³⁸ This rationale was powerfully expressed by Judge Power-Forde in her concurring opinion in *Vinter*:

*This judgment recognises, implicitly, that hope is an important and constitutive aspect of the human person. Those who commit the most abhorrent and egregious of acts and who inflict untold suffering upon others, nevertheless retain their fundamental humanity and carry within themselves the capacity to change. Long and deserved though their prison sentences may be, they retain the right to hope that, someday, they may have atoned for the wrongs which they have committed. They ought not to be deprived entirely of such hope. To deny them the experience of hope would be to deny a fundamental aspect of their humanity and, to do that, would be degrading.*³⁹

Globally, the impact of the *Vinter* judgment has been significant, leading to the abolition of formal whole life sentences with no prospect of release in jurisdictions as diverse as the Netherlands, Lithuania, Zimbabwe and Belize.⁴⁰ Yet despite the decision in *Vinter*, WLOs continued to be imposed in England and

32. Vannier, M. (2021). *Normalizing extreme imprisonment: The case of life without parole in California*. Oxford: Oxford University Press (p.95).
33. See n.32, pp.91-106.
34. Egelko, B. (2012). Death Row inmates oppose Prop. 34. SFGate, 24 September 2012, available at: <https://www.sfgate.com/news/article/Death-Row-inmates-oppose-Prop-34-3891122.php> (accessed July 2021). See also n.32 (p. 95).
35. See e.g., Penal Reform International, Van Zyl Smit and Appleton (2018). *Life imprisonment: A policy briefing*. London: Penal Reform International; Seeds, C. (2021). Life Sentences and Perpetual Confinement. *Annual Review of Criminology* 4, pp.287-309.
36. See e.g., n. 4; *Trabelsi v. Belgium*, (Application no. 140/10), 4 September 2014; *Murray v The Netherlands*, ECtHR (app. 10511/10), 26 April 2016 [GC] and *Matiošaitis; Others v. Lithuania*, ECtHR (apps. 22662/13, 51059/13, 58823/13, 59692/13, 59700/13, 60115/13, 69425/13 and 72824/13), 23 May 2017 and *Petukhov v. Ukraine* (No.2) ECtHR (app. 41216/13), 12 March 2019.
37. In *Vinter and Others v. United Kingdom* (2013), for example, the court stated: 'Whether or not they should be released would depend, for example, on whether there were still legitimate penological grounds for their continued detention and whether they should continue to be detained on grounds of dangerousness' (see n.4).
38. See Van Zyl Smit, D. Weatherby, P. and Creighton, S. (2014). Whole life sentences and the tide of European human rights jurisprudence: What is to be done? *Human Rights Law Review* 14(1), pp.59-84. For wider reflections on the 'right to hope', see Seeds, C. (2022). Hope and the Life Sentence. *British Journal of Criminology* 62(1), pp.234-250.
39. See n.4, Concurring Opinion of Judge Power-Forde.
40. Netherlands: *Hoge Raad*, 5 July 2016, Hoge Raad, 19 Dec 2017 and *Besluit Adviescollege levenslanggestraften Strcrt.* 2017, 32577; Lithuania: *Matiošaitis and Others v. Lithuania* (2017) and *Dardanskis and Others v Lithuania* (Application No. 74452/14) (ECHR, 18 June 2019); Zimbabwe: *Makoni v. Commissioner of Prisons CCZ 8/16*, 13 July 2016; Belize: *R v. August, Court of Appeal of Belize*, 4 Nov 2016; *August and Gabb v. The Queen*, Caribbean Court of Justice CCJ 7 AJ, 29 March 2018.

Wales. It was claimed that there existed a release mechanism available to WLO prisoners, as the Secretary of State for Justice had the power to release any life prisoner on compassionate grounds in 'exceptional circumstances', under section 30 of the Crime (Sentences) Act 1997. Though no one subject to a WLO had ever been released, the apparent existence of this power was enough to convince the European Court in the case of *Hutchinson* in 2017 that individuals serving WLOs in England and Wales had a *possibility* of release. The UK was therefore compliant with Article 3 of the European Convention on Human Rights as the right of WLO prisoners not to be subjected to inhuman or degrading treatment and punishment, was not infringed.⁴¹ The then Secretary of State for Justice welcomed the decision in *Hutchinson*, commenting that it was 'right that those who commit the most heinous crimes spend the rest of their lives behind bars,'⁴² thus immediately casting doubt on whether such prisoners would ever be fairly considered for release in the future.⁴³

The resultant picture is that the number of WLO prisoners continues to rise in England and Wales and is likely to increase faster than before, in the light of the Government's *Police, Crime, Sentencing and Courts Bill* (2021) which extends the possible offences and age groups that can attract a whole life sentence (as noted above).⁴⁴ Though often presented by government officials as representing a 'tough on crime' strategy or as 'a smarter approach to sentencing',⁴⁵ such proposals tend to normalise extreme punishments and keep people in prison long after they have lost the capacity or inclination to commit crime.⁴⁶

In practice, lengthy and whole life prison terms raise significant questions, not only about the difficulties in predicting an individual's future conduct and dangerousness,⁴⁷ but also about the housing and management of ageing and dying prison populations. In the USA, there are some prisons that house so many

elderly prisoners that they have created special facilities for medical and geriatric care.⁴⁸ Such systems are not cheap — one estimate suggests that older prisoners are three times more expensive than younger prisoners.⁴⁹ As Nellis (2021) recently highlighted, both state and federal prisons in the USA now face 'a crisis of managing a growing population of elderly prisoners who are costly to house, feed, and provide medical care for — but even more important, who pose no serious threat to public safety.'⁵⁰ Similarly in England and Wales, those aged 50 and over currently 'represent the fastest-growing demographic group in prison' and pose significant challenges and dilemmas for the Prison Service.⁵¹

Further, the imposition of whole life imprisonment raises the question of the underlying purpose and rationale of the prison system. Retribution, incapacitation and deterrence are among the main justifications for imposing and expanding the criteria of whole life prison sentences, but a key priority, and 'Statement of Purpose' for the Prison Service in England and Wales is to look after prisoners 'with humanity and help them lead law-abiding and useful lives in custody and after release.'⁵² Doubtless, the extent to which this overarching aim can be achieved and operationalised for the growing population of WLO prisoners represents a significant challenge to managers and practitioners in the Prison Service. It is time for an in-depth review of the practical, ethical and political issues that surround the practice of sentencing individuals not to 'life', but to die in prison.

Acknowledgements

The authors would particularly like to thank the editors of this Special Issue, Susie Hulley and Serena Wright, as well as their good friend and colleague, Dirk van Zyl Smit, for their thoughts, suggestions and helpful comments.

41. *Hutchinson v. the UK* [2017] ECHR 57592/08.

42. *The Sun* (2017). Lifer loses appeal: Triple murderer Arthur Hutchinson's latest appeal against UK life sentences dismissed by EU human rights judges (18 January 2017). Available at: <https://www.thesun.co.uk/news/2640546/triple-murderer-arthur-hutchinsons-latest-appeal-against-uk-life-sentences-dismissed-by-eu-human-rights-judges/> (accessed August 2021).

43. For critical reflection, see Pettigrew, M. (2015). Whole of life tariffs in the shadow of Europe: Penological foundations and political popularity. *The Howard Journal* 54: 294-306; Pettigrew, M. (2017). Retreating from *Vinter* in Europe: Sacrificing whole life prisoners to save the Strasbourg Court? *European Journal of Crime, Criminal Law and Criminal Justice* 25, pp.260-277.

44. See n.6.

45. Ministry of Justice (2020). *A Smarter Approach to Sentencing*. London: Ministry of Justice.

46. See n.32; Seeds, C. (2022, forthcoming) *Death by prison: The emergence of life without parole and perpetual confinement*. Berkeley, CA: University of California Press.

47. For critical review of recidivism rates among paroled life-sentenced prisoners, see n.1, pp.281-5.

48. E.g., Alabama's Hamilton Correctional Facility provides 24-hour nursing care and Louisiana's State prison in Angola has its own funeral industry (see n.18, p.604).

49. *The Economist* (2021). Pointlessly punitive, 10-16th July 2021, p.14.

50. Nellis, A. (2021). *No end in sight: America's enduring reliance on life imprisonment*. Washington, DC: The Sentencing Project (p.8).

51. Ridley, L. (2021). No place for old men? Meeting the needs of an ageing male prison population in England and Wales. *Social Policy and Society*, pp.1-15. DOI:10.1017/S1474746421000178.

52. Coyle, A. (2003). *Humanity in prison: Questions of definition and audit*. London: International Centre for Prison Studies (p.10).

The challenges of long life imprisonment from a young age

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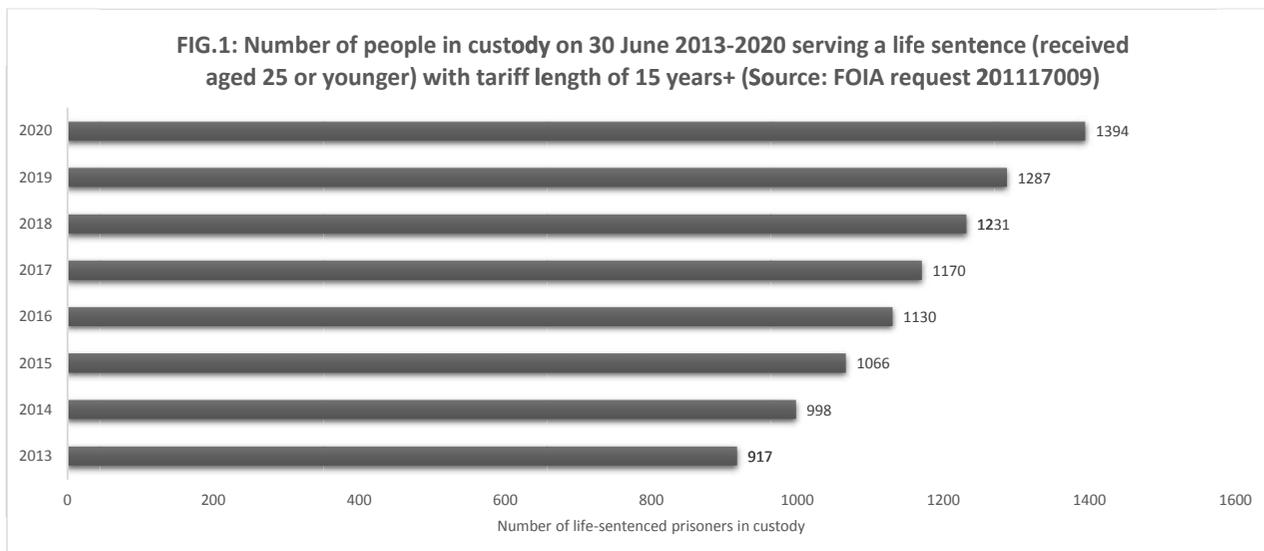
In recent years, the changing composition of the life-sentenced prison population in England and Wales has been cause for significant concern among operational and managerial staff.¹ In particular, HMPPS has been confronted with an increasing number of individuals coming into prison — particularly young people, in their late teens and early twenties —who are serving life sentences with long minimum tariffs.

The rapid rise of the young ‘lifer’ in England and Wales

As noted in the Editorial to this Special Issue, the overall life-sentenced population of prisons in England

and Wales has been increasing throughout the twenty-first century. More men and women are being sentenced to life imprisonment, with longer minimum periods, and serving more years in custody before their release, than at any other point in history.

Within these general increases, there has also been a rise in the number of young lifers serving lengthy tariffs, particularly within the last two decades. As the graph below indicates (**FIG.1**), the number of men and women in the prison population who were sentenced to life imprisonment at a young age (defined as 25 or younger) and serving long minimum tariffs (defined as 15 years or more) rose steadily between 2013 and 2020, from 917 to 1,394 people; an overall growth of 52 per cent within just seven years.



However, disproportionate increases among smaller subpopulations — most notably women and Mixed-race and Black individuals — highlight important shifts within this overall trend. These figures show that among people sentenced to life aged 25 or younger with a tariff of 15 years or more:

- ❑ The number of women (all ethnicities) increased by almost 60 per cent between 2013 and 2020 (from 22 to 35 individuals), compared with a 52 per cent increase among men (from 895 to 1359 individuals).
- ❑ The number of individuals (all genders) from a mixed ethnic group more than doubled between

1. Crewe, B., Hulley, S. and Wright, S. (2020) *Life imprisonment from young adulthood: Adaptation, identity and time*. Houndmills: Palgrave MacMillan.

2013 and 2020 (increasing by 122 per cent from 55 to 122 people) and those identifying as Black or Black British grew by 87 per cent (from 219 to 410 people), compared to an increase of 31 per cent for White individuals.

Of course, the growth in the population of young lifers serving long sentences is not only a direct consequence of increases in the number of people *entering* custody, but also of those who struggle to get out and — importantly — to *stay* out. This is evidenced in data from the Ministry of Justice, which indicates a fourfold increase in recalls to prison for people serving long life sentences from a young age.² While this is a relatively small increase in absolute terms across seven years (from 4 to 19 individuals), the percentage increase is cause for concern.

Our research with people serving life from a young age

Our research began in 2012, against this backdrop of an already rising lifer population and associated concerns among senior practitioners. There had been little recent research on the experience of serving life imprisonment in England and Wales, particularly for those serving sentence lengths that had previously been considered barely survivable.

The main aim of our research was to examine the experience of serving a long life sentence from a young age; that is, how it *felt* to be imprisoned for a significant period of one's life course, at an age when adult life had barely begun, or, in some cases, begun at all. We therefore focused on individuals who were given tariffs of 15 years or more when they were aged 25 or younger. Our research was conducted at 25 prisons across England, covering all security and age categories in both the men's and women's estates. While the majority of prisoners taking part were still relatively young and early on in their sentences (a deliberate sampling decision based on our desire to understand this rapidly growing group), we also

wanted to know about the experiences of older lifers, further into a long life sentence received at a young age.³

The study involved surveys about the 'problems of long-term imprisonment' and semi-structured interviews. In total, 126 men and 21 women participated in interviews (respectively 16 per cent and 72 per cent of individuals from the men's and women's estate fitting our criteria regarding tariff length and age sentenced), while 313 completed a survey (294 men and 19 women; respectively 37 per cent and 70 per cent of the men's and women's estate fitting our criteria). Participants ranged in age from 18 years to 66 years and were serving mandatory life sentences for murder, with minimum tariffs ranging from 15 to 42 years. All participants had been sentenced aged 25 or younger, at a time of the life course which is now considered to precede full 'adulthood'⁴, with 30 convicted as children (aged 17 or younger), including one sentenced at just 13 years old.

Key findings: The specific problems of long life imprisonment from a young age

Men and women in our study explained that the most painful and challenging aspects of long-term imprisonment centred on three key *dislocations*: first, from their families and social worlds (*social dislocation*); second, from their existing sense of self (who they were), which was shattered by the significance of being involved in a murder or being labelled 'a murderer' (*dislocation from self*), and third, from the life they had imagined as they emerged into adulthood (*dislocation from future*). The section that follows discusses some of our key findings within this context, focusing in particular on the specific challenges faced by people serving long life sentences from a young age who were: i) in the initial years of the sentence; ii) women; and iii) approaching or beyond the tariff expiry point.⁵

There had been little recent research on the experience of serving life imprisonment in England and Wales, particularly for those serving sentence lengths that had previously been considered barely survivable.

2. Freedom of Information Access request, reference: 201117009.

3. To explore how the experience of imprisonment might differ over the course of the sentence, we categorised our interviewees into three broad groups, according to sentence 'stages': 'early' (served less than five years of a 15+ year tariff), 'mid' (reached the midpoint of the tariff, plus or minus two years) and 'late' (two years until the tariff expiry date or over tariff).

4. Wright, S., Hulley, S. and Crewe, B. (2021). The pains of life imprisonment during late adolescence and emerging adulthood'. In L. Abrams and A. Cox (Eds.), *The Palgrave handbook on youth imprisonment* (pp. 479-501). London: Palgrave Macmillan Ltd.

5. This is necessarily a brief overview of the key findings. For a full analysis and write-up of the findings of the study, please see note 1.

Surviving the early years of a long life sentence at a young age

Young people in the initial years of a long life sentence described an absence of information about the nature or structure of a life sentence, so that some laboured under serious misapprehensions, in ways which contributed to the challenges of the initial days and weeks. This included, for example, believing that they would only have to serve half the tariff (leading to a significant shock when they were told by other prisoners that this was not accurate), or thinking that they would be kept in custody for the full life term of 99 years ('I genuinely thought like, 'Right, 99 years. That's it; I'm in prison for ever. And I gave up') (Arshad).

Almost all young lifers reported being completely emotionally overwhelmed at the start of their sentence, describing 'acute reactions' that are commonly noted among of trauma survivors. This included descriptions of numbness and shock, as well as themes of darkness, disillusion, and hopelessness.⁶ Many had been convinced, either by their own reasoning or that of their defence lawyer, that they would not be convicted (particularly those convicted as secondary parties under 'joint enterprise')⁷ — some had even bought bus tickets home for when the trial ended. Receiving a murder conviction and a prison sentence that was often as long as, or longer than, their life so far produced a sense of unreality.⁸ It was common to hear that, in the initial days and weeks post-conviction, young lifers felt constantly 'numb' (Dan), existing in a 'sad, dream-like state' (Karen) in which they felt entirely disconnected from the world around them and the people within it. These stress reactions appear to be distinct from the responses of male lifers sentenced at an older age (see Jarman, this issue), suggesting that the impact of

receiving a long life sentence may be particularly stressful for young people.

The sense of 'entry shock'⁹ described by the young men and women in our study was often compounded further by the psychological effects of having been involved in or having witnessed a murder (including nightmares and flashbacks to the offence) and the task of trying to negotiate life in prison (the majority of the sample had no prison experience prior to receiving a life sentence). However, when the numbness subsided, feelings of juridical and penal illegitimacy, frustration, anger, and despair came to the fore, sentiments that were heightened among individuals deemed 'secondary' parties in 'joint enterprise' murder.¹⁰

In the initial years of their sentence, young lifers often sought to actively suppress, deny or deflect the reality of their situation. These were defensive psychological mechanisms, which led many to use substances, fight the system (and other prisoners), immerse themselves in the illicit economy, withdraw from others and sleep excessively to block out painful thoughts and experiences.¹¹ Most reported that they were unwilling, or unable, to think about their future, and instead managed their sentence 'day-by-day' (Kathryn), starting each day afresh without being able to think about the future.

During these early years, young lifers could find little purpose or meaning in life, feeling that they were 'stuck in time' (Casper), 'treading water' (Jill), 'treading mud' (Samuel) or 'just existing' (Paul). Most considered themselves to have very little autonomy within their daily life, while those rare individuals who did attempt to take control at an early point in their sentence described being unable to access services or courses because they were so far from release. One former Category A prisoner described how this experience had made him feel as though he had been 'left to rot' during the first decade of his sentence

Almost all young lifers reported being completely emotionally overwhelmed at the start of their sentence, describing 'acute reactions' that are commonly noted among of trauma survivors.

6. Wright, S., Crewe, B. and Hulley, S. (2017) 'Suppression, denial, sublimation: Defending against the initial pains of very long life sentences', *Theoretical Criminology* 21(2), pp. 225-246, p.231.

7. Whereby two or more people are considered liable for a single criminal act. See Hulley, Crewe and Wright (2019). Making sense of 'joint enterprise' for murder: Legal legitimacy or instrumental acquiescence? *British Journal of Criminology* 59(6), pp.1328-1346.

8. Of those who completed a survey, 44% were serving tariffs that were longer than years lived (11% were serving tariffs equal to years lived, while 45% had received tariffs that were less than years lived to the point of conviction).

9. See n.8, p.231.

10. As noted in the *Introduction* to this issue, a growing number of individuals are being convicted using joint enterprise (or secondary liability) and were significantly overrepresented in our study of people serving long life studies from a young age. For more on this, see n.9.

11. See n.8, p.231.

(‘You’re not a priority at all if you’re [early in] on a big sentence. [...] You’re on the bottom of the queue’) (Shaafi).

The specific challenges of life imprisonment for women

Analysis of our survey indicated that women serving life sentences experienced the problems of long-term imprisonment significantly more severely than male lifers.¹² That is, while some problems — such as ‘missing somebody’ and ‘worrying about people outside’ — were ranked by women and men in similar ways (i.e., in the same order of importance), the women often reported struggling with these challenges more frequently, and in ways that felt harder to resolve, than men. Women were significantly more likely to identify particular problems as being more severe than men, particularly those related to *psychological well-being* (e.g., feeling suicidal, ‘losing your self-confidence’, *intimacy* (‘wishing you had more privacy’, ‘not feeling able to completely trust anyone in prison’), and *autonomy and control* (having to follow other people’s rules and orders’, ‘feeling that you have no control over your life’).¹³ Many of these problems were linked to the extensive and cumulative histories of abuse, trauma and ‘coercive control’ reported by our female participants, which had damaged their willingness and capacity to trust authority figures in low-autonomy environments such as prisons, and had significantly impacted their attitudes towards the legitimacy of their sentence.^{14,15}

Women serving long-term and indeterminate sentences also ‘suffer in special ways’ that are related to childbearing.¹⁶ For example, women who do not have children prior to their incarceration may remain in custody throughout their fertile years, denying them the possibility of a family of their own,¹⁷ while for those who have children when they enter custody (and have typically been those children’s primary carers), a long life sentence creates significant challenges in the maintenance of meaningful contact.^{18,19} Our findings corroborate Hairston’s claim that being ‘stripped of the mother role’ represents one of the ‘most traumatic factors’ in women’s adjustment to imprisonment,²⁰ particularly where this entails a long-term and indeterminate sentence.

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The challenges of the ‘late’ stage

Psychological studies have consistently concluded that long-term prisoners experience little in the way of enduring negative effects. However such research primarily relied on quantitative measures alone and was often missing the experiential nuance and depth offered by more qualitative studies.²¹ Most late stage lifers interviewed for our study reported they had changed profoundly as a result of having to adapt to life in the prison environment over an extended time period, often in ways which made them well suited to surviving long-term imprisonment yet ill-equipped to thrive in the community. Many talked in ways that were reminiscent of Liem and Kunst’s notion of ‘post-incarceration syndrome’, having become ‘over-adapted’ to the prison environment in ways that made it more difficult for life after release.²² A recent report

12. See Crewe, B., Hulley, S. and Wright, S. (2017). The gendered pains of life imprisonment. *British Journal of Criminology* 57(6), pp.1359–1378 (p.1365).
13. See n.13.
14. See n.13.
15. Hulley, S. (2021). Defending ‘co-offending’ women: Recognising domestic abuse and coercive control in ‘joint enterprise’ cases involving women and their intimate partners. *Howard Journal of Crime and Justice*. DOI: 10.1111/hojo.12445.
16. Walker, S. and Worrall, A. (2000). Life as a woman: The gendered pains of indeterminate imprisonment. *Prison Service Journal* 132, p.28.
17. Fernandes, M. (2020) ‘How far can female fertility be extended?’ *BBC Future*. Accessed 22nd June 2021 from: <https://www.bbc.com/future/article/20200828-how-fertility-changes-with-age-in-women>
18. See n.17.
19. See n.13.
20. Hairston, C. F. (1991). Family ties during imprisonment: Important to whom and for what. *Journal of Sociology & Social Welfare* 18, pp.87-104 (p.95).
21. For example, see: Crewe, B., Hulley, S. and Wright, S. (2017). Swimming with the tide: Adapting to long-term imprisonment. *Justice Quarterly* 34(3), pp.517-541; Hulley, S., Crewe, B. and Wright, S. (2016). Re-examining the problems of long-term imprisonment. *British Journal of Criminology*, 56(4), pp.769-792.
22. See Liem, M. and Kunst, M. (2013). Is there a recognizable post-incarceration syndrome among released “lifers”? *International Journal of Law and Psychiatry* 36, pp.333–78.

similarly noted the 'high psychological, financial, and vocational' needs of people exiting prison following long term confinement, all of which had been 'greatly exacerbated' by so many years in prison.²³

We also found that rather than inspiring hope, the appearance of the tariff expiry on the horizon more commonly acted as a destabilising factor, wrenching individuals from the relative comfort of their hard-won routines and forcing them to confront the painful reality of an uncertain future.²⁴ Here, anxieties old *and* new came to the fore, exacerbated by what was often described as a lack of clarity, transparency and legitimacy within a progression and parole system in which pathways to release felt ambiguous or inaccessible. For those beyond their tariff point, a sense of hopelessness and despair often set in, culminating for some in a fatalistic attitude towards the assumed likelihood of release, and sometimes a 'retreat' from the progression and parole and process altogether.²⁵ A small number described attempting suicide as a consequence of such feelings. The root of such feelings often lay in the belief that release was now unlikely, and that after so many years inside, life in the community felt pointless, or impossible to negotiate. As Walter put it, after more than four decades in prison and facing the prospect of release in his seventies having come in as an adolescent:

I've reached the stage where I don't care whether they let me out or not. [...] I have no future. [...] I don't feel sorry about this, or unhappy. [...] I'm a realist, I face reality [...] There's nothing out there for me. It's like taking a monkey out of the jungle and putting him in a big city. You've got to relearn to live outside. How can you do that after forty-odd years in prison?

Recommendations for practice and policy

The challenges identified above are not an exhaustive list of the ways in which individual, group

and sentence characteristics intersect to produce particular difficulties for lifers serving long minimum terms from a young age. Rather, we hope that they represent the starting point for a conversation about how to more effectively support the growing number of young life sentence prisoners in England and Wales. To that end, we have compiled a number of recommendations for practice across the prison estate which may support staff in that endeavour.

First, at both a central and local level, life sentence prisoners would benefit from greater information about: the structure of an indeterminate sentence (including what the tariff means, length of time to be served, key dates for parole eligibility, release on temporary licence, and so on); what they might expect in terms of the dislocating effects of their sentence; and what support is available to mitigate these effects throughout the duration of the sentence. One source of information and support (for prisoners and staff) might be a designated 'Lifer Officer' or 'Lifer Champion' in each prison. Written information might also be productive, although alternative modes of disseminating the information could be considered given the young age of many life-sentenced prisoners entering custody, and the low rates of

...the belief that release was now unlikely, and that after so many years inside, life in the community felt pointless, or impossible to negotiate.

literacy among some prisoners (e.g., infographics, programmes on internal prison radio services). In this light, we intend to contribute to such information sharing, through a graphic novel-style booklet called '*Reflections on "Life"*', which we are currently developing, in collaboration with UK artist *Ryuzza*. The illustrated booklet aims to represent to young lifers at the start of their sentence what they might expect going forward, to offer some hope — based on what others have told us — that the sentence is survivable, and to reassure them that their anxieties and concerns are shared by their peers. Once published, we hope that the booklet will be made available in every prison holding lifers at the early stage of their sentence.

Second, we recommend dedicated support for young lifers in the early years of their sentence. Although some of the young men and women in our study acknowledged that there was little that could

23. Nellis, A. (2021). *A new lease on life*. Washington, DC: The Sentencing Project. Available from: <https://www.sentencingproject.org/publications/a-new-lease-on-life/>

24. See also O'Donnell, I. (2014). *Prisoners, solitude, and time*. Oxford: Oxford University Press.

25. Wright, S., Hulley, S. and Crewe, B. (2022). Trajectories of hope/lessness among men and women in the late stage of a life sentence. *Theoretical Criminology*. DOI: 10.1177/13624806211067770.

have been offered to help them at this point, such as the emotionally overwhelming nature of their early incarceration, others said they would have benefited significantly from opportunities to talk with people, in a context that was free from judgments about risk. Here, we draw attention to formal therapeutic intervention of the sort recently piloted by the team at HMYOI Cookham Wood (Thomas and Sadie, this issue), as well as more informal channels for individuals to talk from the outset about the acute emotions that dominate the early stage experience. This would include opportunities to talk without judgement about the grief, anger, frustration and sadness that emerge from the index offence and sentence.

Third, specific work in the women's estate might acknowledge the disproportionate impact of life imprisonment for this group and find ways to mitigate this from the outset. Opportunities for more frequent and longer family day-style visits and overnight stays with children would help women to maintain crucial family relationships, which are negatively impacted by the geographical spread of prisons in the female estate. We also wonder if the growth of online technology in prisons during the pandemic might provide a framework for women to complete specific courses required on their sentence plan without having to move away from prisons that may be local to their family network. The shift to a more 'trauma-informed' model in women's prisons is also welcome (although not without its issues)²⁶ and represents an important starting point for developing custodial processes and support which recognise the psychological impact of female lifers' involvement in or witnessing of a murder. This is particularly important where the index offence was as a consequence of domestic violence and coercive control.²⁷ This could also offer a model for better supporting women in response to the psychological effects of life imprisonment as a potential death sentence for their fertility and future family plans.

Finally, we would recommend more transparent and open communication around the processes and procedures relating to progression as lifers approach the tariff end point, particularly for those who have remained in custody beyond it. Among this post-tariff group, hope can easily be eroded and replaced by a sense of fatalism where the path toward release is unclear or unfathomable, as the power or agency to reach a lower security prison or to sit a successful Parole Board feels beyond them. In such instances, individuals tend to retreat from engagement. Those who were most hopeful and motivated at this point felt that they had choices, and that their choices mattered in their progression towards release, and we would suggest working mutually towards creating this with late stage lifers where possible.

Concluding thoughts

The rapidly growing numbers of life sentenced prisoners coming in at a young age, before they have fully matured, and who are likely to remain in the system for many decades, represents a significant operational challenge for the prison and probation services. Often, on starting their sentence, they are overwhelmed, vulnerable and angry, with many (particularly those convicted as part of a joint enterprise) feeling that their conviction and punishment lacks legitimacy. A core challenge for the Prison Service will be to make life meaningful for such men and women from the very outset of the sentence, and to develop support mechanisms for individuals who have been convicted of murder as children or adolescents. At the other end of the sentence, more resources will be required for this population, as they grow into an ever-expanding group of older lifers who have spent many years — and sometimes decades in prison — and who may struggle to navigate the bureaucracy of parole or imagine a meaningful life on release, having come in barely on the cusp of adulthood and with little experience of living life as an adult at liberty.

26. Jewkes, Y., Jordan, M., Wright, S. and Bendelow, G. (2019). Designing 'healthy' prisons for women: incorporating trauma-informed care and practice (TICP) into prison planning and design. *International Journal of Environmental Research and Public Health*, 16(20), p.3818.

27. See n.15.

28. This work was supported by the Economic and Social Research Council [ES/J007935/1] and by the Isaac Newton Trust.

Body Map Storytelling: Exploring identity with lifers convicted of murder using the doctrine of 'joint enterprise'

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*[The label of 'murderer'] does matter to me because it is the worst thing that someone can do is kill someone and I haven't killed anyone. (Michael, convicted of murder using the doctrine of 'joint enterprise')*¹

Introduction

Being convicted of murder can shatter an individual's sense of identity, as they question who they are if they are capable of *this* and struggle to weave the offence into the fabric of their life story.² This psychological tumult occurs against a cultural backdrop in which the label 'murderer' 'obliterate[s] all other dimensions of the person'.³ The process of reconciling a murder conviction with one's sense of self is more complicated for those who have been convicted of murder as a 'secondary party'.⁴ Such convictions are made possible by the law of complicity (commonly referred to as 'joint enterprise'),⁵ which allows a person to be convicted of an offence perpetrated by someone else (the principal party), if they intended to 'assist or encourage' them.⁶ In practice, prosecutors can charge all individuals with the same offence even if they cannot identify who was a principle party

and who was a secondary party. In England and Wales, estimates suggest that thousands of people have been prosecuted for homicide in cases involving multiple defendants since 2005,⁷ and research shows that a disproportionate number of men convicted of serious violence using joint enterprise are Black or Mixed Race.⁸

While joint enterprise has been justified on retributive and deterrent grounds, academics, lawyers, campaigners and people convicted of murder using the doctrine have criticised its legitimacy. In particular, questions have been raised about the fairness of the law and the extent to which it satisfies the legal principles of fair labelling and proportionate punishment.⁹ It was expected that such concerns would be alleviated by the Supreme Court's abolition of one aspect of joint enterprise in 2016 (in *R v Jogee* [2016] UKSC 8 [87]), which effectively raised the threshold at which a secondary party could be convicted for an offence perpetrated by another. Specifically, 'foresight' of the offence committed by the principal party is no longer sufficient to secure a conviction against the secondary party. Instead, the prosecution must demonstrate that the secondary party 'intended to encourage and assist' the principal party, although foresight could be used as evidence of intention.¹⁰

1. 'Michael' is a pseudonym for one of the artists discussed in this paper.
2. Crewe, B. Hulley, S. and Wright, S. (2020) *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*. Palgrave Macmillan.
3. May, H. (2005), "'Murderers' Relatives" Managing Stigma, Negotiating Identity', *Journal of Contemporary Ethnography*, 29(2): 198-221, p.205.
4. Hulley, S. Crewe, B. and Wright, S. (2019), 'Making sense of 'joint enterprise' for murder: Legal legitimacy or instrumental acquiescence?' *British Journal of Criminology*, 59: 1328-1346.
5. Currently, the correct legal term is 'secondary liability' or the law of 'complicity'. However, 'joint enterprise' is a more broadly recognised term that is often used by prisoners and prison staff. It also reflects the law prior to 2016 when many prisoners were convicted. It is for these reasons that we primarily use the term joint enterprise throughout this article.
6. Crown Prosecution Service (2018) *'Secondary Liability; Charging Decisions on Principals and Accessories'*, available online at <https://www.cps.gov.uk/legal-guidance/secondary-liability-chargingdecisions-principals-and-accessories>. Accessed 23 May 2018.
7. Bureau of Investigative Journalism (2014), *Joint Enterprise: An Investigation into the Legal Doctrine of Joint Enterprise in Criminal Convictions*. The Bureau of Investigative Journalism. P.7.
8. See n.4; Williams, P. and Clarke, B. (2016), *Dangerous Associations: Joint Enterprise, Gangs and Racism*. Centre for Crime and Justice Studies.
9. See n.8. Also Hulley, S. and Young, T. (in preparation), 'Justifying joint enterprise: The problems of (un)fair labelling and (dis)proportionate punishment'.
10. See n.6.

Despite the change in the law, research with police and Crown Prosecution lawyers suggests that there have been limited alterations to the way it is applied in practice.¹¹ 'Complicity' or 'secondary liability' continues to allow multiple individuals to be convicted of murder and receive a sentence of life imprisonment for a homicide committed by another person. In addition, many people convicted as secondary parties to murder prior to 2016 remain in custody with limited scope for appeal. Such individuals are ascribed the label 'murderer', in the same way as the person(s) who committed the fatal act and — as a consequence — are 'reduced in our minds from a whole and usual person to a tainted, discounted one'.¹²

Labels like 'murderer' matter because what other people think affects an individual's sense of self. Self-identity — that is, 'people's concept of who they are, of what sort of people they are and how they relate to others'¹³ — is forged in interactions between individuals and groups. As Erving Goffman notes, when forging a credible social identity, people reflect on their surroundings and engage in impression management tasks to create an identity that allows them to 'fit in' with others and the socio-cultural system into which they are born.¹⁴ Within a given society, identities that conform to broad societal norms are valued and accepted while others (particularly those viewed as 'deviant' in some way) are *stigmatised*, marking out those who deviate from these norms as somehow 'tainted' and, thus, lesser human beings.¹⁵ In response, a person labelled as 'deviant' or 'criminal' may attempt to 'correct' the problem by reversing, repairing, or renegotiating the applied label by contesting, complicating and historicizing who he or she 'really is' in view of how they have been framed.¹⁶ Such actions are particularly relevant to people convicted of murder,

many of whom spend years working hard to integrate who they were prior to the offence and what they have done into their conception of 'self'.¹⁷ For individuals convicted as secondary parties, additional psychological labour is required to 'make sense' of being labelled a murderer for a homicide that they did not commit, or for which their personal culpability is contested, as illustrated in Michael's quote at the start of this paper.¹⁸

Drawing on 'body maps' created by prisoners serving life sentences for murder, in which the doctrine of joint enterprise was used at trial,¹⁹ this article illustrates the difficulties young people faced in reconciling their sense of who they were, with the identity imposed on them by the criminal justice system. The body maps (and excerpts from the artists' narrations of them) illustrate the ways in which these individuals attempted to manage and resist the negative label attributed to them, by critically reflecting on who they *really* were and comparing this to how they felt they were constructed by the criminal justice system. In doing so, they draw attention to their ethical selves — of the 'goodness' within and of the ways in which they had psychologically developed from the person they were, in order to distance themselves from the sense of immorality that the label of murderer imposed on them. The article goes on to outline some of the benefits that creative methods can offer, both in supporting individuals in prison to make sense of their own experiences, and to develop practitioners' understandings of young people's experiences of being convicted of murder using joint enterprise.

The study: body maps and the art of narration

The body maps presented here were created as part of a broader study which examined the application

'Complicity' or
'secondary liability'
continues to allow
multiple individuals
to be convicted of
murder and receive
a sentence of life
imprisonment for a
homicide
committed by
another person.

11. Mills, H., Ford, M, and Grimshaw, R. (2022) *The usual suspects: Joint enterprise prosecutions before and after the Supreme Court ruling*. London: Centre for Crime and Justice Studies. Accessed 27th June 2022 from <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/The%20usual%20suspects%2C%20April%202022.pdf>
12. Goffman, E. (1963), *Stigma: Notes on the management of spoiled identity*. Prentice-Hall Inc. P. 12.
13. Hogg, M. A., & Abrams, D. (1988). *Social identifications: A social psychology of intergroup relations and group processes*. Taylor & Francis/Routledge. P.2
14. Goffman, E. (1959), *The Presentation of self in everyday life*, New York: The Overlook Press.
15. See n.12, p.2.
16. Presser, L. (2008), *Been a Heavy Life: Stories of Violent Men*. University of Illinois Press. P.6.
17. See n.2.
18. See n.4, p. 1339.
19. While the correct legal term is 'secondary liability', 'joint enterprise' is used to explain the context of the convictions of the men in the study, as they were convicted prior to 2016 when this was the term most commonly used. It is also the name that people convicted in this way tend to use to explain their conviction.

of joint enterprise in cases of serious violent crime, the nature of young people's friendships, and their understandings of the law. Body maps are life-size images that 'visually represent' the artist's life experiences. They are 'a way of telling stories, much like totems that contain symbols with different meanings, but whose significance can only be understood in relation to the creator's overall story and experience'.²⁰ Creative and arts-based methods, such as body maps, have become part of the contemporary researcher's methodological 'toolkit' and have been applied in studies seeking to empower people from marginalised groups, who may feel *subjects* of other research techniques.²¹

The creative workshop at which the body maps were created was initially attended by five male residents at a Category B prison in England, although one participant later dropped out because of a medical issue. The workshop ran over a three-day period in 2019. The participants were provided with an information sheet summarising the project's aims and objectives, what the research involved and the themes to be explored in the session. They were asked to reflect upon: a) who they were prior to the offence (including how they were viewed by significant others) and b) how they were depicted during their trial.

Once the bodymaps were completed, the artists were asked to record a 'testimonio'. This is 'a first-person story narrative that provides a broad description about a person's life and gives context to the body map'.²² Limited editing was carried out on the testimonios, to ensure that the artist's lived experiences were represented as authentically as possible.

In this article, we present the body maps of two men convicted of murder at trials in which the doctrine of joint enterprise was used. They were both serving long life sentences. While the testimonios are a central part of the artwork produced, it has not been possible to reproduce them in full in this article due to limited space. However, we have drawn on them throughout this paper to explore the artists' experiences, using dialogical narrative analysis, which takes as its focal point the context and content of a story and the effects this has on people.²³ We embed our analysis in the literature on the ways in which individuals create and

nurture their self-identity and on the impact that stigmatisation has on a person's sense of self.

Narrating the self: pre-offence versus court imposed

In the body maps presented in Figures 1 and 2 (below) both Zachery and Michael foreground their essential goodness, in spite of their convictions for murder. Powerful visuals emphasise their decency, kindness, leadership, and sense of humour. In his testimonio, Michael explains that the wings on his bodymap represent his grandma calling him 'her angel'. He also describes himself as a leader ('not a gang leader'), to whom younger children would come to for advice, and a 'Robin Hood' figure, extending help to anyone in need (even a lady who 'called me racist names'). Zachery draws on notions of 'calmness' and a closeness with his family prior to his imprisonment. He populates his body map with images that explain his engagement in crime and violence as rooted in social factors (i.e., living on an estate) and in his testimonio describes his adherence to the codes of the street,²⁴ where claiming allegiance to an area and gaining respect and status were key to survival. His critical self-reflection ('I come from a good home, but I just went down that road') enables Zachery to look back on his former, 17-year-old self and acknowledge the difference between who he was at the time of the offence ('I wasn't perfect, but I was young and naive') and who he is now. Thus, Zachery contests the relevance of the characterisations of himself in court by putting temporal, emotional and psychological distance between the (immature) person he was back then and the person he is now: 'Basically, fighting for [the hood] was very stupid when you look back on it'. In this way he is historicizing who he was at the time of the offence, as a way of making sense of the label attributed to him then and living with it in the present. Like the men in Presser's study then, Michael and Zachery attempt to distance themselves from the stigmatised identity of 'murderer' and, in doing so, emphasise their moral decency.²⁵ This commitment to conveying a virtuous self is common amongst people convicted of murder, as they try to offset the label of 'murderer' and its moral implications.²⁶

20. Gastaldo, D., Magalhães, L., Carrasco, C., & Davy, C. (2012). *Body-Map Storytelling as Research: methodological considerations for telling the stories of undocumented workers through body mapping*. Available online https://ktpathways.ca/system/files/resources/2019-02/Body-map_storytelling_as_research_HQ.pdf. P.5.

21. van der Vaart, G., van Hoven, B., and Huigen P.P.P. (2018), 'Creative and arts-based research methods in academic research. Lessons from a participatory research project in the Netherlands'. *Forum Qualitative Social Research*, 19 (2). Available online <https://www.qualitative-research.net/index.php/fqs/article/view/2961/4227>. See also: McNeill, F. and Urie, A. (2020) Collaboration before collaborative research: the development of 'Distant Voices'. *Methodological Innovations*, 13(2), pp. 1-11.

22. See n.20, p.17.

23. Brookman, F. (2015). 'The Shifting Narratives of Violent Offenders'. In L. Presser and S. Sandberg (Eds). *Narrative Criminology: Understanding Stories of Crime* (pp. 207-235). New York: New York Press

24. Anderson, E. (1999). *Code of the street: decency, violence, and the moral life of the inner city*. New York: Norton.

25. See n.16. Thank you to Dr Serena Wright for her insightful comments on this point.

26. See n.2.

Figure 1: Body map by Michael (Black British) — convicted of murder aged 19, received a life sentence with a minimum period in custody (tariff) of 25+ years



co-defendant) likened to a ‘two-headed snake’. This fits with homicide ‘scripts’, which present murder as ‘the purposive seeking and killing of an ‘innocent’ victim by ‘murderers’ who are evil, cold-blooded and predatory’.²⁷ Similarly, Zachery’s body map is peppered with words ‘the court system threw at me’ that refer to his ‘stupidity’, ‘immorality’ and ‘pack mentality’. The characterisation of Michael and Zachery as ‘evil, predatory animals’ highlights the ‘blemishes of individual character’ that can stain all those drawn into a trial in which joint enterprise is used, signalling that they are perceived as ‘not quite human’.²⁸ Such characterisations of groups of young people as ‘wolf packs’ and ‘dangerous other[s]’ is common in this context and justifies ‘exceptional punishment’. It often goes hand-in-hand with a gang narrative, which is disproportionately applied to young Black and brown men, as in Michael and Zachery’s cases.²⁹ There has been much commentary on the racialisation of the gang narrative, with critics arguing that criminal justice practitioners fail to grasp the nuances of serious violence among young people and make assumptions about gang involvement and riskiness based on race.³⁰ Michael was keen to

When reflecting on their trial experience, Michael and Zachery tell strikingly similar stories of stigmatisation and dehumanisation. Michael describes being called ‘evil’, a ‘cold blooded killer’ and (with his

distance himself from the gang label; in his testimonio, he emphatically stated that was not a gang leader and argued that the characterisation of him as gang-involved was racialised (‘there’s certain people out there

27. May, H. (1999), ‘Who killed whom?: victimization and culpability in the social construction of murder. *British Journal of Sociology*, 50 (3): 489-506. p. 494.
 28. See n.12, p. 14-15.
 29. Green, A. and McGourlay, C. (2015) ‘The wolf packs in our midst and other products of criminal joint enterprise prosecutions’, *The Journal of Criminal Law*, 79(4): 280-297. P. 295. It is significant that Zachery is Mixed Race and Michael in Black and that both were teenagers when they were convicted. Zachery was 17 years old when he received a life sentence for murder with a minimum tariff of more than 20 years; Michael, was 19 years old when he received a minimum tariff of over 25 years.
 30. See Hallsworth, S. and Young, T. (2008) ‘Gang talk and gang talkers: A critique’, *Crime Media Culture* 4(2): 175- 195; Aldridge, J. and Medina, J. (2008) *Youth Gangs in an English City: Social Exclusion, Drugs and Violence*. Full Research Report ESRC End of Award Report, RES-000-23-0615. Swindon: ESRC. Young, T., Hulley, S., and Pritchard, G. (2020), ‘A ‘Good Job’ in Difficult Conditions: Detectives’ Reflections, Decisions and Discriminations in the Context of ‘Joint Enterprise’. *Theoretical Criminology*, 24(3): 461-481.

Figure 2: Body map by 'Zachery' (Mixed race — White and Black Caribbean) — convicted of murder at age 17, received a life sentence with a minimum term in custody (tariff) of 20+ years.



was not physically involved in:³¹ 'When I was in the dock and I just felt like, I knew in my head that I didn't do it [but] I felt like, every time I closed my eyes, I could see black and white hands saying, 'You're this, you're that'. [...] And the stigma that [the judge and jury] have of me is that because you were part of a gang you deserve to do life; we sympathize that you might not have done the murder [but] you deserve to do life because you are part of a gang'. Zachery identified himself as being 'gang involved' but emphasised that he was more than this and described how in court 'the young boy who loved playing football' had been replaced by the stereotypical image of a gang member. In this way, he believed that his decent, true and naive self was obscured in court to suit the prosecution's case.

Research has shown that secondary parties to murder very often deny that they are guilty of *the offence for which they were convicted* and reject the 'murderer' label.³² Confronting false suppositions of the self, formed by others, can result in ontological insecurity (anxiety caused by being unable to predict and trust what we know about ourselves)³³ and leave an indelible stain upon an individual's identity.³⁴ Shaking off the stigma and accepting oneself as 'normal'³⁵ can therefore be incredibly difficult for secondary parties. It is noteworthy that, nearly

who just see me as a race, they don't look at me as an individual'). It was this characterisation, he felt, which had cemented his (unfair) conviction, for a murder he

ten years after his conviction, Michael believes that people in the community and in prison view him as a

31. At the time Zachery and Michael were convicted, people charged as secondary parties need not have actively engaged in the substantive offence of murder but could, nevertheless, be held accountable for it as the threshold for conviction was significantly lower than for defendant(s) identified as the actual killer(s).
 32. See n.4.
 33. Vaughan, B. (2001), 'Handle with care: On the use of Structuration Theory within criminology', *British Journal of Criminology*, 41: 185-200.
 34. See levin, A. (forthcoming 2023) *The Stains of Imprisonment: Moral Communication and Social Relationships in a Prison for Men Convicted of Sex Offences*. Berkeley, CA: University of California Press.
 35. See n.12.

killer, despite his co-defendant recently confessing to killing the victim:

There's certain people who think I still done [the murder], there are certain people who know I didn't do it so it's just, it makes you feel negative. You are in prison and they are judging you for what you are in for, and you know that what you are in for you didn't do.

In this way, being convicted of murder using secondary liability felt deeply unjust and against the legal principles of fair labelling and proportionate punishment. The perceived injustice of the conviction had had a significant impact on Michael's mental health: 'I have become more of a negative person because of everything I have gone through, what I have got convicted for'.

Conclusion and the benefits of using creative methodologies in understandings of identity

The body maps presented here were created by prisoners convicted of murder in which the legal doctrine of joint enterprise was used at trial. The process of constructing a body map provided an opportunity for incarcerated young men to tell the story of who they felt they *really* were at the time of the offence and conviction. The aim was not to find some objective truth in their constructions of self, or negate the seriousness of the offence they were convicted of, but to foreground the complex process of reconciling their personal identity with an identity that was imposed on them at trial, as 'evil' subhuman murderers, despite the fact that as secondary parties they need not have killed anyone.

However, the label of 'murderer' sticks, often serving to overshadow all other aspects of the self. As Michael explains above, years after his conviction he continues to be judged in this way, despite his declarations of innocence. In this context, then, the body maps beautifully depict Michael and Zachery's calls to recognise their 'goodness', despite the label. Michael and Zachery used them (and their testimonios) to construct their narratives of the self and of their convictions, which speaks to the loss of innocence and childhood rather than 'cold-blooded' and 'evil' *killers*.

To finish, we want to briefly outline some of the benefits that creative methods such as body-mapping can bring, not only to an individual's understanding of who they are but also to practitioners' understandings of young people's experiences of joint enterprise. Over the three day workshop, the men who took part spoke enthusiastically about their involvement in the project. They felt able to express themselves creatively and relished the art room as an escape from the prison wing and from their day-to-day routine. They appreciated being able to talk freely about their experiences in a non-judgemental setting,³⁶ free from the stigmatising gaze of prison staff and other prisoners who may not understand. They also offered a welcome alternative to more common research methods, such as interviews. One participant described how 'the body maps allow you to express your feelings easier [than interviews] as sometimes words cannot express how you feel'. He then went on to say, 'it was helpful for me to think about my troubles and let them out on paper'.

The body map workshop also had an impact on prison education staff who came to observe the workshops. One stood talking to Michael as they explored his body map. He described his experience of who he was prior to his imprisonment and his experience of being convicted of murder. The member of staff turned to him and said, 'I have never seen you in this way before Michael'. For that staff member, the artwork provided a way of connecting, of getting to know Michael and contextualising his angry outbursts in prison, within his experience of receiving a conviction for murder and very long life sentence that he felt to be deeply illegitimate.

The broad reach of such artistic work has also enabled these young men to contest the label of 'murderer' to a broader audience and to seek recognition of their experience and of their humanity from individuals within the communities from which they have been banished. The body maps featured in this article and full testimonios have featured in an online exhibition entitled 'Power: Freedom to Create' hosted by the National Justice Museum (in partnership with Koestler Arts). The original artwork has also been exhibited at the National Justice Museum in Nottingham. This endeavour has provided a rare opportunity for these incarcerated men to reach out beyond the prison walls and to seek a form of fulfilment for themselves, and a sense of pride from the feedback of others.

36. See also Thomas and Sadie, this issue.

37. This work was supported by the Economic and Social Research Council (ES/P001378/1) and the Isaac Newton Trust.

Approaching the end:

Interview with Zahid on the process of being released from custody on a life sentence

Zahid has been serving his life sentence in the community for the last two years, after spending 15 years in custody. He is interviewed by **Dr Susie Hulley**, Senior Research Associate, Institute of Criminology, University of Cambridge.

The interview begins with Zahid describing how he felt towards the end of his sentence, as he approached his tariff date and final parole.¹

Z: As you get closer to your parole, you get more frustrated and anxious [...] because you have to highlight yourself in a positive way whilst, at the same time, [being] worried about what's going to be deemed as negative [...] on the day of parole. Adding to the pressure are thoughts and questions on how something small is going to be reflected. [...] Also, stories about people ending up on a slippery slope where they say something so small which ends up being used against them leads you to kind of... not deliberately mess yourself up, but kind of unconsciously [...] start messing up whilst being unaware of your actions.

SH: What sort of things might you start doing?

Z: You start becoming very agitated, you start becoming very distant from some of your friends. People that you're very close to in prison [...] you have a little bit of an outburst with them about daily prison life leading up to parole. [...] So, I think the downside of that is that you end up holding lots of frustrated thoughts and feelings, and you don't process these things as someone outside would. And that heightened sense of vulnerability at this particular stage kind of causes you to mess up. You're clearly not functioning as you would be, even in a prison setting, in your normal routine prison day setting, as you've been [...] trained to do.

So, you kind of lose that focus as you get closer to parole. I remember when one of my friends said to me, 'You're getting really agitated, you're not yourself ...' and I had to reflect back on it and sit down and say to myself, 'I can't see myself doing this, but I am doing this.' And I really had to think over what I had been like

recently, and then I worked out that what I needed was to take a step back.

SH: And what would have happened, do you think, if your friend hadn't said that to you?

Z: I've seen one of my friends who was up for parole and I've seen him get into a small altercation, over a very small incident, and he was someone very focused on getting out. Seeing him get into some sort of physical altercation with another inmate made me realise that this could potentially be me. I had to regularly say to myself, 'No, I'm not going to do that.' So, I think for me it was more like just pulling back and just saying to myself, 'just relax and let it be.'

SH: So you had to really sort of focus and reflect on your behaviour as it was happening?

Z: Yes. The reflection wasn't just on [parole] day then; it was more about the weeks leading up. [...] You're always thinking that you're going to be over tariff, you're always thinking that your [parole] is not going to be heard in time and how no one can help you with that. And, leading up to it, I think the only [...] involvement that you have with professionals is to do with what sort of reports they're going to write, making sure that that report captures lots of information on risk management. Therefore, any concerns that you do have about feeling anxious [...] I [didn't] want to mention that to the professionals because I can see them translating that into something different and out of context. So it [made] me reluctant to speak to them about anything. [There ought to be] another service that could intervene or perhaps kind of say, 'We're here as a service to help you specifically during this difficult time'. What I don't understand is why someone in prison is not allowed to be anxious, [whereas] outside it is the norm.

1. The interview itself was longer than could be presented here, due to space restrictions. Therefore, the interview has been edited by both Zahid and Susie – this primarily involved removing words. Some words were added by Zahid, post interview, for clarity. Any words that have been added by Susie Hulley are represented by square brackets and only to ensure clarification.

Also being in an environment where you're around short-termers, around people who are anti-authority and so forth, and then having these type of feelings isn't great, because the last thing you want to do is be around someone who's got a different agenda to you, who doesn't care about their sentence because they're not a lifer.

So, this is very important for prison staff to understand. I mean, I'm sure they know this, but when [they] see a 'lifer', don't take [for] granted that this person is trying his best not to engage in any kind of confrontation, [...] be mindful of that person's state of mind, especially when they're coming up to parole. The worse thing is that some staff try to use lifers to sort out [...] problems on the wing because there's chaos going on there. It often happens, you have a chaotic wing, you have some young inmates coming in and you have a life sentenced prisoner who is older, who [...] conducts himself in a much better way — he often gets used. His good behaviour gets taken advantage of because they want people to deescalate any incidents [with] people [who] are not behaving and conforming [...]. You can look at it as self-governance [...] and kind of say, 'Well, these people are kind of now self-governing the wing for us.' I think the problem is that when you're at a particular stage of your sentence, close to parole, and then you're being used through the self-governance process, it's kind of very, very dangerous because you're not in control of your thoughts and feelings.

SH: Are there any other feelings that you can remember at that time?

Z: Do you know what? You get pockets of excitement, [...] when the letter used to come through and it would say 'Parole' on there, it's so exciting. You see a date on there and you think, 'I'm on-track here. Things are starting to happen for me. I'm so happy.' Because so often you hear, 'Oh, a date couldn't be confirmed,' or, 'I'm so sorry but a psychologist's report is needed,' 'an amendment is needed', or whatever it is. You're just so used to that. And part of coping in these difficult situations [...] is that you say to yourself,

When you're at a particular stage of your sentence, close to parole, and then you're being used through the self-governance process, it's kind of very, very dangerous because you're not in control of your thoughts and feelings.

'I'm going to prepare for bad news. And when it comes, I am going to embrace it and just deal with it.' [...] Expect the worst.

SH: And then you can only be pleased if it's better?

Z: Exactly. So, when that happens, you get really excited. And so you do have that. But I remember I was so excited. And then as time went [on] I was getting really anxious and more anxious, more anxious.

I remember my pre sift hearing, my Cat D parole hearing, which I think is more vital than the final parole hearing. [...] [Because] the judges were very rigorous, they were very kind of challenging about [...] about one or two security intelligence reports that were put into my parole hearing [...]. Then there was one psychologist member on the panel and he was really kind of making me think deeply about the offence, really challenging me on everything. They were hardly talking about any of the positive stuff that I'd done. I was coming in there thinking, 'Right. Well, they're going to be pleased with the stuff that I've done' — in my opinion, I thought I was giving them a lot more than they would get on a regular day. But they weren't interested. They were just talking about everything that I didn't want to be talking about so much, but I knew I had to. [...] I appreciated the fact that I [was] going to be released outside into the community and they need to be sure that I'm not a problem.

So, comparing that to the final parole hearing, the one that's considering me for release, I can see how by then there is plenty of evidence to show how I managed myself in the community.

SH: Right, because in Cat D you would be going out on ROTL² and things like that?

Z: That's right. So when you're in Cat D, that main parole hearing focuses on what your experience has been like whilst you've been in Cat D. How you have been adapting to the community outside, what's your behaviour been like since you've been in open conditions, and what sort of progress you've made and have you used your time wisely and what you're going

2. Release on temporary licence.

to do in the future with the time, how have you benefitted from open conditions? [...]

SH: What about when you were asked at the Cat D sift about your offence, [...] how did it feel?

Z: [...] I was, like, really careful with what I was saying because my case is joint enterprise,³ and I was kind of saying that... I used a word which I was corrected for straightaway, but I corrected it myself before I was pulled up on it. I can't remember the word, it's not coming to my mind at the moment, but it was about involvement and I was pulled up straight away. 'Hang on a minute, are you trying to deny it, or are you trying to not take any responsibility for this? What are you trying to do?' and straight away I was like, 'No, no, no, no.' I corrected it. I corrected it myself because I noticed that I used the wrong word, so that put my back up a little bit. I was really focusing extra hard. You're being genuine, but at the same time, you still have this thing.

SH: Yes, and it's complicated for 'joint enterprise' cases, isn't it? Because you're convicted of murder, but [...] you have not necessarily committed the offence, the killing itself, and so there's a very difficult line to walk, I guess. We hear this from people who are convicted using joint enterprise all the time in our research, about the difficulty of walking that line between, 'I accept a level of responsibility for my behaviour or a particular action during the incident, but I still don't feel like I'm legally guilty or morally guilty of murder'. And so I can see how that must be really tricky at parole?

Z: That is absolutely tricky. If you're in that principal situation, you're trying your level best to kind of really read a script that you've been forced to kind of read.

SH: What's that script? What's the expectation?

Z: It comes from the psychological assessments and offending behaviour courses. It's forced on you. And when you've been in Cat A for so long, you know that, okay, you're getting to a point now where this isn't working for you; you're forced to go down a specific route...

SH: Which is to be more explicit about guilt?

Z: Yes. And it's kind of like [...] there are grey areas. There are bits that you can say to yourself, [...] 'this wasn't murder'. [...]

SH: But it's interesting because it's the law. It has nothing to do with the prison system, in the sense that it's the label that you have been given at conviction that dictates the way you have to navigate a system, which expects you to

acknowledge guilt. Most people that we spoke to in our research, who are convicted of murder as secondary parties using joint enterprise, would say, 'I'm guilty of something, I'm just not guilty of that. So, if it said on my record 'violent disorder' or 'perverting the course of justice'...'.⁴

Z: [or] Manslaughter.

SH: Yes, or manslaughter even [...] 'I would put my hands up and say, 'yes, definitely'. But I can't morally come to terms with the fact

that I'm expected to recognise that label of murderer for myself?

Z: 100 per cent. This is a big struggle.

SH: Can I take you back to parole itself? Because one of the things I was interested in is, once you were granted parole, [...] how long was it until you were actually released?

Z: [I had to wait] 21 days, as a result of the John Worboys thing.⁵ [...] You will get your comms in the post, or get your decision emailed, and then someone informs you. So I think for me, I found out [that my

Because you're convicted of murder, but [...] you have not necessarily committed the offence, the killing itself, and so there's a very difficult line to walk.

3. 'Joint enterprise' is the term given to a form of legal liability that enables more than one person to be convicted of an offence committed by another (see Hulley, S. and Young, T. this issue). Zahid, like many other people serving life sentences for murder, was convicted as a 'secondary party', which means he would have been convicted of murder for either 'assisting and encouraging' the principal party or 'foreseeing' that they might have acted as they did.
4. For reference, see Hulley, S., Crewe, B., and Wright, S. (2019), 'Making Sense of Joint Enterprise for Murder: Legal Legitimacy or Instrumental Acquiescence?', *British Journal of Criminology*. 59(6), pp. 1328–1346.
5. Changes were made by the Government, following the case of John Worboys, including the implementation of a 'reconsideration mechanism', which means victims have the opportunity to challenge the decision of the Parole Board if they believe that it was 'fundamentally flawed'. A period of 21 days is available for this process (see <https://www.gov.uk/government/news/new-improvements-to-parole-board-transparency-and-victim-support>).

parole was successful] through my solicitor. I was checking regularly, and then the letter came in a few days later or whatever it was.

SH: And how did you feel?

Z: I felt relieved. I felt great. I felt amazing. I thought, 'This is done.' But I was, like, 'I want to get out now.'

SH: Were you on tariff?

Z: The funny thing is I had my parole hearing two months before my tariff expired. [...] My tariff wasn't expired.

SH: So you literally got out on tariff...?

Z: On the tariff date. [...]

SH: So how did you feel in those 21 days when you were waiting to go out?

Z: 'I've been granted parole.' The sense of entitlement: 'I should be out of prison. What am I doing here? Let me out.'

SH: How does that affect your behaviour at that point then?

Z: I think it makes you really anxious. [...] You just think, like, 'Okay. Yeah, I've got it.' But then you're still thinking 'anything could happen', a little bit. I think there are anxieties, but then they start to reduce a little bit. But I think, again, I think it's a bit more painful, I think; the fact that you can say to yourself, 'I shouldn't be here. I've been given parole. I'm allowed to go out now — why am I still here?'

SH: Were you nervous?

Z: To come out? No, I wasn't because I was coming out in open conditions. I was coming out regularly anyway.

SH: So you'd done quite a lot of time outside and you felt kind of comfortable going out into the community?

Z: Yeah. There were other guys that were regularly talking about what's going to happen when the gates open when they come outside and step out? I was like, 'I drive to work every day. I'm not going to leave my car and get somebody to drop me off and then they're going to come and pick me back up. I'm just going to come out and drive a car like normal. I don't need anyone to come outside the gates.'

SH: It's such a sort of mediated version of release from prison, isn't it? That the big gates open and your mum's waiting there and you run into her arms.

Z: Do you know what? When I was in Cat A, that's what I thought it was going to be like. And so when you actually come to it, you don't think, 'Hang on a minute, this is what it's going to be like.' I never imagined it to be like that.

SH: And so then how did it feel the last time you drove out after spending 15 years in prison?

Z: You know what? The last time I drove out, I was just, like, 'Yeah, that's it.' Then I was like, 'Yep, I'm done. That's it.' That's when I said, 'Okay, I'm done. I'm finished.'

SH: What does that mean? What does being done and finished mean?

Z: I just think it means I don't need to stress about time. I don't need to be anxious about what's going to happen. I don't need to worry about what sort of reports are going to be written about me. I don't need to worry about getting a nicking. [...]

SH: In what ways did you feel that your time in prison had prepared you for life outside?

Z: I think that when you're in Cat A, you're not prepared for outside life at all. You're just prepared for the next step. You're given that preparation just for the next step. And the way that you're kind of treated in there — the strictness, the harshness, the extreme isolation, the rigidity, the extreme extents of it — just to get out of there and get away from there makes you feel so relieved. [...] Once you're not Cat A anymore, you just feel to yourself, 'Okay, there's a possibility of progress now.' You feel like you can move forward. [But] at that time, when you're in a Cat A, it's not possible — you just can't even [imagine] coming outside. My tariff was 15 years. I did eleven years as a Cat A prisoner.

SH: It's amazing how quickly you progressed after that.

Z: Yeah. I always said to myself, 'I want to get out.' I remember a friend of mine said to me 'I need to get out now because anything could happen. I could be jeopardised. Anything could happen.' That's the sort of thing that reinforced my pace.

'I've been granted parole.' The sense of entitlement: 'I should be out of prison. What am I doing here? Let me out.'

SH: [Is that because it feels] volatile in the Cat A system?

Z: Absolutely, there's that. [...]

SH: [And] what isn't available in the system at the moment that would have helped you on release? You mentioned, for example, having someone to talk to towards the end. And I wrote down at the time, 'Does it need to be someone who's outside of that system that's writing reports for your parole?' Does it need to be someone who's not looking through like a risk lens, who's just talking to you as a counsellor?

Z: Absolutely love the question, because in there you just said 'not risk-assessed' and 'counselling'. I think that we need to move to a direction which looks at specifically life-sentence prisoners. [...] You can say that everyone's got these, kind of, primary prison pains and so forth, but [...] life-sentence prisoners have specific psychological harms that are associated with them because of the parole process, because of their length of sentence, and so many other factors. Now, what they need is a mixture of counselling [and other] ways to deal with trauma.

SH: Support and advice?

Z: Yes. [...] I think [you need] a discussion, or kind of group settings with people who are well aware of your situation, get your point, know your frustration and pains, not because they've experienced it physically themselves [necessarily], but because they have got the knowledge of it.

It's so strange that when you go to most environments nowadays, you have mental health, [...] you have trauma discussions with prison staff — anything that happens, there's a protocol to go by. [...] All of this stuff exists, ensuring that that person's frame of mind is okay. But none of that is considered for the prisoner when they've just had a parole hearing, or [they're experiencing] these anxieties and frustrations [related to parole]. The very first thing that should be addressed is, 'How do you feel?' [...] And not just

because you want to ensure that the parole hearing goes ahead, you can tick your box and, 'I've done my job.' But that person's trauma isn't considered. Their wellbeing isn't considered. [...] And you know what? [...] assisting with wellbeing in prisons is heavily incorporated with offending behaviour courses, but offending behaviour courses are the last places that help to reduce any kind of psychological harms that you have.

SH: Why?

Z: Because they only focus purely on risk. They are not there for helping you to feel better or to feel less traumatised or to feel less anxious or to feel less frustrated or to feel in a position where you aren't going to mess up. [...] A parole hearing is not an easy process. It's so complicated. [...] That whole long procedure, process, waiting, the anxiety, the frustration, the letters, the dates, the feeling excited and then feeling disappointed and then feeling kind of like what's going to happen to you on the day [of release] and then after.

SH: How long would you say that process is, then, for you? How long are you feeling those feelings?

Z: [...] I think the closer you get to it, it intensifies. I mean, the closer you get to it, it's like you know when you're reversing and you hear your car getting closer?

SH: 'Beep, beep, beep'

Z: You're out like flat, 'Beeeeeep!'

SH: So is it sort of two or three years? Do you feel that way for sort of two or three years, that intensity of kind of anxiety and frustration and worrying?

Z: I think for me with my sentence, [...] it was like seven years.

SH: That's a long time to feel that level of intense stress.

Z: Yes

life-sentence prisoners have specific psychological harms that are associated with them because of the parole process, because of their length of sentence, and so many other factors.

6. This section was co-written by Zahid and Susie after reflecting on the interview and thinking about the implications of Zahid's experience for HMPPS and the Parole Board (and the experiences of other long-term prisoners reported in the study undertaken by Susie, with colleagues Professor Ben Crewe and Dr Serena Wright) for HMPPS and the Parole Board.

Post-interview reflections⁶

The experience of the parole process — at the pre-tariff review (around three years prior to tariff date), at tariff, or post-tariff for some prisoners — generates complex emotions for life-sentence prisoners. While there are feelings of excitement and hope, the experience can feel overwhelming as they are flooded with anxiety. Some have waited many years, even decades for their first chance to move closer to release or to be released. There is a lot at stake.

In this context, there is an irony then, that in the run up to any parole hearing — when day-to-day compliance feels most critical — the immediate environment presents additional risks to maintaining ‘good’ behaviour. These include prisoners serving (often shorter) determinate sentences, who have less to lose, or staff requests to help manage problems on the wing. These represent potential threats to a late-stage lifer’s successful pathway to release. Zahid describes feeling emotionally ‘on the edge’ — at a heightened risk of lashing out verbally or physically, due to intense feelings of anxiety and frustration.

For men and women convicted of murder as secondary parties, using ‘joint enterprise’, the process of parole (including the preparation of reports) is complicated by the need to navigate complex discussions and expectations related to legal and moral

guilt. Accepting ‘responsibility’ for one’s actions while continuing to question the legal legitimacy (or fairness) of a ‘murder’ conviction feels precarious.⁷ A tight-rope to walk, which can also increase anxiety.

Zahid’s story (and others like his) suggest that increasing understanding of the intense emotional pressure that late-stage lifers face, among prison staff and members of the Parole Board, would benefit such individuals. For staff, this might mean considering alternative support mechanisms for lifers who are approaching parole, particularly those who appear to be non-compliant or are displaying challenging behaviour. As has been suggested elsewhere,⁸ life sentenced prisoners would most benefit from support that is person-centred and focused on wellbeing, rather than risk. In the context of a broader awareness of mental health, recognition of how ‘normal’ concerns about release are and their likely impact on behaviour is crucial. Zahid makes a final plea: ‘there should be room to consider the emotional journey parolees go through’. We hope that greater empathy and understanding of the complex emotions that characterise the experience of a life sentence, among staff and the Parole Board, might increase hope among late-stage lifers,⁹ improve the legitimacy of the system and avoid delays to release for individuals who have been waiting decades to live (well) in the community again.

7. See n.4.

8. Wright, S., Hulley, S., and Crewe, B. (2021) ‘The Challenges and Needs of people serving long life sentences from a young age’, Clinks Evidence Library. Available online: <https://www.clinks.org/sites/default/files/2021-08/The%20challenges%20and%20needs%20of%20people%20serving%20long%20life%20sentences%20from%20a%20young%20age.pdf>

9. See Wright, S., Hulley, S. and Crewe, B. (2022), ‘Trajectories of hope/lessness among men and women in the late stage of a life sentence’, *Theoretical Criminology*. Published online <https://journals.sagepub.com/doi/full/10.1177/13624806211067770>

Living in the present, imagining a future: Children and young people navigating the mandatory life sentence

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Between 2015 and 2019, an average of 27 children each year were sentenced to mandatory life terms for murder.¹ Though small, the number appears to be increasing and these children face challenges distinct from their determinate sentenced peers.² This article explores these challenges through an analysis of primary research³ with male children serving long sentences (defined as determinate sentences of more than five years, or indeterminate sentences of any minimum term) at HMYOI Wearside, a young offender institution in England.

Sentencing children to life imprisonment and context of the article

The Powers of Criminal Courts (Sentencing) Act 2000 provides that the mandatory sentence for a person convicted of murder, committed when under 18, is Detention at Her Majesty's Pleasure (DHMP). Between 2011 and 2019, 224 children were sentenced to DHMP for murder.⁴ Of these, almost all were aged between 15-17 (n=130) or 18 years and older (n=84) at the point of sentencing. The remainder (n=10) were aged 10-14 years.⁵ The minimum term — the tariff —

for both children and adults convicted of murder is set by the sentencing judge with reference to a minimum starting point outlined in the Criminal Justice Act 2003. At the time of writing, the starting point for children aged under 18 at the time of the offence is 12 years in custody. Changes to this are proposed in the current Police, Crime, Sentencing and Courts Bill, which sets out a matrix based on age at the time of the offence and the relevant starting point for adults. In practice, this will increase the starting point for most children, with starting points for minimum custodial tariffs ranging from between 8-15 years for children aged 14 and under, to between 15 and 27 years for those aged 17 or over at sentencing.⁶

Recent data from the Ministry of Justice shows that children in England and Wales are now being sentenced to minimum tariffs which have long been considered 'barely survivable' for adults.⁷ For example, the majority of children sentenced to DHMP between 2011 and 2019 (85 per cent) were given tariffs of between 12 and 20 years, while 5 per cent were sentenced to tariffs of 23 years or more.⁸

Boys sentenced to DHMP remain in the youth secure estate until 18, when they move into the young adult estate, and then onto the adult estate at 21 years

1. Ministry of Justice (2020) *Police, Crime, Sentencing and Courts Bill: Sentencing, Release, Probation and Youth Justice Measures: Impact Assessment* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/967787/MOJ_Sentencing_IA_FINAL_2021.pdf
2. The number of children serving life sentences is no longer routinely published. Data obtained by Channel 4 News found an increase in the numbers of young people convicted of murder over the last five years – see Channel 4 News: Exclusive: Number of teenagers convicted of murder more than doubles in 5 years 3 December 2021. Available at: <https://www.channel4.com/news/exclusive-number-of-teenagers-convicted-of-murder-more-than-doubles-in-5-years>
3. For details of the study and its methods, see: Tynan, R.R. (2019) *Young Men's Experiences of Long-Term Imprisonment: Living Life*, London: Routledge.
4. See n.1.
5. Ministry of Justice (2021) *Police, Crime, Sentencing and Courts Bill 2021: youth custodial sentences* factsheet, 7 July 2021. Available at: <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-youth-custodial-sentences-factsheet>. The time taken to reach trial and conviction means a significant number of under 18s convicted of murder are over 18 by the time they are sentenced. However, they will be sentenced to DHMP.
6. *Police, Crime, Sentencing and Courts Bill (as amended on report) HL Bill 95, 18 January 2022*, Available at: <https://bills.parliament.uk/publications/44739/documents/1259>
7. Crewe, B., Hulley, S. and Wright, S. (2020) *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*, London: Palgrave Macmillan.
8. See n.1.

old.⁹ There is no separate provision for young women — at 18, they move into the adult women's estate.¹⁰ The youth secure estate is made up of Secure Children's Homes (holding children aged 10 to 17 years), a Secure Training Centre (holding boys aged 12 to 17 years), and Young Offender Institutions (holding boys — and, at the time of writing, some girls — aged 15 to 17). The latter most closely resembles an adult prison in structure and regime.¹¹

Despite the increasingly routine nature with which courts in England and Wales are sentencing children to the state's most severe punishment, little data is available on the lived experience and impact (either short- or long-term) of such sanctions. Drawing on the author's broader research into long-term imprisonment among male children noted above, this article offers a close analysis of the narratives and experiences of the only four boys within their original study who were serving sentences of life imprisonment. The first, Aaron, was 17 years old at the time of the research, having served almost four years of a 12-year tariff. The second, Jerome, was almost 16 at the time of interview and had served two years of a ten-year tariff. Ricky, the third, had been sentenced to a 14-year tariff at the age of 15, and was 17 at the time of interview. Lastly, Abdi was aged 18 at interview, convicted at aged 16 and serving a 14-year tariff.¹² In the absence of empirical work on child lifers in England and Wales, specifically, this paper offers a rare insight into their experiences.

What follows is an analysis of the specific experiences of Aaron, Abdi, Jerome and Ricky, which suggests that the difficulties inherent in serving a life sentence are compounded for children by three additional and interconnected challenges:

1. A perceived absence of legal legitimacy, and the impact of this on coping: a significant number of children serving life sentences are convicted using joint enterprise (a legal doctrine, which enables more than one person to be convicted of

a single offence — outlined in more detail below).¹³ This creates concerns about legitimacy which can be compounded by experience in prison and influence engagement.

2. The pains of childhood imprisonment: There are striking similarities in the ways children and adults describe the pains of long-term imprisonment, but the significance of these is arguably greater for children.
3. The stalling or corrupting of the developmental and maturation process: Starting a life sentence at a young age removes responsibility and self-sufficiency and access to conventional markers of adult development. Without this, children and young people find it more difficult to develop an adult identity.

Alongside these challenges, children — like adults — serving life sentences must find ways to demonstrate that they have reduced their risk, so they can progress towards release. This article explores these concerns through the lives and experiences of the four children identified above; boys aged 15-17 years serving mandatory life sentences for murder.

The pains of childhood imprisonment: There are striking similarities in the ways children and adults describe the pains of long-term imprisonment.

Perceived absence of legal legitimacy and impact on coping

All four boys in this article were convicted of murder using the legal doctrine of joint enterprise, an umbrella term encompassing three broad sets of circumstances in which multiple individuals can be held legally culpable for a single offence:

- a) Multiple principal defendants commit the criminal act, with the necessary intent for criminal liability
- b) Secondary parties intentionally encourage or assist the principal in the commission of an offence
- c) Multiple defendants agree to commit one crime and, in the course of it one party commits a second crime.¹⁴

9. HMPPS/Youth Custody Service (2017) *The Youth Custody Service Placement Team: Overview of operational procedures*. London: HMSO.

10. Epstein, R. (2019) Policy and Practice for Young Adult Women in the Criminal Justice System, *British Journal of Community Justice*, 15(1), pp.53–66.

11. HM Chief Inspector of Prisons for England and Wales (2020) *Annual Report 2019–20* (HC 856). London: HMSO.

12. 'Wearside' and the names of young people are pseudonyms.

13. Statement from Just for Kids Law, following Supreme Court judgment in Jogee, 18 February 2016, Available at: <https://www.justforkidslaw.org/news/statement-just-kids-law-following-supreme-court-judgment-jogee>

14. Crown Prosecution Service (2019) *Secondary Liability: charging decisions on principals and accessories*, available at: <https://www.cps.gov.uk/legal-guidance/secondary-liability-charging-decisions-principals-and-accessories>

Between 1985 and 2016, a secondary party could be convicted of murder if they 'foresaw' the principal might commit GBH or kill with intent, even if the secondary party did not intend the lethal violence.¹⁵ In 2016, the Supreme Court ruled that the law had taken 'a wrong turn' and that a defendant could only be found guilty if they intended to assist or encourage the principal to commit GBH or kill with intent.¹⁶ However, secondary parties' intent may still be inferred from foresight and joint enterprise continues to create a flexible definition of culpability, leaving questions about the legal legitimacy of the conviction and sentence.¹⁷

Like many young people and adults convicted using joint enterprise, Aaron struggled to make sense of it, highlighting the unfairness and illegitimacy that he believed to be inherent in this legal practice:¹⁸

You can still convict me, even though you don't know that I've done it...how's that? If you don't know what I've done personally, you can't convict me on other people's actions. I know who did what... [But] the guy that done it said that I done it.

Aaron and 'the guy that done it' were convicted of murder, while several co-defendants received convictions for the lesser offence of manslaughter. The circumstances of all convictions vary but the use of joint enterprise to achieve murder convictions in each of these cases, the boys argued, masked the complexities that were rarely documented and explained in prison records or explicitly addressed in interventions.

This lack of legitimacy permeated the ways in which these four children approached their sentence, influencing their ways of coping, their attitudes to staff, their progress and their orientation to the future. For instance, both Ricky and Abdi continued to maintain their innocence, but both had appeals dismissed. Despite maintaining innocence, Ricky occasionally bragged about his offence and told varied, fantastical stories about his family and criminal empire which made him an object of fun to staff and other boys. Abdi regularly failed mandatory drug tests and was confined

on the wing. In this sense, both were seeking ways to cope which were ultimately obstructive to their chances of imagining and reaching a future beyond prison. The ambiguity of their convictions — in their eyes — made it feasible to continue to deny their culpability and justified their ways of coping; however, offending behaviour programmes, progression and parole usually require recognition of culpability as a demonstration of insight. Without this, progression and release are less likely (though not impossible). Accountability requires engagement with complexities, but these young people were reluctant to do so within a system they found opaque and untrustworthy; an important note for establishments now holding a growing number of children serving life sentences for murder.

In contrast, Jerome and Aaron each saw prison as inevitable, although both similarly questioned the legitimacy of their convictions (and those of their co-defendants). Having spent their early adolescence in the company of adults involved in crime, they were resigned to paying a price. There was no resentment, just acceptance: '*Except for get married and have kids, I've done everything else you can think of*', said Aaron. This minimised to some extent the direness of his

current circumstances (as a boy who, at the time of the study, had served four years from the age of 13). Both boys maintained a narrative of 'choice' — that is, that they had willfully chosen to be compliant within the prison system, rather than having this forced upon them — and this seemed to help them both navigate and bear the weight of their sentences. Well-known by their peers outside and in, both felt they had nothing to prove, and their compliance made them popular with staff, often being selected to meet with official visitors and for family days. Theirs was an *instrumental* compliance (that which is 'based on incentives and rewards or disincentives and deterrents'),¹⁹ designed to make their daily life and progression to release more straightforward. Aaron had a trusted job in the staff mess. Jerome looked forward to going home to his young son — he, more than any of the other boys, could envisage a future beyond prison.

An important note for establishments now holding a growing number of children serving life sentences for murder.

15. For a fuller description of the law see Jacobson, J. Kirby, A. And Hunter, G. (2016) *Joint Enterprise Righting a Wrong Turn?: Report of an exploratory study*, Institute for Criminal Policy Research, Birkbeck, University of London.
16. R v Jogee [2016] UKSC 8
17. Hulley, S., Crewe, B. & Wright, S. (2019). 'Making Sense of 'Joint Enterprise' for Murder: Legal Legitimacy or Instrumental Acquiescence?', *British Journal of Criminology*, 59(6), pp.1328-1346.
18. Crewe, B. (2013). 'Compliance in Prisons'. In P. Ugwuodike and P. Raynor (eds) *What Works in Offender Compliance* (pp.119-142). Palgrave Macmillan, London.
19. Hulley, S. Crewe, B. and Wright, S. (2016) 'Re-examining the Problems of Long-Term Imprisonment', *British Journal of Criminology* 56, pp.769-792

None of the boys reported being advised or supported to find positive ways to cope — except by their peers — and there was no clear structure for this. Each found their own way — for better or worse. Ironically this meant that children with knowledge of prison gleaned from friends, associates or family members were better equipped to cope than those without. It underlined the need to establish a peer group in prison, but this came at a potential cost including being expected to engage in violence, being a target for violence and being viewed by staff as part of a gang.

Pains of childhood life imprisonment

Children described the pains of long-term imprisonment in largely the same terms as adults, with the pain of missing loved ones the most widely reported.²⁰ The pain of separation is not revelatory, but its significance is greater for young people, as they have not developed the emotional or practical resources to manage it and they are at the earlier stage of the life sentence, a time at which such pains are known to be more severe.²¹ The widely held belief that prison is not particularly punishing — or not punishing enough — was shared by many staff and repeated by Ricky, who said:

Prison ain't really a punishment — your family will come to see you. You get fresh air, you get decent jobs, go to the gym, do this do that.

Yet Ricky's family did not come to see him and his bravado was not shared by others who had spent longer in prison and were more circumspect. The pain of separation was often overlooked by Wearside staff who expressed less awareness of the invisible pains of separation and loneliness and focused more commonly instead on the 'accessories' young people had access to (chiefly games consoles and TVs).

All four children described prison as less terrifying than they had imagined or seen on the television, but

the reality was of a life curtailed and constrained — seeing the same faces and the same surroundings day after day. The range of material goods available — games consoles, the ability to wear their own clothes, a phone in their cell — was wider than that available in some other prisons and was appreciated (at least privately). Many even suggested that it was too much, too comfortable. Yet they found prison far from easy. The interaction with staff, the imposition of rules and warnings were daily reminders that freedom was no longer theirs and this weighed heavily on young minds. They engaged in banter about the life lived before — partying, sex and the fun they experienced,²² but gave away the pain associated with no longer being able to make choices about how to spend the day, or with whom, and deep distress at being removed from

mothers and (often younger) siblings in particular. All agreed that the most significant pain was separation, with Jerome using the seemingly casual language of 'stressed out' and 'pissed off' to describe the pain, shame and guilt of causing another family member such distress:

My mum misses me. Like when I was talking to my mum earlier today she was like 'I miss you, you need to hurry up and come out so I can see you', and that... So... It's kinda like... It pisses me off in a way cos... I

stressed my mum out innit. I know I do like... My little brother will write me letters telling me he's cryin' and that.

Jerome's reflections highlight the painful ripple effect experienced by families of people serving custodial sentences. Prior to his imprisonment, Jerome's mother and younger brother relied on him emotionally and financially; despite being a 15-year-old child at conviction, he felt that he had let his family down by being unable to support them. His sense of responsibility towards them made him seem older than his years and yet it is precisely this that highlights the difficulty of the life he was leading before prison. Jerome's articulation of his family's distress — and the distress that it caused him — is a reminder that prisons and the people in them do not exist in isolation. In

Children described the pains of long-term imprisonment in largely the same terms as adults, with the pain of missing loved ones the most widely reported.

20. Richards, B. (1978). 'The experience of long-term imprisonment', *British Journal of Criminology*, 18(2), pp.162–169. See also n.23.
 21. Wright, S. Hulley, S. and Crewe, B. (2021) 'The pains of life imprisonment during late adolescence and emerging adulthood'. In L. Abrams and A. Cox (eds) *Palgrave International Handbook of Youth Imprisonment* (pp. 479-501). Houndmills: Palgrave MacMillan.
 22. E.g. See Ministry of Justice (2017) *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*, London: Ministry of Justice. Also see Adams and McCarthy this issue.

recent years the impact of a prison sentence on families and relationships has been highlighted to some extent²³ but more needs to be done to support children serving life sentences to maintain their relationships.

Assessments of maturity are difficult, and physical size and demeanour, combined with the conviction for murder, can make it easy to forget that these are still — in law and fact — children, away from home for a long time, and with no certain release date. In other settings, the separation of children and teenagers from their parents and home is recognised as a damaging experience with lifelong consequences.²⁴ Yet in prison, it is unquestioned; baked into the punishment. Some might argue that public protection demands separation, but this is not inevitable: the imprisonment of children is a legal and policy choice. Questions remain, such as, even if separation is necessary, what is the basis for creating family contact arrangements that mirror those for adults? Why are prisons for children based on prisons for adults, rather than wholly redesigned? Some recognition of this paradox is evident, however, in the move towards developing 'secure schools' for young offenders, which are intended to 'align the youth custodial estate with international evidence that smaller, more therapeutic units are more successful in rehabilitating offenders and reducing reoffending.'²⁵ The Ministry of Justice is working towards an opening date for the first of these at the end of 2022, on the former site of Medway Secure Training Centre.²⁶

Racialised identities, maturity and stalled development among child lifers

Traditional conceptions of childhood, framed around innocence and dependency,²⁷ are disrupted by a

Separation of children and teenagers from their parents and home is recognised as a damaging experience with lifelong consequences.

conviction for murder. In prison, being late, cheeky or untidy become discipline issues or risk factors rather than behaviour expected of children and adolescents. For the children described in this paper, this is underscored by their joint enterprise convictions for murder, which makes all parties equally guilty — and therefore also equally risky. In addition, three of the four children described in this paper were Black. The use of joint enterprise is racialised²⁸ and young Black people in prison are more readily 'adultified' — denied childhood status — and less likely to be given opportunities to learn from mistakes.²⁹ These elements combine into an identity that is bestowed by the conviction and by demographic characteristics rather than individual traits or behaviour. Staff at HMYOI Wearside consistently

identified 'London boys' as more difficult to manage, regardless of their IEP status or conduct. All four of the boys discussed here were from London, yet Ricky (who was white) was never referred to as such by staff. 'London', then, was a coded term, a form of colour-blind racism that rendered vulnerabilities invisible.³⁰

The constraints of imprisonment make the transition from adolescence to adulthood more difficult to achieve. The usual rites of passage are absent from the lives of children serving life sentences and, with no work experience and limited social networks, imagining or planning for the future is next to impossible. Traditional markers of maturity are also trickier to demonstrate in ways that are acceptable to those making decisions about progression and release. Transition is closely scrutinised and risk assessed and, if successful, young prisoners may have a future adulthood in the community to look forward to in years to come. If that transition is less successful, marked with non-compliance and challenging behaviour (or simply that which does not

23. Waddoups, A., Yoshikawa, H. and Strouf, K. (2019) 'Developmental Effects of Parent-Child Separation', *Annual Review of Developmental Psychology* 1(1), pp.387-410.

24. See n.5.

25. Justice Committee (2021) *Children and Young People in Custody (Part 2): The Youth Secure Estate and Resettlement: Government Response to the Committee's Sixteenth Report of Session 2019-21*, 19 April 2021, available at: <https://committees.parliament.uk/publications/5479/documents/54646/default/>

26. James, A. and Jenks, C. (1996) Public perceptions of childhood criminality, *British Journal of Sociology* 47(2), pp.315-331

27. Williams, P. and Clarke, B. (2016) *Dangerous associations: Joint enterprise, gangs and racism*. London: Centre for Crime and Justice Studies

28. Gilmore, A.A. and Bettis, P.J. (2021) 'Antiblackness and the Adultification of Black Children in a U.S. Prison Nation', 25.

29. For more on colour blind racism and constructing risk see Young, T., Hulley, S., & Pritchard, G. (2020). 'A 'good job' in difficult conditions: Detectives' reflections, decisions and discriminations in the context of 'joint enterprise', *Theoretical Criminology*, 24 (3), pp.461-481.

30. See n.3 and n.8.

conform to the expectations and standards of HMPPS), it could be a few years longer, as they may be less likely to be released from prison. Even if they are recommended for release by the Parole Board, they will be released without the social capital which might otherwise enable them to integrate into society. In addition to this, they will still be carrying the life sentence and all associated restrictions of the subsequent life licence.

Time in prison provided an opportunity for reflection that there was simply no time for outside. This enabled (what was felt to be) a process of growth and maturity, as Aaron explained:

I would have always grown up but... In here you've got time to sort of analyse yourself and... Outside everything happening quick, boom boom boom, but in here you can sort of sit back and say 'woah', at the silly stuff.

The feeling of having developed a deeper sense of maturity in prison has been reported by children serving determinate sentences, and young adult lifers.³¹ However, this did not make difficult contemplations any easier to deal with, as the boys struggled with a lack of certainty about the future and a sense of relinquishing control. Most were unable to think beyond the end of their sentence — for instance, when asked about his future, Aaron replied: 'I ain't even thought about that, that's just too... it's too soon'. At Wearside, children and young people serving life sentences were simply waiting — and wanting — for the future to come to them but with little real idea of how they might shape it and virtually no preparation for it.

Conclusion

Children serving life sentences describe the experience of imprisonment in similar ways to those reported by adults, suggesting that these pains of imprisonment are universal. It is no surprise that these fundamental pains — these human pains — are what characterise long-term imprisonment. A prison sentence is not an isolated event in a person's life; it connects the past, and the present and the future are shaped by it. Nor is imprisonment conceptually isolated from other aspects of public policy or discourse. Longer sentences for more crimes, decisions about culpability and release, and narratives about crime and dangerousness are woven into daily life.

However, it is possible, that the pains of long-term imprisonment are felt more painfully by individuals who are given life sentences when they are still children. The pains of imprisonment are intangible but at their heart is loss of control, freedom to self-determine and to make choices; an experience which is acutely felt among children on the cusp of autonomy and independence. The transition into adulthood within prison is scrutinised and documented in a manner uncommon to children in the community, and without context or transparency. Children in prison are disempowered in their own lives and attempts at agency can be viewed as insubordination, with far reaching and long-lasting consequences. It is unsurprising, then, that some choose passive coping mechanisms and let the future happen rather than plan ahead. However, children are capable of navigating their sentence if they have sufficient motivation to do so. While some young people found compliance difficult, those that understood what made life easier found ways to demonstrate what was expected of them.

This instrumental compliance was not faked or unthinking, but a consequence of recognising what could be gained: a better job, the chance to interact with different people or the hope of getting through the sentence as quickly as possible. It highlights the need for a regime that meaningfully rewards compliance and engagement, rather than simply punishing transgression. Some young people spoke of a restorative justice meeting that had taken place, privately, at the prison between a young person serving a life sentence and the mother of the boy he killed with the support of the Forgiveness Project, an organisation that 'collects and shares stories from both victims/survivors and perpetrators of crime and conflict who have rebuilt their lives following hurt and trauma'.³² The second-hand knowledge of this meeting was powerful — perpetrator and bereaved mother viewed with obvious respect. This suggested an appetite for creative, challenging work from children themselves that third sector organisations — like the Forgiveness Project — could match given more opportunity.

Ricky, Abdi, Aaron and Jerome are approaching or past their tariff expiry dates now but they will have been replaced in the secure youth estate by other young people serving life sentences who will, in turn, be replaced by others. What might prison be like if a more relational approach was integrated into these children's punishment?

31. The Forgiveness Project: Our purpose Available at: <https://www.theforgivenessproject.com/our-purpose/>

32. Masters, G. and Smith, D. (1998) 'Portia and Persephone revisited: Thinking about feeling in criminal justice. *Theoretical Criminology*. 2(1): 5-27.

Life imprisonment in mature adulthood: adaptation, risk, and reform later in the life course

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Recent research on life imprisonment has foregrounded prisoners' reflections on the serious (usually violent) offences which generate this life-shattering sanction. These reflections, centred on how they understand their moral responsibility and come to terms with punishment, are shown to be central to coping; prisoners' biographical sense-making shapes their psychological adaptations to imprisonment.¹ There is now a clear theoretical portrayal of how adaptation develops over time, based on a sample of prisoners who were young adults when convicted.² Whether the same picture holds for those convicted when older is unclear, a theoretical gap that this paper seeks to fill.

Existing research on older prisoners has tended not to focus specifically on lifers and has also explored a broad range of topics associated with ageing,³ such as physical health problems,⁴ an elevated risk of victimisation,⁵ and mental health and emotional difficulties associated with the end of life.⁶ Some studies have noted distinctive kinds of resilience among older people within this context, in the sense that life experience can help to navigate some aspects of

imprisonment;⁷ others have highlighted the unique experience of those convicted when already elderly, for whom the sentence can seem 'catastrophic', offering little but the pains of deprivation and the probability of death in prison.⁸ Studies in this literature, however, tend to focus on people already at an advanced age when imprisoned, and shed little light on the experience of life sentences starting in what is known as 'middle age'. The question of how prison adaptation might be distinctive for people convicted as mature adults, and ageing in prison, has not yet been answered empirically, particularly within the context of serving a life sentence.

Drawing on interviews with men in three English prisons, this paper responds to this by describing the experiences and adaptive thinking of those sentenced to life imprisonment in mature adulthood. It suggests that men convicted at this point in the life course adapt to the prison regime quickly and pragmatically, compared to younger people described in previous research. However, the way in which they assume moral responsibility for their offences differs: their accounts of the index offence are often justificatory, sometimes victim-blaming, and seem to have gone unchallenged. They are also less motivated to imagine and work

1. Crewe, B. Hulley, S., and Wright, S. (2017). Swimming with the tide: adapting to long-term imprisonment. *Justice Quarterly* 34(3), pp.517-541; Irwin, J. (2009). *Lifers: Seeking redemption in prison, criminology and justice studies*. New York: Routledge; Kazemian, L. (2019). *Positive growth and redemption in prison: Finding light behind bars and beyond*. New York: Routledge; Schinkel, M. (2015). Adaptation, the meaning of imprisonment and outcomes after release - the impact of the prison regime. *Prison Service Journal* 219, pp.24-29.
2. Crewe, B. Hulley, S. and Wright, S. (2020). *Life imprisonment from young adulthood: Adaptation, identity, time*. London: Palgrave Macmillan.
3. Leigey, M.E., and Aday, R.H. (2021). The gray pains of imprisonment: Examining the perceptions of confinement among a sample of sexagenarians and septuagenarians. *International Journal of Offender Therapy and Comparative Criminology* 66(8), pp.807-823
4. Hayes, A.J., Burns, A., Turnbull, P., and Shaw, J. J. (2012). The health and social needs of older male prisoners. *International Journal of Geriatric Psychiatry* 27(11), pp.1155-1162.
5. Hayes, A., and Shaw, J. (2011). Practice into policy: the needs of elderly prisoners in England and Wales'. *Prison Service Journal* 194, pp.38-44; Kerbs, J. J., and Jolley, J. M. (2007). Inmate-on-inmate victimization among older male prisoners. *Crime & Delinquency* 53(2), pp.187-218.
6. Aday, R., and Wahidin, A. (2016). Older Prisoners' Experiences of Death, Dying and Grief Behind Bars. *The Howard Journal of Crime and Justice* 55(3), pp.312-327; Turner, M., and Peacock, M. (2017). Palliative care in UK prisons: Practical and emotional challenges for staff and fellow prisoners. *Journal of Correctional Health Care* 23(1), pp.56-65.
7. Avieli, H. (2021). 'A sense of purpose': Older prisoners' experiences of successful ageing behind bars. *European Journal of Criminology*. DOI: 10/gjnfq7; Mann, N. R. (2011). *Doing harder time? the experiences of an ageing male prison population in England and Wales*. Farnham: Ashgate.
8. Crawley, E. and Sparks, R. (2006). Is there life after imprisonment? How elderly men talk about imprisonment and release. *Criminology & Criminal Justice* 6(1), pp.63-82.

towards the future, and more inclined to ‘live in the past’.

These findings add nuance to recent findings in prison sociology about adaptation to very long sentences. The paper concludes by identifying some implications for policy and practice relating to this population.

Details of the research

Fieldwork was conducted in England between 2017 and early 2020. In total, sixty-six men serving mandatory life sentences⁹ participated in semi-structured interviews covering life before prison, events leading to the conviction, and prison experiences. Prison records were also consulted (with interviewees’ consent) to contextualise the interviews. A strong focus throughout the interviews was on participants’ ‘ethical lives’.¹⁰

This paper presents an analysis of fifteen of the sixty-six interviews, comprising a subsample of men who had been aged 40 or over when sentenced. Five were held in an open/resettlement prison, and the other ten were in two long-term category B prisons. They were serving mandatory minimum sentences averaging 17.7 years (s.d. 6.0, range from eight to 30 years).

Table 1 presents selected demographic data on the subsample, showing that each sentence stage band comprised approximately a fifth.¹¹ All its members, except one, identified as White (and all but one of those as White British). Eleven were convicted of murder in their forties and fifties; the remaining four at sixty or over. These characteristics distinguish them from the more ethnically heterogeneous and younger samples reported in recent research on life imprisonment.¹²

Table 1: Demographics and sentence characteristics of the subsample(n=15)

Sentence stage		Ethnicity	Age at conviction	
Very early	20 per cent (3)	White 93 per cent (14)	40-44	13 per cent (2)
Early	20 per cent (3)	Mixed 7 per cent (1)	45-49	33 per cent (5)
Mid	27 per cent (4)		50-54	27 per cent (4)
Late	20 per cent (3)		55-59	—
Post-tariff	13 per cent (2)		60-64	20 per cent (3)
			65+	7 per cent (1)

Around half had committed murder in the context of intimate relationships. None were convicted using the joint enterprise doctrine—this a striking departure from lifers convicted when young, of whom around half had convictions of this kind.¹³ . But they were heterogeneous in their educational and work backgrounds, with around half having been convicted following lengthy professional or business careers. All were fathers. Crucially, many struggled to think of themselves as ‘criminals’, despite their murder convictions.

The following section describes their experiences of the early sentence stages, pointing to the rapid adjustment to the sentence most appeared to have undergone, and comments on the nature of their compliance with prison regimes. It then describes two contrasting attitudes evident among this group: first, to

risk reduction, and second, more generally, to the idea that they could or should change or reform themselves in prison. The analysis sheds light on how moral and existential reflection play out for those with substantial experience of adult life before prison.

Findings

Rapid adjustment in the early sentence stages

The six men in the ‘very early’ and ‘early’ stages of the sentence (four of whom were in prison for the first time) alluded to experiences of ‘entry shock’. However, they did so in terms suggesting neither the ‘catastrophic’ loss of selfhood evident among people sentenced when much older,¹⁴ nor the expressive, resistant, or dissociative behaviour characteristic of younger people experiencing grief for their extra-

9. For clarity, this means that they had all been convicted of murder.

10. That is, their views on how they ought to live and who they ought to become, given the interplay of their own social position and their understanding of how they will be perceived by others; see Keane, W. (2016). *Ethical life: its natural and social histories*. Princeton, NJ: Princeton University Press. To be clear: my aim was not to evaluate interviewees’ status as ‘ethical’ or ‘unethical’ people; but instead, to describe how they evaluated themselves and thought they should live as a result.

11. Bands adapted from Hulley, S., Crewe, B. and Wright, S. (2016). Re-examining the problems of long-term imprisonment. *British Journal of Criminology* 56(4), pp.769–792. ‘Very early’ = up to one-sixth of the tariff served at the point of participation; ‘Early’ = between one-sixth and one-third of the tariff served; ‘Mid’ = between one-third and two-thirds of the tariff served; ‘Late’ = between two-thirds and the entire tariff served.

12. See n.2.

13. See n.2.

14. See n.9.

carceral lives during the early sentence stages.¹⁵ None described any involvement in violence in prison, whether it was acted out on the self or on others. Only one disclosed recent drug use.

Their accounts of the legal process and of the conviction itself differed strikingly from the emphatic picture of 'despair and disbelief' and 'temporary moral suspension' found by Crewe, Hulley and Wright among their younger sample.¹⁶ A few in the present subsample had pleaded guilty while most had gone to trial, but only one made a strong claim of innocence.¹⁷ In some cases, moral guilt ran deep, as Gary explained:¹⁸

I hate myself for it. And [I] still think, 'Hang me, or needle, or whatever they want to do'. Because I still feel they should have took my life because I took his life.

Other self-evaluations were more qualified than this, but accepted that involvement in killing another person deserved punishment:

I honestly didn't mean to do it, but you can't say that, can you? I didn't plan it, but he's dead and I did it. I weren't gonna waste a jury's time. It's taking the piss, isn't it? Come on, you've taken someone's life and you're trying to get away with it? It's not right. (Ron)¹⁹

It should have been manslaughter, but I'm not going to keep moaning about it. (Robert)

The underlying sentiment in the last two quotes was widespread: the sentence was there to be got on with. If they complained, most did so about aspects of prison life, not the sentence itself. They apparently felt little of the despair and 'temporal vertigo' of younger

lifers but were able to conceptualise what were still very long sentences by drawing on their own biographies.²⁰ They accepted their convictions, or at least were resigned to them. In this, they resembled Crewe's (short- to medium-sentenced) 'pragmatists', in that most appeared 'not [to] dwell on their moral status or the legitimacy of their predicament',²¹ but instead simply got on with the sentence.

Strategising progression

Though many in the subsample had some difficult experiences in the early sentence stages (e.g. being robbed or bullied), they tended eventually to recognise that their non-involvement in prison subcultures could facilitate their progression (by minimising the trouble they might get into):

I never done drugs anyway, but I know people that are [and] they know I'm not interested so they won't [...] try and drag me into it. (Gary)

They saw category B prisons as tolerable if unpleasant environments, prizing their single cells, self-cook facilities, and relatively varied work opportunities. Dialling back their material desires, they reflected that they could be enduring

worse hardships:

Me and my mate [were] sitting there laughing... How are these dickheads suffering? We've been in a couple of years, and we're sorted! You know? Got everything we want. [These other fellas are] young, short-sighted idiots, you know? Haven't got the life experience, haven't got, you know, that attitude... (Matt)

Their accounts of the conviction differed strikingly from the 'despair and disbelief' and 'temporary moral suspension' typical among younger lifers

15 "Entry shock": the bewilderment, disorientation and stress responses associated with induction into the prison environment, all resulting in difficulty in feeling any sense of agency in one's situation. See n.9. Also, Jewkes, Y. (2005). Loss, liminality, and the life sentence: Managing identity through a disrupted life course. In A. Liebling and S. Maruna (Eds.) *The effects of imprisonment* (pp. 343-365). Willan: Cullompton; Wright, S. Crewe, B. and Hulley, S. (2017). Suppression, denial, sublimation: Defending against the initial pains of very long life sentences. *Theoretical Criminology* 21(2), pp.225-246.

16. See n.2.

17. That is, he maintained he had not been involved at all in causing another person's death, as opposed to disputing his culpability in causing that person's death.

18. All participants quoted pseudonymously.

19. Although Ron was post-tariff, and his words are in retrospect, his guilty plea, and the fact that he handed himself in to the police, both emphasise his willingness to accept responsibility from an early stage.

20. See n.2.

21. Crewe, B. (2009). *The prisoner society: Power, adaptation and social life in an English prison*. Oxford: Oxford University Press.

Several in the in long-term category B prisons said they were consciously trying to delay 'progressive' moves:

A lot of us don't actually want to do courses to get onto C-cat, we want to get D-cat. We are in no rush. We want to try and bypass the whole C-cat scenario. (Pete)

Pete and others preferred to stay where they were for as long as possible, and one (Alan) who had earned his cat-C very early in the sentence said he was 'livid' about it. Confronting the offence and rehearsing a narrative of 'change' was not often a priority for those with years of their tariff left to serve. They felt little pressure to be more proactive. Category B regimes afforded them (relatively) more comfortable accommodation and a more conducive regime than they anticipated in 'chaotic' (Pete) category C prisons. Meanwhile, the same regimes actively supported their view of themselves as morally worthy agents, by requiring simply that they work (which they did willingly

and often in coveted roles) and comply (which they did easily).

Defending moral status and questioning risk

The men had contrasting attitudes to risk, change, and progression, falling into two broad ideal-type groups. These are summarised in Table 2 (below). Both groups brought their substantial life experience before prison into play when discussing how their conviction had affected their self-identity, but they emphasised different aspects of those experiences. One group, whose public attitude to the offence was broadly to minimise it as a 'mistake', highlighted aspects of their lives which were mostly irrelevant to their offending, but which suggested their 'real' moral status as good, if flawed, people. Another group, whose public attitude to the offence more openly dwelled on guilt, shame, regret, or remorse, pointed to patterns of behaviour in their past lives which, in their view, had eventually culminated in the offence. Both attitudes situated the speaker as a morally decent person, but they differed in how far they acknowledged the offence as morally relevant.

Table 2: Attitudes to risk, change and progression

	Group 1 — 'the mistaken'	Group 2 — 'the remorseful'
Explanation of the offence	An aberration, discontinuous with the 'true self' at the time	A culmination, continuous with the 'true self' at the time
Origin of violence	Provocative situations or people, personal mistakes	A personality capable of being provoked, personal faults
Ethical priority in prison	Self-preservation	Self-development
Attitude to risk	Alienation, 'their label'	Recognition, 'my problem'
Attitude to offence-focused work	Resented as vindictive	Accepted as legitimate

These ideal types resemble those summarised by other researchers, including the 'good person who made a mistake' and 'bad person who became good' narratives highlighted among young lifers, and the 'stability', 'return', and 'elastic' narratives noted by Lois Presser among violent men.²²

In describing their attitudes to rehabilitative intervention, older lifers in Group 1 (who made up around two-thirds of the subsample) took refuge in their lives before conviction, offering past experiences and achievements as counterweights against official assessments of their risk and culpability as murderers. Such assertions of moral status made the murder conviction marginal to their story, and questioned the corresponding implication that they ought to reform themselves, as Gerald indicated:

I was never wilful, never rebellious. I might have been naïve. I always thought well of people generally. I was following the rules generally. I brought up a very good family. I had a very good job. You know, a respectful [sic] job [...] There's nowhere I can really go [in prison], to be honest with you [...] I do a good job. I do my work. Where can I go? (Gerald)

They frequently emphasised their moral superiority to other prisoners, but these comparisons were seldom relevant to their index offence(s), nor to a meaningful understanding of risk. Robert exemplified the narrative balancing act this involved. He declared he had 'no respect for cons' but had nonetheless been 'an arsehole' before prison. He

22. See n.2. Also, Presser, L. (2004). Violent offenders, moral selves: Constructing identities and accounts in the research interview. *Social Problems* 51(1), pp.82–101.

declared, 'if I was a judge, I would have been harder on me than he was'. But he emphasised that his 'wild' lifestyle had been paid for by lawful earnings and wealth. Paradoxically, he judged himself more harshly for his past conduct in intimate relationships than for murdering the victim ('a cunt') whose provocations Robert said had caused the offence. The conviction had not erased his sense of social status in relation to other prisoners (who he derided as 'scum'). Others were readier to admit to feelings of remorse, but crucially not to profess these publicly: Gerald, for example, insisted they were a matter between him and God.

For Group 1, the conviction and sentence were neither a 'catastrophe',²³ nor a 'radical rupture between past, present and future'.²⁴ Life before prison remained a significant discursive resource, not an overwhelmingly painful absence. Memories of it, and comparisons with other (mostly younger) prisoners, reassured these men that they were not the 'real' criminals. It followed that most questioned the idea that they had reformatory work to do, by reducing risk or changing their characters. Their scepticism about risk reduction, at least, was not groundless: ten men in the subsample had 'low' actuarial risk scores across the board²⁵ and none scored 'high'. In Risk of Serious Harm assessments, only one posed more than a 'low' risk to any group in custody, although all fifteen were expected to pose at least a 'medium' risk to at least one group in the community.²⁶

Of course, assessments of risk and evaluations of culpability and moral worth are analytically distinct. But just as risk assessors sometimes do,²⁷ Group 1 often conflated moral/legal culpability with statistical risk, something that the prison encouraged by targeting its offence-focused interventions so rigorously at those posing higher risk.²⁸ Much of Group 1's ethical work buttressed their self-worth against the stigma implied by the conviction. Questions about risk in their interviews sometimes prompted them to revisit questions of culpability in the index offence:

They keep referring to risk, you see? I might kill somebody else any minute! Stupid fools!

It's just lack of knowledge, lack of understanding. You see [...] all these people making decisions never talk to anybody in my family, who know all about [the circumstances] (Alf)

The emphasis here was on the singular nature of the offence, framed as an aberration, irrelevant to their future behaviour. While not disputing legal guilt, Alf situated it in his longstanding frustrations with the person he had killed. Implicitly, the resort to lethal violence did not blemish his character, and his age gave him more experiences of conventional social status through work and family life than was available to younger people, who offered similar narratives with less discursive ballast.²⁹

To Group 1, others who displayed 'appalling' (Gerald) conduct in prison seemed to be the 'real' criminals (and far 'riskier'). Group 1 framed their index offences as discontinuous with patterns in their longer-term behaviour. They were compliant and 'low risk', and therefore also a low priority for intervention, so they were hardly pushed to search for such patterns. Their claim, then, was not that murder had been justified, nor exactly that they were not responsible, but that it did not morally contaminate them. Thus, it seemed to them, they required no rehabilitation. The offence had been a mistake, they already knew right from wrong, and stoic endurance of the penalty—'suck[ing] it up' (Robert)—was the extent of the moral obligation that punishment imposed.

Group 2, by contrast, were far readier to see the offence as part of a pattern. Comprising around a third of the subsample, they usually possessed few or no prior convictions but explicitly located the offence within a longer pattern of behaviour. Their descriptions of themselves strongly diverged from those quoted above:

I feel that I am evil [...] I didn't want to take his life, but... I stabbed him [...] I couldn't stop. That's all I remember. I just couldn't stop. It wouldn't let me [...] Anger sort of takes me away from myself. (Gary)

Assessments of risk and evaluations of culpability and moral worth are analytically distinct.

23. Crawley, E., and Sparks, R. (2005). Older men in prison: survival, coping and identity. In A. Liebling, and S. Maruna (Eds.) *The effects of imprisonment* (pp. 343-365). Cullompton: Willan.

24. See n.2.

25. That is, OGRS, OGP, and OVP. Scores were only noted for twelve men, the others having not consented to their prison records being noted.

26. This is likely a result of the gravity of the index offence (murder).

27. Slovic, P. and Peters, E. (2006). Risk perception and affect. *Current Directions in Psychological Science* 15(6), pp.322-325.

28. Culpable: 'guilty, criminal; deserving punishment or condemnation'. See OED, (n.d.). culpable, adj. and n.

29. Compare this account with those referenced in n.2.

Gary's offence had caused him experiences of dissociation and self-alienation. His ethical work targeted a long-standing pattern of alcohol-fuelled violence. For Alan, the long-term behavioural pattern involved conflict in intimate relationships:

Bells were rung in other relationships where [partners] said [...] 'You need to get help'. [I was] very stubborn, and thinking, 'well, there's nothing wrong with me, why do [they] keep saying that?' [...] And that's why I wanted to do [the Kaizen course].

BJ: What did it offer you?

Making me a better person (Alan).

Acknowledging flaws in the self usually meant trying to correct them, but not always. Terry said he was too old to change. His beliefs and attitudes about violence were rigid, but he pointed to age and failing health as evidence of reduced risk:

If I looked in the mirror and thought, 'twenty years ago you would have done [assaulted] that geezer...' You've got to do what you've got to do [...] [But] if I have an argument now [...] I go all faint, I can't get my breath. It's terrible [...] if someone says something, I still can't help giving it back [...] Even though I know I can't back it up no more. (Terry)

Concluding comments

This paper has argued that men sentenced to life imprisonment in mature adulthood appear to have a distinctive pattern of adaptation to prison life: rapid and pragmatic adjustment, ready normative compliance, a strategic and unhurried approach to progression, and (in some cases) a sense of themselves as morally superior to younger, more volatile peers. While those who had entered prison with a deep sense of remorse (often after pleading guilty to murder) engaged readily and inquiringly with offence-focused interventions, others tended to minimise and neutralise the offence and were left undisturbed in this stance because they were unenthusiastic to complete (and were in any case a low priority for) offending behaviour work.

The men described above generally posed a lower risk of reconviction than their younger peers (in terms of actuarial scores). Their assessed risk of serious harm

to people in the community, meanwhile, was generally similar to that of their younger peers. But crucially, their assessed risk of seriously harming others in custody was generally much lower. In other words, they appeared (both to themselves and to prison staff) less 'risky' than their younger peers in prison, where the situational preconditions of their violence (e.g., familial disputes, troubles in intimate relationships) were largely absent. They were compliant, saw the expectation to work as legitimate, and were trusted by staff. If, as they claimed, they were less involved in the informal economy, then they would be less affected by the relationships of debt and obligation that beset other prisoners and drove prisoner-on-prisoner victimisation, at least at the category B sites. And their sentence plans demanded little of them beyond continued compliance: maintain Enhanced status, remain employed, avoid adjudications, and so on). This posed them few challenges. Their encounters with alternative official framings of their offences and their selfhood were shallow and infrequent, and thus their opportunities to demonstrate 'change' were limited.

By contrast, the category B research sites offered ample opportunities for younger men, early in the sentence and deeply involved in prison subcultures, to engage in instrumental and expressive violence. Refraining from involvement in this social world offered a feasible (if fraught) path to demonstrate behavioural change. The older men, by contrast, already felt remote from the provocations and temptations of prison subcultures—they were 'just not interested' (Grant). They felt pains of 'tightness' less keenly, since they conformed to prison regimes readily. But they found it painful to have to associate with others they saw as 'real' criminals, and they often felt unclear about what reformative 'change' the prison expected.³⁰ They aligned themselves with official priorities insofar as they understood what those were, and their conformity was rewarded with good jobs and constructive staff relationships. It was unclear, however, how any of this related to the risks of reconviction or serious harm. And their narratives about the offence would not all play well in parole hearings, where the difficulty of demonstrating behavioural 'change' might also hamper their progress.

This perhaps raises the following questions for reflection: what does targeting offence-focused interventions based on risk say to prisoners about the kinds of murder that *matter*, morally speaking? Are minimisations and neutralisations challenged too little among the low(er)-risk? And if so, how legitimate would those harmed by very serious violent offences, including murder, perceive this to be?

30. 'Tightness' refers to the painfulness of knowing one's actions are under a consequential form of scrutiny, through processes of psychological assessment perceived as distant, misrecognising, and often unaccountable. See Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & Society* 13(5), pp.509–529.

No man's land: the experience of life-sentenced prisoners transferred to high secure psychiatric care

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Disclaimer: This article reflects our professional clinical views and not the views of the Trusts which employ us. Patient names have been changed to protect the identity of individual service users.

Introduction: Mental ill health and placement of male¹ life-sentenced prisoners

In this paper, we describe the experiences of male life-sentenced prisoners (hereafter referred to as 'lifers') who find themselves caught between two systems: the prison estate and high secure psychiatric care. We will argue that these are two very different systems with different approaches to care and risk management, and we describe how lifers who want to progress may experience challenges and dilemmas that other prisoners transferred to hospital do not face. We have used vignettes based on real cases to illustrate these challenges and dilemmas and are grateful to the men who agreed to share their thoughts about their experience with us to help us generate the vignettes.

Mental disorder in life-sentenced prisoners

Admission data reported by two high secure hospitals in England indicate that 39 per cent of the

patients in those hospitals are prisoners transferred under the relevant sections (discussed below) of the Mental Health Act 2007 (hereafter MHA).² This proportion has increased from 28 per cent forty years ago. Most of these prisoners will either be lifers (including, three of the 63 individuals in the prison estate serving whole life orders)³ or men who are detained under indeterminate public protection orders (IPPs).

Although studies of mental disorder in life-sentenced prisoners report mixed findings,^{4,5} they suggest that these prisoners struggle with higher rates of mental illness and psychological distress than individuals serving determinate sentences (those with a fixed release date).⁶ Like other prisoners, lifers often report exposure to multiple forms of adverse childhood experience.⁷ However, unlike other prisoners, lifers experience specific psychological 'pains' and distress that comes with indefinite detention⁸ and they are at an increased risk of suicide, especially in cases where the victim was a family member or partner.⁹

It is therefore unsurprising that life-sentenced prisoners may require admission for inpatient psychiatric treatment during their sentence. Provision is made for this in sections 47 and 49 of the MHA, which give the Ministry of Justice (MoJ) powers to transfer

1. The focus here is solely on males because the authors' professional expertise and current practice with life-sentenced prisoners is grounded within the male estate. There is to our knowledge little comparable research or commentary on the issues discussed here within the women's psychiatric and penal estate.
2. Personal communication: official data provided by the Mental Health Act Office at Broadmoor Hospital
3. As at end of December 2020. Ministry of Justice (2021). *Offender Management Statistics Offender Management Statistics Quarterly: October to December 2020 and Annual 2020*. Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2020/offender-management-statistics-quarterly-october-to-december-2020-and-annual-2020>—2 (accessed 27 August 2021).
4. Swinton, M., Maden, A. and Gunn, J. (1994). Psychiatric disorder in life-sentenced prisoners. *Criminal Behaviour and Mental Health* 4(1), pp.10-20.
5. Duffy, D., Linehan, S. and Kennedy H.G. (2006). Psychiatric morbidity in the male sentenced Irish prisons population. *Irish Journal of Psychological Medicine* 23(2), pp.54-62.
6. U.S. Department of Justice Office of Justice Programs (2017). *Indicators of mental health problems reported by prisoners and jail inmates, 2011-2012*. Available at: <https://bjs.ojp.gov/content/pub/pdf/imhprpji1112.pdf> (accessed: 4 April 2021)
7. Ford, K., Bellis, M., Hughes, K., Barton, E. and Newbury, A. (2020). Adverse childhood experiences: a retrospective study to understand their associations with lifetime mental health diagnosis, self-harm or suicide attempt, and current low mental wellbeing in a male Welsh prison population. *Health & Justice* 8(13), p.6666.
8. Leigey, M. (2010). For the longest time: the adjustment of inmates to a sentence of life without parole. *The Prison Journal* 90(3), pp.247-268.
9. Fazel, S. Hayes, A. J., Bartellas, K., Clerici, M. and Trestman, R. (2016). The mental health of prisoners: a review of prevalence, adverse outcomes and interventions. *Lancet Psychiatry* 3(9), pp.871-881.

sentenced prisoners to secure NHS facilities. Section 47 authorises transfer, based on medical recommendations, and section 49 gives the MoJ powers to restrict the movement of prisoners, based on perceived risk of harm to others.¹⁰ Usually lifers will be assessed as high risk because of their index offence and therefore are usually referred for admission to a high secure (as opposed to a medium or low secure) psychiatric service.

Lifers in high secure care: assessment for transfer

Many prisoners who receive a life sentence will have been assessed by at least one psychiatrist during the trial process, usually in relation to raising a psychiatric defence. However, this is distinct from any assessment for treatment of mental illness developed while serving a sentence. Referral to prison mental health services typically occurs if a lifer is perceived to be mentally unwell, and especially if they exhibit behaviours which are thought to be linked to mental illness and are unmanageable in prison. Prisons are rightly concerned about the risk of self-harm and suicide and/or disturbed behaviour that leads to risk to others (including assaults on fellow prisoners and officers). Further, if a prisoner has a mental disorder which requires treatment with medication, and the prisoner refuses such treatment, then referral to secure psychiatric care is needed because prisons are not recognised by the MHA as places where treatment (such as medication) can be given involuntarily (i.e., forcibly).

Before lifers can be transferred, there has to be agreement about the level of secure care needed. Prison psychiatrists usually refer to high secure psychiatric hospitals because of the nature of the offence and/or the risk that the prisoner poses in prison. However, the high secure hospitals may feel that the prisoner could be treated in less secure services like a medium secure unit; leading to disputes about the level of security that the prisoner needs. These disputes are linked to the difference between the risk assessments made for security purposes by the MoJ and HMPPS, and the risk assessments needed for treatment to be carried

out safely in high secure care. Typically, anyone who has killed is thought to need admission to high secure psychiatric care, but not everyone agrees about this. The high-profile nature of an offence may also lead to referral to high secure hospital, even if this is not clinically necessary. High secure services can decline to admit a prisoner if they feel that they are too high risk for them to manage, or conversely could be managed in less secure conditions. Further, the Secretary of State can direct admission of prisoners in rare circumstances.

A lifer who is to be transferred under section 47 of the MHA must be assessed by two doctors who are approved as having expertise in mental disorder. In practice, one assessment is usually undertaken by the psychiatrist working in the prison, and the other by a psychiatrist in the secure psychiatric hospital which will offer a bed. To be detained, the prisoner must have a diagnosable mental disorder which is potentially responsive to treatment, and this diagnosis will form the basis for a treatment plan. These individual treatment plans will be reviewed regularly by Mental Health Tribunals.

Delays in transfer for treatment are common. Rarely, treatment may be delayed if a prisoner's mental health needs are not recognised; more commonly, delays occur if prisoners refuse to be assessed. Even more commonly, delays occur because there are insufficient secure beds for

prisoners assessed as needing treatment in secure conditions, and there are associated disputes about the level of security that a prisoner needs for his treatment. Other professional disputes may arise in relation to whether a prisoner has a disorder of the nature and degree that makes it appropriate for him to be treated in hospital, and whether appropriate treatment is available. This is a particular issue for lifers who repeatedly self-harm but who have no other obvious 'symptoms' or signs of disorder, and for lifers convicted of sex offences, who often present with little evidence of the requisite functional link between mental disorder and sexual violence.

There is little available information about how and whether life-sentenced prisoners progress if transferred to secure hospitals under section 47/49. Grounds¹¹

Many prisoners who receive a life sentence will have been assessed by at least one psychiatrist during the trial process, usually in relation to raising a psychiatric defence.

10. *Mental Health Act 2007*. Available at: <https://www.legislation.gov.uk/ukpga/2007/12/contents> (accessed: 2 April 2021).

11. Grounds, A. (1991). The transfer of sentenced prisoners to hospital 1960-1983: a study in one special hospital. *British Journal of Criminology* 31(1), pp.54-71.

reviewed 380 cases referred to one secure psychiatric hospital and noted that 28 per cent were lifers. He also found that the nature of the offence could affect the length of detention; for instance, that sex offenders tended to be detained beyond the expiry of their original sentence. A study of 21 severely mentally unwell men in HMP Wakefield¹² reported that seventeen were referred for transfer to hospital, and that lifers were more likely to be refused. The author inferred that the indeterminacy of their sentences counted against them, and argued for increased provision for long-term psychiatric care for mentally disordered prisoners.

In conclusion, we do not have good quality information about outcomes for lifers transferred to secure psychiatric care. Referral from prison is often driven by concerns about risky behaviour, and not about improving mental health, and the combination of stigma plus bed shortages means that lifers may struggle to access the care that they need.

No man's land: tensions between two systems

Beginning treatment: assessment of risk and security needs

Treatment of lifers involves attention to improving mental health and reducing risk to self and others. Although each case is individually tailored and person-centred, most patients will be prescribed medication for obvious psychiatric symptoms. They will also be offered psychological therapies that address both trauma and violence; and this may be in groups or individually. They are also supported by mental health nurses and occupational therapy services. There are national guidelines about the treatment of various conditions which the secure hospital is expected to follow. Treatment ends when the person's mental state is considered stable.

The MHA Code of Practice¹³ states that patients should be treated in the 'least restrictive environment' necessary for the restoration of their mental health, but this stance may — and in fact often does — conflict with the penal requirement which reflects both risk assessment and (usually) an element of punishment.

We have met lifers whose clinical presentation could practically be managed in medium security, but whose index offence and public profile have been used by the MoJ as justification for detention in high secure care. This is an example of how the objectives of mental health legislation can conflict with the laws regarding the management of prisoners; and how public perceptions of risk and the need for punishment affect decisions made about lifers in psychiatric care.

The end of treatment and remission to prison

Once transferred to high secure care for treatment, individuals serving life can expect to remain there until their treatment is concluded and they are considered well enough to be discharged from MHA section and resume their sentence. The period of time in hospital counts towards their tariff. The Ministry of Justice guidance¹⁴ on the use of section 47/49 recommends that prisoners should be remitted (returned) to the prison from which they came. For some prisoners this can feel like a backward step; but for others, it may mean that they can resume their progress towards parole.

In reality, however, there are many factors that extend the time that prisoners are held in secure psychiatric care, including the process of (a) deciding to remit and (b) actually finding a prison placement. This process is involved and often protracted, requiring attention to an interaction of complex factors including: the lifer, their offence and personal history; the views of the psychiatric team about the prisoner's mental state; the risk they may pose to others; and institutional concerns within NHS England about the cost of high secure hospital management. Concerns within the prison estate arising from the wider socio-political context of the prisoner's life and offence are also often relevant, such as the nature of the offence, the views of victims and the prisoner's public profile.

In practice, we have found that the remission process can be slow. Prisons can refuse to take back the men referred, even when there is good evidence that they wish to return, to progress in prison. This can leave

There are national guidelines about the treatment of various conditions which the secure hospital is expected to follow.

12. Hargreaves, D. (1997). The transfer of severely mentally ill prisoners from HMP Wakefield: a descriptive study. *Journal of Forensic Psychiatry* 8(1), pp.62-73.

13. Department of Health (2015). *Mental Health Act 1983: Code of Practice*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/435512/MHA_Code_of_Practice.pdf (accessed: 12 April 2021)

14. The Parole Board (2020) *Guidance on Restricted Patients and the Mental Health Act*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/940449/Guidance_on_Restricted_Patients_and_the_Mental_Health_Act_-_October_2020.pdf (accessed: 1 June 2021).

men stuck between the two systems. Disputes are often about the presumed difficulty of managing a prisoner with mental illness in prison, e.g., in relation to medication, and the differences in perspective about health needs, as was the case for John:

John was convicted of murder aged nineteen, at a trial in which the legal doctrine of 'joint-enterprise' was used. He was sentenced to life with a tariff of fifteen years. After a few years, John began self-harming very badly and started striking out against prison officers with extreme violence. He was thought to be suffering from a psychotic episode on a background of emotionally unstable personality disorder, and admitted to high secure hospital. Initially, he struggled with the hospital regime but over time engaged well in therapy to regulate his moods more consistently, with the additional aid of medication.

After seven years in hospital, John had stopped self-harming and commented 'I've grown up here, think it's done me good. I've learned how to manage my thoughts and I take better care of myself. But I need to get back to prison, it's boring here and I've got to do my offence-related work...I want to apply for parole and see if I can have a life outside'.

John's remission to prison has been agreed but there are currently some disputes about whether he could have medication in prison, with some prison staff saying yes and others saying no. This has caused anxiety for John who self-harmed in response to his stress.

For many lifers, admission to hospital for treatment is the first opportunity they have had to properly engage in their own mental health and to gain treatment in a milieu in which they feel cared for. If there is no mental health in reach team, then prison staff may be anxious about prisoners being on medication for conditions like psychosis. Some therapeutic community (TC) programmes in the

Offender Personality Disorder (OPD) pathway have also refused to take prisoners on medication, arguing that it goes against the ethos of a prison TC. This can make progression difficult for a lifer with personality disorder who needs to complete work in the OPD programme and also benefits from medication. Some lifers, like John, are willing to take medication and cooperate with treatment in prison, and then are anxious about being taken off the treatment that has helped them.

Equally some men are extremely distressed at the thought of going back to prison when, for the first time, they feel mentally well, cared for and able to reflect on themselves and their offending. Taking medication can become a focus of this tension and distress, with some men stating that they will not take medication if they return to prison so they should not be remitted, effectively putting the treating team under pressure to keep them in hospital.

Security and therapy disagreements

The decision to return a lifer to prison can generate specific tensions between the security ethos of the prison and the therapeutic ethos of the psychiatric system. For example, a lifer who presents as acutely psychotic in prison but who makes a good recovery in hospital would clinically be seen as needing transfer to a medium secure unit (MSU), as the next

step in recovery from his ongoing condition. However, the Ministry of Justice may oppose a move to an MSU on the grounds of risk to the public and public anxiety, while MSUs are often already at full capacity with their own prison admissions, and reluctant to take lifers who may still have many years to serve.

MSUs also focus on recovery and community discharge, which is often unrealistic for lifers, who can then feel stuck compared to other patients, as Matthew described in his case:

Matthew, a 43-year-old man, was convicted of a double homicide and sentenced to life with a minimum tariff of several decades. He was in prison for the first five years of his sentence. He was then transferred to a secure hospital after presenting with a combination of anger, paranoia and fear, leading to a diagnosis of paranoid psychosis. Although he

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does not accept that he has a mental illness, he has accepted medication leading to a notable improvement in his mental state.

Matthew found the hospital system a place of solace for his mental health in multiple aspects. Despite this positive experience in hospital, Matthew knows he cannot move to an MSU because he has a very long sentence to serve. He is resigned to a return to prison at some point. But he still does not accept that he needs medication and so he will probably not take it if he returns to prison, which may mean that he relapses and has to be readmitted to hospital again.

Lifers often express a valid concern that the psychological therapy that they do in high secure care is not recognised by the prisons as accredited offender behaviour work. Only Offending Behaviour Programmes in prison, which are accredited by the Correctional Services Accreditation and Advice Panel (CSAAP), 'count' as evidence at a parole hearing or at a re-categorisation review. The CSAAP panel does not evaluate interventions in general mental health care, even those services managing offenders with mental health problems. For lifers, this lack of recognition of their treatment and its impact on their self-perceived risk level is deeply problematic; and they often express distress when they learn that their hard work in therapy will not be recognised as risk reducing in terms of any parole hearing.

Lifers with no therapy options

There are particular challenges facing lifers with a diagnosis of personality disorder, especially those with lengthy tariffs. Personality disorder (PD) is unlike other mental illnesses in that it requires a specific kind of treatment programme, which involves attention to childhood adversity and relationships with others. A specific pathway of prison programmes for lifers with personality disorder has existed since 2012 (the OPD noted above programme).¹⁵ However, the need

outstrips demand, especially for those prisoners who have other mental health problems such as chronic psychosis or depression. The high secure hospitals have had some success in treating men with severe personality disorders using a combination of medication, trauma-based individual work and group-based interventions such as mentalisation based therapy.¹⁶ However, it is often hard to convince other psychiatric services, including medium secure services, to admit prisoners with personality disorders, especially if they have many years to serve, so lifers can end up getting stuck in high secure care: too unwell to be in prison, but unable to move to less secure conditions.

Luke's case sets out the dilemma. He was very suicidal in prison, but his risk to others was thought to be too great for him to go to a medium secure service. He is now better but does not want to leave hospital.

Lifers often express a valid concern that the psychological therapy that they do in high secure care is not recognised by the prisons as accredited offender behaviour work.

Luke is a man in his 40s who was sentenced to life imprisonment for rape, and who has been detained many years past his tariff. This is because he has had several admissions to secure psychiatric care due to self-harm that is of a degree that prisons cannot manage, although the behaviour quickly stops in hospital. He has refused to do any offence related work, because he says 'it was a long time ago and not very serious'.

Luke's treatment team wanted to remit him back to prison as they see no evidence that he has any treatment needs. Luke wants to stay in hospital despite not wanting to engage in any treatment or believing that he has a mental health problem. The prison service is reluctant to taking him back, saying that he needs more therapy.

Luke is therefore detained under mental health legislation, while actively consenting to be there. His refusal to leave means that he is using a very expensive

15. See Joseph, N. and Benefield, N. (2012). A joint offender personality disorder pathway strategy: an outline summary. *Criminal Behaviour and Mental Health* 22(3), pp.210-217.

16. Newbury-Helps, J., Feigenbaum, J. and Fonagy, P. (2017). Offenders with antisocial personality disorder display more impairments in mentalizing. *Journal of Personality Disorders* 31(2), pp.232-255.

psychiatric bed (£400,000 per year) while other people who need it are unable to access care.

Getting unstuck: clinical considerations on future policy and practice

In November 2021, a new Directorate of Security was set up in HMPPS to address the needs of prisoners in high secure prisons; and they have recently issued guidance¹⁷ about how best to ensure that prisoners with health needs do not get stuck between systems. Professional groups exist to identify pathways for prisoners which address both their mental health and offender rehabilitation needs. Meeting regularly allows for closer working relationships, which can identify examples of good practice as well as gaps in services.

The new guidance is especially helpful for those lifers who want to go back to prison and feel able to manage there. However, it cannot address the problems of lifers who from a clinical perspective need only medium secure care, but whose tariff and risk profile means they will need extended care and treatment. Because 'length of stay' is a key performance indicator for most NHS mental health Trusts, professionals who run medium secure units resist taking patients who may need costly long-term care. The new Directorate has no authority to challenge such decisions.

Recently, it has been proposed that NHS England, the Ministry of Justice and HMPPS work together as partners in pilot projects to improve the remission process. There would be a specific emphasis on reducing the number of changes in care over the course of a sentence, ensuring that patients are remitted to the most clinically 'appropriate' prison establishment (rather than propriety being dictated by prison security concerns), and permitting security re-categorisation to be reviewed and decided while the individual is still in hospital. Such pilots could achieve a reduction in pressure on individual establishments, fewer transfers of care between prisons and better discussion about how to provide the statutory aftercare in prison to which prisoners who have been detained under the MHA have a technical right of access under s117 of the Act.

Prisoners who are remitted back to prison describe problems and concerns about the abruptness and binary nature of the change: hospitals and doctors one day, prison and officers the next. We have heard prisoners describe a wish for something much more joined up, which might be described as transmural forensic mental health care. One of us (CR) proposed a remission model which involves setting up a 'Landing

Pad' unit at a single prison, staffed by both HMPPS and NHS staff. Such a unit would allow the prison forensic psychiatrist to offer some continuity of care while enabling onward progression with regard to offence-related work and parole applications. The prisoner himself could feel more confident that his mental health is being considered important alongside 'doing his time'.

Our experience is that there are real ethical and clinical tensions between the demands of justice (completing one's sentence and returning to the community on parole) and the demands of the prisoner's welfare. The situation is not helped when well-meaning professionals (whether legal, medical, prison or nursing) tell prisoners that transfer to hospital means that they will be able to stay in hospital for the length of their sentence when, in reality, limitations on resources meant that this may not be possible.

We also wonder about our duties as forensic psychiatrists to respect the integrity of the justice process, and the claims of the civic society that sent a man to prison for an offence of serious (often fatal) violence. We consider there is something respectful about supporting a man to return to prison when he no longer needs to be in hospital, but still has work to do in prison about how to desist from future violence. We suggest that there are some patients who should be encouraged to think about their return to prison as soon as they are admitted to secure psychiatric care, and to integrate the likelihood of return into care-planning during their hospital admission. In return, we should work in such a way that mental health recovery is integrated with risk reduction work, and that there is transparency about what prisoners can expect from mental health services for prisoners.

Conclusion

In this paper, we have described how lifers who need psychiatric care may find themselves in a 'no-man's land' between secure psychiatric services and the demands of the prison service in relation to progression towards parole. We would strongly argue that treatment in secure hospital care should be recognised as part of an offence-related risk reduction programme, which can be used in re-categorisation decisions as well as parole hearings.

Acknowledgements: We are grateful for some anonymous feedback from service users for whom this is a lived experience. We are also extremely grateful to Anna England for her secretarial and administrative assistance.

17. Her Majesty's Prison & Probation Service. (2021). *Hospital Remission Strategy*. London: HMPPS.

The Needs and Experiences of Prisoners' Families during Long Sentences

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A significant proportion of the prison population in England and Wales are currently serving sentences which can be defined as 'long-term'. Almost half (48 per cent, or 34,416 people) are serving long determinate sentences (more than four years) and 13 per cent (9,110 people) are serving indeterminate sentences,¹ with a minimum number of years to be served in custody ('tariff') and no guaranteed release date. The majority of indeterminately sentenced prisoners — almost 7,000 people — are serving life imprisonment, of whom almost a third will serve at least 20 years in prison, with no guarantee of release.² Besides the many consequences that long prison sentences have for those serving them, this paper examines the experiences of families related to prisoners — who often suffer their own hardships whilst enduring the relationships from afar.

Our knowledge of prisoner-family relationships has grown considerably in recent years, matched by important policy interest from Lord Farmer's two reports on the status of family relationships within the men's and women's penal estate.³ However, there remains little research on the experiences of the families of lifers, specifically. This paper will therefore draw on the literature related to the pains of imprisonment for families of long-term prisoners *more generally*, to consider the problems that families of lifers are likely to face.

During the course of this paper, we highlight particular problems for, and needs of, relatives of prisoners serving long sentences. These include: the risk of family relationships weakening or breaking; families' greater emotional struggles digesting the sentence; difficulties coping with the duration of the sentence;

hardships planning for the future; and logistical challenges of maintaining visitation. Our paper concludes by suggesting policy recommendations focused on the needs of lifers and their families. First, we outline some of research on prisoner-family relationships.

Prisoner-family relationships and the impact of demographic diversity

One of the challenges in assessing the impact of long sentences on family is the diverse role and significance of family in the lives of prisoners. More traditional understandings of family encompass common ancestry (e.g. parents and children) or contractual union (intimate partnerships). However, these definitions may not take account of other forms of relation, such as same-sex relationships, foster carers, step-parents, as well as self-defined family in the form of close friendships. A large body of research identifies the deleterious effects of imprisonment on intimate relationships and children especially among male prisoners,⁴ but there is little research on more diverse forms of familial relationships.

Family ties can vary depending on the age of prisoner. Fears about release and anxieties about familial relationships after release rank highly among adult prisoners, largely due to worries about having less time to re-build ties that may have broken while in prison. This is a feature which Crawley and Sparks argue can be worse for imprisoned men who have a spouse,⁵ as research shows that many intimate relationships which exist at the point of entry into custody can break down, for a variety of reasons.⁶

1. House of Commons (2020). *UK Prison Population Statistics*. London: House of Commons Library.
2. Prison Reform Trust (2021). *Bromley Briefings: Winter 2021*. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Winter%202021%20Factfile%20final.pdf>.
3. Farmer, M. (2017). *The importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime*. London: Ministry of Justice; Farmer, M. (2019). *The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime*. London: Ministry of Justice.
4. Lopoo, L. M. and Western, B. (2005). Incarceration and the formation and stability of marital unions. *Journal of Marriage and Family* 67(3), pp.721-734; Turney, K. (2015). Liminal men: Incarceration and relationship dissolution. *Social Problems* 62(4), pp.499-528; Brunton-Smith, I. and McCarthy, D. J. (2017). The effects of prisoner attachment to family on re-entry outcomes: A longitudinal assessment. *British Journal of Criminology* 57(2), pp.463-482.
5. Crawley, E. and Sparks, R. (2006). Is there life after imprisonment? How elderly men talk about imprisonment and release. *Criminology & Criminal Justice* 6(1), pp.63-82.
6. See n. 4.

These include tensions arising from the offence committed, financial or emotional strains imposed by the sentence, or the gradual weakening of ties over time. Contrastingly, young prisoners are less likely to have had the time to form stable intimate relationships prior to prison, and consequently, may be more likely to rely on contact from parent/s, other primary carers or guardians, and siblings, where possible.⁷ In the main, it tends to be female family members, such as wives, partners, mothers, or sisters, who provide a disproportionate level of care for prisoners (both male and female).⁸

Considerable gender differences exist in the role and levels of contact with family among male and female prisoners. The theme of trauma tends to be more pronounced in the lives of women compared to those of men, which can impact on family ties.⁹ Issues of sexual abuse in the family lives of women prior to prison have been highlighted as more acute than for men,¹⁰ placing restriction on their capacities to draw on such familial resources during the sentence. And for those women with children (according to one estimate, around two thirds of the women's prison population),¹¹ the prison sentence can have major consequences for both the child and the mother. For mothers, these include significant logistical challenges organising care for children whilst in prison, concern about finances¹² and, for female lifers specifically, the psychological impact of worrying about or missing contact with their children over long periods can render their time in prison even

more acutely painful and damaging.¹³ For children, parental incarceration can cause psychological harm, reduce educational attainment, and increase financial disadvantage.¹⁴

For (younger) men in prison, including lifers, research has shown that their ability to draw on parental support (especially from mothers) has been more consistent.¹⁵ Studies have found, for example, the importance of parents offering support during prison visits on outcomes such as improving relationship closeness.¹⁶ Like women in prison, men experience limits on the potential of family relationships to provide effective resources to support them during the sentence, particularly over the course of a long sentence, including 'life'. Issues of family discord during childhood, including witnessing domestic violence, are commonly reported among male and female prisoners,¹⁷ as are issues pertaining to intergenerational patterns of crime within paternal family relationships.¹⁸ With disproportionate numbers of Black and Asian prisoners serving long sentences, the fallback for family can be acute. With nearly half of Black and ethnic minority communities living in poverty,¹⁹ maintaining visits and assistance during and after the sentence is likely to be an even greater struggle compared to White families. These circumstances can limit the opportunities to seek prosocial support from family, especially if relational ties have been damaged prior to prison. If family members are experiencing their own struggles, this can also limit their ability to offer long

The theme of trauma tends to be more pronounced in the lives of women compared to those of men, which can impact on family ties.

7. Halsey, M. and Deegan, S. (2015). *Young offenders: Crime, prison and struggles for desistance*. Basingstoke: Palgrave. McCarthy, D. and Adams, M. (2019). Can family-prisoner relationships ever improve during incarceration? Examining the primary caregivers of incarcerated young men. *British Journal of Criminology* 59(2), pp.378-395.
8. E.g., Condry, R. (2007) *Families shamed: The consequences of crime for relatives of serious offenders*. Cullompton: Willan.
9. Corston, J. (2006). *The Corston Report*. London: Home Office; Crewe, B., Hulley, S. and Wright, S. (2017). The gendered pains of life imprisonment. *British Journal of Criminology* 57(6), pp.1359-1378.
10. Prison Reform Trust (2017) *Women's experiences: How domestic abuse can lead to women's offending*. London: Prison Reform Trust.
11. Epstein, R. (2014). Mothers in prison: The sentencing of mothers and the rights of the child. *Howard League: What is Justice? Working Papers* 3/2014. London: Howard League.
12. Baldwin, L. and Epstein, R. (2017), *Short but not sweet: A study of the impact of short custodial sentences on mothers & their children*. Leicester: De Montfort University.
13. See n.9 (Crewe, Hulley and Wright, 2017)
14. Wakefield, S. and Wildeman, C. (2014). *Children of the prison boom: Mass incarceration and the future of American inequality*. New York: Oxford University Press.
15. See n.9 (Crewe, Hulley and Wright, 2017) and n.7 (McCarthy & Adams, 2019).
16. See n.4 (Brunton-Smith and McCarthy 2017).
17. Williams, K., Papadopoulou, V. and Booth, N. (2012). *Prisoners' childhood and family backgrounds. Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners*. London: Ministry of Justice
18. Farrington, D. P., Coid, J. W. and Murray, J. (2009). Family factors in the intergenerational transmission of offending. *Criminal Behaviour and Mental Health* 19(2), pp.109-124.
19. Butler, P (2020). *Nearly half of BAME UK households are living in poverty*. Available at <https://www.theguardian.com/society/2020/jul/01/nearly-half-of-bame-uk-households-are-living-in-poverty>.

term support to those serving their sentences. We now turn to the struggles and challenges that face the families of long-term prisoners.

Challenges facing families of long-term prisoners (including lifers)

Whilst research on the specific experiences of families navigating long-term imprisonment remains limited, we provide a review of broader research on prisoner-family ties which we attempt to configure around the challenges of life and long-term imprisonment.

One key challenge is the duration of the sentence. 'Time' has long been recognised as an attribute of penal power which is exercised over both prisoners and their families.²⁰ Existing literature finds that families report their experience of time in a similar way to prisoners, who describe 'doing time' alongside their incarcerated loved one. However, many scholars have developed concepts that fit more accurately with families' accounts of 'doing watching',²¹ 'doing nothing',²² or even 'doing the wait'.²³ The essence of 'doing' demonstrates a deeper understanding of activities as continuously repetitive and mundane for both prisoners and their families. Researchers argue that these moments have a 'temporal impact' for both prisoners and their families, which lead to emotions of displacement and emptiness. They can result in families feeling stuck in 'limbo', with no sense of moving on.²⁴ Adams' conceptualises this as 'hopeful waiting', which describes families' experiences of long periods of waiting while their loved one is on remand. Some families commented that once their loved one was sentenced it was a relief, due to the anxiety and

One key challenge is the duration of the sentence. 'Time' has long been recognised as an attribute of penal power which is exercised over both prisoners and their families.

pressure families felt to support their loved ones during the remand period and thereafter the trial. For other families, whose loved one was at a different stage of their custodial experience, hopeful waiting represented the period prior to being reunited again (often for short periods), for example on Release on Temporary License (ROTL).²⁵ This may be particularly difficult for families of life sentenced or other indeterminate sentenced prisoners, due to the waiting period before ROTL being so long.

Long term incarceration results in an intensely disrupted role identity for family members, family routines, celebrations and the absence of relatives at crucial life events. For example, Lanskey et al draw on Crewe's interpretation of penal power to understand the emotional responses of families whose loved one is incarcerated²⁶. This research, focusing specifically on the experiences of family members with a male father figure in prison, has shown that family members may adopt an alternative father role to fill the gap created by their absence. This is part of a broader strategy to cope that involves having to adapt to an environment that is independent of the imprisoned parent. This has particular implications for families whose loved one is incarcerated over many years and even decades. At the same time, families must negotiate the process of re-incorporating their imprisoned loved one back into their lives on release, if they choose to do so. Comfort explored the experiences of women with partners who were serving long term sentences, in which she found that time was reconstructed to fit family time around the demands of prison life — known as the 'carceral home'.²⁷ She describes this as being 'between a rock and a hard place'.²⁸ For these women and their

20. Sykes, G. (1958). *The Society of captives: A study of a maximum security prison*. Princeton: Princeton University Press; Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment and Society* 13(5), pp.509-529; Lanskey, C., Losel, F., Markson, L. and Souza, K. (2018). Prisoners families, penal power and referred pains of imprisonment. In R. Condry and P. Scharff-Smith (Eds.), *Prisons, Punishment and the family: Towards a new sociology of punishment* (pp. 181-195). Oxford: Oxford University Press.
21. Kohn, T. (2009). Waiting on death row. In G. Hage (Ed.) *Waiting* (pp.128-228.). Melbourne: Melbourne University Publishing.
22. Armstrong, S. (2018). The cell and the corridor: Imprisonment as waiting, and waiting the mobile. *Time and Society* 27 (2), pp.113-154.
23. Foster, R. (2019). Doing the wait: An exploration into the waiting experiences of prisoners' families. *Time and Society* 28(2), pp.459-477.
24. See n.23. Also see: Moran, D. (2013). Carceral geography and the spatialities of prison visiting: Visitation, recidivism and hyper incarceration. *Environment and planning D: Society and space* 31(1), pp.174-190; Adams, M. (2017). "We are living their sentence with them...": *How prisoners' families experience life inside and outside prison spaces in Scotland*. Unpublished PhD thesis, University of the West of Scotland.
25. See n.24 (Adams, 2017)
26. See n. 20 (Lanskey et al., 2018 and Crewe, 2011).
27. Comfort, M. (2009). *Doing time together*. Chicago: University of Chicago Press.
28. Comfort, M. (2003). In the tube at San Quentin: The "secondary prisonization" of women visiting inmates. *Journal of Contemporary Ethnography* 32(1), pp.77-107 (p 491).

partners, time was used to enact family practices that were allowed for some prisoners in the Californian Prison System, including activities such as cooking and eating together; sexual relations; and even getting married. In this way, Comfort indicates that time is centred on reaffirming 'family life' but it is also about the hope for a better life post incarceration.

The experience of receiving controversial and typically lengthy sentences, such as Individual Public Protection (IPP), and convictions secured using the legal doctrine of 'joint enterprise' have led to different outcomes for prisoners, and their families. IPPs (a form of indeterminate sentence) and joint enterprise — a doctrine which has led to many individuals being sentenced to life for a murder committed by another person²⁹ — have been widely condemned as resulting in disproportionately punitive outcomes. From the perspective of prisoners, perceiving their conviction and sentence to be illegitimate, unfair or unduly harsh in this context can make accepting their imprisonment difficult, potentially impeding the 'settling down' process needed to establish personal stability in prison.³⁰ There are instances where the perceived injustice of the sentence can help family to support the prisoner further, by feeling aggrieved by their negative treatment.³¹ However, we should be careful not to underestimate the personal strain and financial consequences for prisoners' families who are challenging their conviction or sentence. Anison and Condry's study of the families of those convicted under the Imprisonment for Public Protection (IPP) sentence highlights the immense difficulties for families left in limbo regarding the status

Comfort indicates that time is centred on reaffirming 'family life' but it is also about the hope for a better life post incarceration.

of their relatives' sentence, most profoundly arising out of the indeterminate nature of this type of sentence, chiefly the difficulties being able to plan a life outside, and a lack of hope for the future.³² The uncertainty associated with such indeterminate sentences, including life sentences, can also inflict significant mental health consequences on prisoners' families.³³ For individuals convicted of murder, the seriousness of the offence, particularly when it is high-profile can further add to the stigma which families experience.³⁴ Some parallels can be drawn with the forms of 'disenfranchised grief' experienced by families of men and women on death row in the United States, during which their capacities to grieve openly is suppressed by the stigma of the crime and sentence.³⁵

Psychological struggles which long-term prisoners face, especially during earlier stages of adaptation to their sentence,³⁶ may limit capacities to cope and connect meaningfully with family, with family members facing similar struggles.³⁷ Kotova writes that long sentences can increasingly risk 'institutionalising' the prisoner, and in so doing, create psychological distance from family members in the process.³⁸ Institutionalisation can involve a combination of forming new routines both inside (for the prisoner) and outside prison (for family members) creating challenges of synchronising their lives, impeding the ability on both sides to communicate on particular days and at certain times. At more extreme levels, emotional distance and trauma experienced by the prisoner can create frustration and impose difficulties in maintaining relationships with family. For family members, these

29. Williams, P. and Clarke, B. (2016). *Dangerous associations: Joint enterprise, gangs and racism*. London: Centre for Crime and Justice Studies.

30. Hulley, S., Crewe, B. and Wright, S. (2019). Making sense of 'joint enterprise' for murder: Legal legitimacy or instrumental acquiescence? *British Journal of Criminology* 59(6), pp.1328-1346.

31. See n.27.

32. Anison, H. M. J. and Condry, R. (2019). The pains of indeterminate imprisonment for family members. *Prison Service Journal* (241), pp.11-19.

33. McConnell, M. and Raikes, B. (2019). "It's not a case of he'll be home one day": The impact on families of sentences of Imprisonment for Public Protection (IPP). *Child Care in Practice* 25(4), pp.349-366; Straub, C. and Anison, H. (2020). The mental health impact of parole on families of indeterminate sentenced prisoners in England and Wales. *Criminal Behaviour and Mental Health* 30(6), pp.341-349.

34. See n.8. Also see: Kotova, A. (2015). "He has a life sentence, but I have a life sentence to cope with as well": The experiences of intimate partners of offenders serving long sentences in the United Kingdom. In J.A. Arditti and T. Le Roux (Eds.), *And Justice for All: Families & the Criminal Justice System* (pp. 85-103). Ann Arbor, MI: Michigan Publishing.

35. Jones, S. and Beck, E. (2007). Disenfranchised grief and non-finite loss as experienced by the families of death row inmates, *Omega: Journal of Death and Dying* 54(4), pp.281-299.

36. Crewe, Hulley and Wright (2017) define these emotional transitions to long sentences as particularly acute at the early stages of the sentence. See n.9.

37. See n.34 (Kotova, 2015). Also see McCarthy, D. and Adams, M. (forthcoming) *The Impact of Youth Imprisonment on the Lives of Parents*. London: Routledge.

38. See n.34 (Kotova, 2015)

ordeals may be significant, resulting in them finding it more difficult to reach out for support from those around them, such as friendship groups or even wider family members.³⁹ Kotova further notes that some family members may experience threats or perceive their lives to be in danger through their familial association with the prisoner. The use of 'cover stories' by family members to hide the reasons for the absence of their family member in prison can become more stressful to maintain in the event of long-term imprisonment, especially where the crime itself may have been publicised in the media, and thus difficult to conceal.⁴⁰ Opportunities for family members to gain support and recognition from others is therefore constrained by the serious nature of the offence. Furthermore, decisions to maintain ties with the relative in prison may also bring condemnation from close friends and family, potentially creating extended periods of shame experienced for those persons closely related to the prisoner.

Overarching concerns for prisoners' families during long sentences also involve the significant challenges that surround visitation. These include long distances to travel to the prison, high costs of travel, difficulties taking time off work/caring, and at times, the perceived unsuitability of the visitation environment for family interactions. If family members continue to maintain contact for the duration of a long sentence, the cumulative process of long-term visitation is likely to be great in terms of financial cost and both physical and emotional resources. Maintaining contact with children can be a particular challenge, especially where the prisoner may have been a main caregiver prior to the sentence, as is more typically the case for incarcerated women than their male counterparts. Although a higher volume of children is affected by paternal imprisonment, the caregiving consequences for mothers in prison can be more acute, with higher risks of children being taken into care in cases where no alternative carers are available. Estimates suggest that

Opportunities for family members to gain support and recognition from others is therefore constrained by the serious nature of the offence.

approximately 312,000 children in England and Wales are impacted by parental imprisonment annually.⁴¹ While⁴⁵ per cent of male prisoners and 62 per cent of female prisoners reported living with their children before custody, around half of women reported living alone with their children, compared to less than one in ten men.⁴² In cases of long-term imprisonment, the absence of normative time spent with children is likely to result in considerable challenges in building or rebuilding relationships on release, if contact is possible at all. In this way, maintaining contact depends on the extent to which family members wish to continue the relationships, or in some situations, whether prisoners may choose to cut relational ties.⁴³

Policy implications

We have sought to provide a brief overview of some of the main problems impacting prisoner-family relationships and how these are likely to apply in the context of prisoners serving life sentences. Despite the growth in research on long-term imprisonment,⁴⁴ assessments of the specific impact of life-sentences on families are limited. Highlighted below are several key policy implications, which build from the insights outlined in this paper.

Different stages of a life sentence may create different challenges of coping and maintaining connections with family. Based on accounts of the prisoner journey through long life sentences,⁴⁵ it is probable that 'family' may take on a different form of meaning and importance during different stages of the sentence. This warrants specific interventions to support positive family interactions during these periods. Prisoners in the early phases of their sentence may not have sufficient Incentives Earned Privileges (IEP) to allow more visits, particularly if their behaviour (linked to the initial emotional impact of the sentence) has led to a reduction in IEP level. Given the importance of visits especially during early adjustment to the sentence, specific interventions at this stage may help

39. See also n.8.

40. See n.8.

41. Kincaid, S., Roberts, M. and Kane, E. (2019). *Children of prisoners*. London: Crest.

42. See n.17 (pp. 19-20).

43. Pleggenkuhle, B., Huebner, B. M. and Summers, M. (2018). Opting out: The role of identity, capital, and agency in prison visitation. *Justice Quarterly* 35(4), pp.726-749.

44. E.g., Irwin, J. (2010). *Lifers: Seeking redemption in prison*. New York: Routledge; Appleton, C. (2010). *Life after life imprisonment*. Oxford: Oxford University Press; Crewe, B., Hulley, S. and Wright, S. (2020). *Life imprisonment from young adulthood*. London: Palgrave Macmillan.

45. See n. 44 (Crewe, Hulley and Wright, 2020).

alleviate some of the aforementioned challenges. Family-friendly visitation, especially facilities which reflect the needs of children, should also be prioritised.⁴⁶ Access issues regarding prison visits remain a challenge, including high financial costs of visiting for many families. Although the Assisted Prison Visits Scheme remains available to provide financial help to families visiting, many families continue to find this a struggle to undertake and request assistance in completing the necessary paperwork.

There needs to be further access to counselling and family therapy to meet the needs of families of life sentenced prisoners and the distinct pains they face. This would also be an effective mechanism to help address potential conflicts in prisoner-family relationships, as well the need to facilitate open and confidential surroundings to communicate.⁴⁷ Wider approaches aimed at delivering therapeutic goals in prison and prisoner management can assist in cultivating a more positive penal environment for desistance and other outcomes of personal (and familial) growth.⁴⁸ Finally, opportunities for more regular pre-release family contact, such as planned time with

family integrated as part of Release on Temporary License (ROTL), would also be a worthwhile policy suggestion to consider, enabling smoother transitions into the community following resettlement.

Conclusion

In amongst the growth in the use of life sentences, and recognition of the harms which these sentences can cause prisoners, this paper has provided a brief outline of the issues which also impact family members. We conclude by arguing that the specific needs of both prisoners and their families need to be more paramount issues for prison policy and practice. We highlight many of the hardships which families face, together with insight into the greater burden which certain groups face more than others based on, for example, gender and racial differences. Finally, we also raise questions about the limits of family support, and the challenges sustaining relationships — factors which can have important influence on prisoners' coping mechanisms, particularly during life sentences.

46. See n.3 (Farmer, 2017).

47. Roberts, A., Onwumere, J., Forrester, A., Huddy, V., Byrne, M., Campbell, C., Jarrett, M., Phillip, P. and Valmaggia, L. (2017). Family intervention in a prison environment: A systematic literature review. *Criminal Behaviour and Mental Health* 27, pp.326-340.

48. Smith, P. and Schweitzer, M. (2012). The therapeutic prison. *Journal of Contemporary Criminal Justice* 28(1), pp.7-22.

'We are the walking dead': Piloting group therapy for adolescent boys serving life sentences

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Introduction

Across the secure youth estate in England and Wales, a growing population of young people, predominantly boys, are serving mandatory life sentences for murder.¹ For those convicted as children, the minimum starting point for sentencing is a 'tariff' of 12 years. This increases or decreases depending on aggravating and mitigating circumstances and must be served in its entirety before an individual is eligible for parole.² If successful at their Parole Board hearing, individuals will return to the community under strict licence conditions, where they remain liable to recall to prison for the remainder of their life.

Over the past few years, the child and adolescent mental health service (CAMHS) at HMYOI Cookham Wood has noted a rising proportion of child lifers in the YOI. Frequently distressed, these boys needed intensive support before, during and in the aftermath of the shock of trial and sentencing. Their imminent transition to the adult estate (given stark differences in regime and provision)³ required care and attention. In this context, the team developed a therapeutic group intervention, as part of a wider pathway for young lifers. Here we describe the existing literature, our intervention, the themes that emerged in the group

and the experiences of those who attended, along with recommendations for future practice.

The value of lifer groups in forensic settings

Existing analyses of therapy groups for adult life-sentenced prisoners convicted of murder have consistently identified positive outcomes for participants. These include a greater capacity to reflect on and learn about themselves, and shifts in narratives of agency (particularly towards taking responsibility for their offences)⁴, which in turn are linked to improved mental health.⁵ The despair that is common among this group means that they require consistent therapeutic support⁶ in which they experience being listened to compassionately.⁷ Such therapeutic space, whether provided individually or in a group context, allows lifers to work through the conscious experiences of distress, and the unconscious enactments of such feelings.⁸

To date, such initiatives have been confined to the adult estate. This means that young people sentenced to life, whose imprisonment may trigger a distinct 'biographical rupture' characterised by acute feelings of shock, dislocation, and adjustment,⁹ do not currently benefit from this knowledge. While recent research with lifers describing 'entry shock' suggested that individuals

1. Crewe, B., Hulley, S. and Wright, S. (2020). *Life imprisonment from young adulthood: Adaptation, identity and time*. London: Palgrave Macmillan.
2. UK Parliament (2021). *Police, Crime, Sentencing and Courts Bill: Part 7 – Sentencing and release*. London: HMSO.
3. Price, J. and Turner, J. (2021). (Custodial) spaces to grow? Adolescent development during custodial transitions. *Journal of Youth Studies*. DOI: 10.1080/13676261.2020.1865525.
4. Adshead, G. (2011). The life sentence: using a narrative approach in group psychotherapy with offenders. *Group Analysis* 44(2), pp.175-195.
5. Adshead, G., Ferrito, M. and Bose, S. (2015). Recovery after homicide: Narrative shifts in therapy with homicide perpetrators. *Criminal Justice and Behavior* 42(1), pp.70-81.
6. Hillbrand, M. and Young, J. L. (2004). Group psychotherapy for parricides: the Genesis group. *Forensische Psychiatrie und Psychotherapie Werkstattsschriften* 11, pp.89-97.
7. Hillbrand, M. and Young, J. L. (2008). Instilling hope into forensic treatment: The antidote to despair and desperation. *Journal of the American Academy of Psychiatry and the Law* 36, pp.90-94.
8. Adshead, G. (2015). Safety in numbers: group therapy-based index offence work in secure psychiatric care. *Psychoanalytic Psychotherapy* 29(3), pp.295-310.
9. See n.1.

in late adolescence or emerging adulthood might not be ready for a therapeutic intervention in the initial years of the sentence,¹⁰ our clinical observations suggested that young lifers' distress was intensified by the loneliness of having no sanctioned space in which to share it with others in similar circumstances. This accords with literature in the trauma field supporting the value of group interventions.¹¹ Moreover, evidence suggests that adolescents in the criminal justice system are more responsive to interventions that involve peers.¹²

Taken together, these observations provided a powerful rationale for piloting a group-based therapeutic initiative with life-sentenced boys at HMYOI Cookham Wood.

Context, rationale and conceptualisation of the group

HMYOI Cookham Wood is one of four Young Offenders' Institutions (YOI) in England providing custodial placements for boys aged 15-18. The YOIs are expected to provide a rehabilitative experience, preparing a predominantly short-sentenced population to re-settle in the community following release. Accordingly, educational and therapeutic programmes are chiefly short-term in nature and outlook, and have historically overlooked the needs of those with long sentences.

Research has shown that facing a life sentence in adolescence provokes overwhelming feelings of anger and deep psychological distress and gives rise to a range of defensive actions to cope with these emotional states.¹³ In practice, services employ processes intended to manage the anxiety this generates. Newly convicted children at Cookham Wood are supported via the ACCT process (Assessment, Care in Custody, and Teamwork; a multi-agency meeting, coordinating support for individuals perceived at increased risk of suicide and self-harm). It is common practice for an ACCT to be closed within a few days, based on an assumption that the boy is no longer at

increased and immediate risk of suicide. Without such provision in place, and surrounded by young lifers, custodial staff may lose sight of the traumatic impact of the sentence, becoming desensitised to each child's need for support.¹⁴

We often observed the ways in which young lifers at HMYOI Cookham Wood appeared animated by the sway they commanded through their murder conviction, which publicly elevated their status, yet privately left them feeling overwhelmed. This oscillation played out in difficult dynamics, where their power was at times harnessed or enhanced by officers (through conferring additional responsibilities or being utilised as crucial allies) and suppressed or crushed by others (through removing privileges or relocation to other units, away

from peers). These ups and downs consumed much of the conversation in individual therapy, acting as a smokescreen which often obfuscated attempts to reach deeper into their life stories and experiences. Therapists felt the power of what remained unspeakable: the offences themselves and much of the trauma that preceded them. In the hypermasculine and often violent custodial environment of a male YOI, it is rare for boys to express vulnerability openly, even in private therapeutic spaces.¹⁵ An external and internal prohibition around discussing the specifics of a murder — the details, the emotional impact, or the meaning

of what has happened — was ubiquitous, and yet it was clear that the boys we spoke with were curious about how others were handling and making sense of this very issue. Bearing in mind some of the key principles of group therapy, such as the instillation of hope and the recognition of 'universality' (that is, a sense of shared experience or mutuality)¹⁶, we began to formulate how we could bring these boys together.

Dynamic administration: creating the conditions for the group

While aware of the potential benefits of a lifer therapy group, both staff and potential group members

In the hypermasculine and often violent custodial environment of a male YOI, it is rare for boys to express vulnerability openly, even in private therapeutic spaces.

10. See n.1.

11. See n.8.

12. Zimpfer, D. G. (1992). Group work with juvenile delinquents. *The Journal for Specialists in Group Work* 17(2), pp.116-126.

13. See n.1.

14. See n.1.

15. Gooch, K. (2019). 'Kidulthood': Ethnography, juvenile prison violence and the transition from boys to men. *Criminology & Criminal Justice* 19(1), pp.80-97.

16. Yalom, I. D. and Leszcz, M. C. (2005). *The Theory and Practice of Group Psychotherapy* (5th ed). New York: Hachette.

were cautious about bringing together a number of boys convicted of fatal violence. The waiting list of referrals was examined for known gang rivalries and grievances, influencing who was prioritised. Developing trusting relationships with members around and in advance of the group was essential, given what the therapists knew of the boys' difficult early attachment experiences and the fear and mistrust that pervaded their expectations of others. This involved openly attending to their anxieties and thinking with them about how they could develop healthy attachments to and within the group. Two boys, whose rivalries outside prison had necessitated separation, were keen to discuss and resolve their historical enmity to allow them to come together safely.

Following consultation with these boys around the group's name, membership and potential activities, the Long Sentences Group or 'LSG' was born. Pre-group one-to-ones involved discussion and negotiation around the culture and purpose of the group, alongside qualitative and quantitative data collection, including developing goal-based outcomes for each boy. The model for the group's structure and facilitation was drawn from the facilitators' training backgrounds and experience in analytic, systemic, and 'mentalization'-based¹⁷ work in the YOIs and beyond. It involved an explicit commitment to create a space for free discussion and thought, unhindered by a specific programme, requirement or goal (i.e., the reduction of risk, of any sort). The boundaries of NHS confidentiality were discussed, with an agreed understanding about what would be recorded or shared via intelligence reporting if necessary.

Developing trusting relationships with members around and in advance of the group was essential, given what the therapists knew of the boys' life experiences.

The overarching approach sought to help the boys identify and understand their emotions and relationships, and their impacts on each other and others beyond the group, with the principles of trauma-informed work in mind.¹⁸ Transparency and informality were privileged to facilitate the development of 'epistemic trust' (a willingness to consider new knowledge as trustworthy and relevant)¹⁹ and to nurture and respond to the differing developmental needs of each boy. Clear and consistent boundaries around timing, location and expectations were iterated.

Group members

Over the life of the group, 14 boys participated. At any time, there were never more than nine boys present (though six seemed to work best for group cohesion). All were aged between 15 and 18 and in the initial years of tariffs ranging from 11 to 21 years for offences committed in the context of serious street-based violence (rather than domestic, relational, or stranger murders). Members were predominantly from Black British, Caribbean and Asian backgrounds, with only two White British boys, reflecting the growing disproportionality endemic in youth custody.²⁰ This offered a stark contrast with the White, female, middle-class facilitators of the LSG; an issue later brought into the discourse of the group.

The boys' histories included multiple early losses and trauma, including early parental death, domestic violence, physical abuse, neglect, and criminal exploitation often involving county lines, reflecting the high levels of childhood adversity identified in similar populations.²¹ Several boys had been in the care of their

17. *Mentalization*-based therapy centres on developing the capacity for social relatedness, via the awareness of one's own and others' mental states. See, e.g., Bateman, A. and Fonagy, P. (2011). *Handbook of Mentalizing in Mental Health Practice*. Washington, DC: American Psychiatric Pub.
18. Taylor, J., Shostak, L., Rogers, A. and Mitchell, P. (2018). Rethinking mental health provision in the secure estate for children and young people: a framework for integrated care (SECURE STAIRS). *Safer Communities* 17(4), pp.193-201.
19. Fonagy, P. and Allison, E. (2014). The role of mentalizing and epistemic trust in the therapeutic relationship. *Psychotherapy* 51(3), pp.372-380.
20. Recent estimates indicate that 51.9% of males in YOIs identified as being from a minority ethnic group in 2020; a figure that has almost doubled since 2009 (27%). Comparison of these figures to broader estimates in the national non-custodial population (where 18% of individuals are from minority ethnic groups) also serve to highlight the disproportionate representation of people from minority ethnic groups in youth custody settings. See: Ministry of Justice. (2020). *Youth Justice Statistics*. London: Ministry of Justice. Available at: www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020 (accessed 15th February 2021).
21. Ford, K., Bellis, M., Hughes, K., Barton, E. and Newbury, A. (2020). Adverse childhood experiences: a retrospective study to understand their associations with lifetime mental health diagnosis, self-harm or suicide attempt, and current low mental wellbeing in a male Welsh prison population', *Health Justice* 8(13), p.6666. See also Fox, B. H., Perez, N., Cass, E., Baglivio, M. T. and Epps, N. (2015). Trauma changes everything: Examining the relationship between adverse childhood experiences and serious, violent and chronic juvenile offenders. *Child Abuse & Neglect* 46, pp.163-173.

local authority. Most had experienced multiple school exclusions. They shared a similar frame of reference in terms of exposure to criminal activity, drugs, street violence and exploitation, and they talked about this in casual, matter-of-fact terms, alongside a fatalistic acceptance of the risk of being stabbed.

Emerging Themes

Loss

The boys in the group described struggling with feelings of shock around the conviction and length of the tariff, as they contemplated the loss of their imagined future lives. The sense that life was foreshortened or wasted was acutely felt; there was a palpable sense of despair as they described themselves as 'the walking dead' (Akeem)²²; of 'existing' rather than 'living' (Derik). A sense of emptiness and sameness (in terms of the everyday mundanity of prison life), the loss of normal teenage activities, the inability to form or maintain existing relationships, and potential loss of the opportunity to have children were core topics of discussion. They spoke of the pains of being mixed with others serving short sentences, contributing to their sense of what they were missing, exposing them to immaturity and provocation, and highlighting the difficulty of conceptualising their futures. They mourned their lost lives, describing a limited systemic recognition of their particular challenges, and a poverty of opportunities within prison.

Beyond the prison walls, too, mentalizing (imagining) the loss experienced by their families was hard to tolerate. Jay recounted the early loss of his mother and his fear of other family members dying while he was in prison, while others talked about how inconceivable the potential (and real) loss of their mothers felt. Silences after these admissions spoke of the pain in the room and were sometimes interrupted by conscious and unconscious defensive digressions, jokes, or distractions. Shame and guilt were less easily

articulated than anger, but present in evasions, silences, and bravado. The boys described the need to maintain a façade, in an effort not to worry or upset loved ones.

Day-to-day experiences felt more bearable to articulate, including the loss of their individuality, power and autonomy. Locked up with limited access to meaningful or purposeful opportunities, a loss of the subtle, ordinary activities of daily living, and the requirement to wear prison-issued clothing, all contributed to feelings of frustration and the shock of the stark contrast with their recent past. The reiteration of the hopeless statement, 'It is what it is' (Derik), reflected this feeling of dejection, at their reliance on others at a time when their independence would have been developing.

Sudden and uncontrollable endings in the group (when a member was transferred to the adult estate, or when a group session was prematurely curtailed) reflected the unpalatable losses and breakages in connections that were a central and often avoided focus of the boys' lives. The unpredictable change in group membership mirrored their experience of navigating time in custody with little control, as well as the sense of impending doom and loss that felt so familiar from years of living in the shadows of community violence.

Identity

Several boys had been convicted using the legal doctrine of joint enterprise, which enables more than one person to be convicted of a single offence of murder. Consistent with the literature²³, feelings of anger and injustice were common, while the shock of being identified or labelled 'a murderer' was experienced as incongruent with the boys' self-perceptions. The group provided a place where they could express confusion and anger and process their circumstances together.

While using the group to acknowledge their positions as perpetrators of violence, the boys also reflected on their experiences as victims. Several group members had been stabbed previously, and in custody the rivalries and dangers around community affiliations

Consistent with the literature, feelings of anger and injustice were common, while the shock of being identified or labelled 'a murderer' was experienced as incongruent with the boys' self-perceptions.

22. All names used to identify boys are pseudonyms, to protect their anonymity. When assigning pseudonyms however, we made an effort to choose names that reflected the culture and ethno-national background of the boys' names or were the boys' own choices.

23. Hulley, S., Crewe, B. and Wright, S. (2019). Making sense of 'joint enterprise' for murder: Legal legitimacy or instrumental acquiescence? *British Journal of Criminology* 59(6), pp.1328-1346. Also see Hulley and Young, this issue.

remained alive. The boys' narratives slid between these positions as they discussed the dangerousness of their worlds, and the notion that their incarceration had interrupted an existence in which they were constantly at risk. This drew a parallel with the danger of being assaulted while in prison, but also evoked the notion that as lifers, they existed only in the sense of surviving, always facing the prospect of imminent psychological death. Yet, the sense of solidarity was strong; the boys united in difficult conversation, felt accepted, with some commenting on the safety of sharing their burdens, the group representing their 'Cookham family' (Jay).

Following initial anxieties about bringing this group of boys together, staff from across the establishment soon commented on its power. Staff in multi-agency reviews recognised the growth in maturity, compliance, and capacity to think about future plans and transitions among boys in the LSG. The boys increasingly sought opportunities that reflected their desire for redemption, via roles as peer mentors and mental health champions, and in their commitment to education. The group's role in supporting young lifers at Cookham Wood to learn to swim with (rather than against) the tide of a life sentence in this way provides an important counter-narrative to existing analyses which have identified such identity work as predominantly the preserve of individuals in the mid- to later stages of a life sentence.²⁴

Hope, repair and the power of dialogue

The importance of the space provided by the group was recognised by the boys; often the relief and excitement that the group had managed to meet at all was the dominant feeling. It felt enlivening. Beyond this, they felt it was innovative — that by coming together as a novel group in the youth estate, they were establishing something that could be of value to future young lifers. Symbolically, it seemed that the group could represent an opportunity to begin to repair some of the damage they had done. Group therapy

created a place for these boys and their offences to be met with mutual compassion rather than judgement; an experience they felt was not available elsewhere.

Attempts were made by some of the boys to contemplate the future, imagining marriage, children and job prospects. While others struggled, the importance of more immediate decision-making was acknowledged in the context of significant time points in their custodial journey, such as the mid-sentence review and their parole hearing. Akeem commented, 'The choices we make today should reflect our hopes, not our fears'.

Several boys described anxieties around speaking freely to facilitators in the early stages of the group (as Derik remarked, for example, 'When I speak to you, I speak with a constant filter'). Their fear of repercussions from sharing their thoughts openly in the context of the all-powerful prison system was articulated in the recurrent idea that 'the keys always win' (Derik). However, they also implied a moving sense of hope that the group could help, offering genuine containment (in the psychoanalytic sense, as a context of safe and trusted relationships in which real feelings could be expressed). Language switched between formal English, when addressing the facilitators, and a familiar, animated dialect amongst themselves, until gradually a more decipherable mixed language emerged, creating a shared sphere of understanding.

Exploring their shared circumstances encouraged the boys to move from positions of alienation, rejection and incoherence, towards curiosity and open dialogue. Through this, the group fostered a move from fearful isolation to a more pro-social, mentalizing space within and between the boys, where there was a greater tolerance of uncertainty, and the potential for hope.

Evaluating the group, and concluding thoughts

This is a descriptive study of a new, specialised psychotherapy group for a specific cohort of young

Symbolically, it seemed that the group could represent an opportunity to begin to repair some of the damage they had done. Group therapy created a place for these boys and their offences to be met with mutual compassion rather than judgement.

24. E.g., see Crewe, B., Hulley, S. and Wright, S. (2017). Swimming with the tide: Adapting to long-term imprisonment. *Justice Quarterly* 34(3), pp.517-541.

male prisoners who are at high risk of extreme emotional distress and its behavioural manifestations. Material from the group suggests that it was a unique and valued intervention, enabling members to face the reality of their offence and its consequences in a way that was supportive, non-judgemental and avoided further shaming. Attendance was enthusiastic and consistent, with attrition almost non-existent; only one boy chose to leave the group over the 18 months it ran. Anecdotal feedback from prison staff indicated that group members' involvement in conflict and non-compliance declined following attendance. Information sought after the boys had moved to the adult estate suggested that their stability had continued across the transition. The shifting behavioural and attitudinal presentations of group members also contributed to changing perceptions of these young lifers amongst staff in the establishment. In response to hearing alternative stories of their sensitivity and vulnerability in the group, and witnessing positive behavioural changes, a new set of more curious and thoughtful responses from officers were expressed in informal interactions with both the boys and group facilitators.

Feedback from the boys themselves attested to their positive experiences of the group, and reflected a hitherto untapped capacity to think about, confront and discuss feelings and emotions. Dylan described how he had previously been 'bottled up' but that the group had helped him to begin to speak about his feelings. Jay similarly described feeling 'more confident' to open up, while Kamil explained that it had offered him a safe place to 'think about things that I wouldn't usually think or talk about which was helpful: it got things off my chest'.

This evidence suggests that the Long Sentences Group offers a powerful and positive therapeutic model with real potential for expansion and formal investigation. We believe it represents a valuable and exciting practice-based contribution to the field of group therapy approaches for children in custody, and

as a psychological intervention for those serving life sentences.

Reflexive insights and challenges for practitioners embarking on similar initiatives within the estate

First, and most importantly, this was a psychodynamically-conceptualised and managed initiative. Clinical facilitation, underpinned by principles of unconditional positive regard,²⁵ was crucial to its unique success. Furthermore, group members attended voluntarily — the initiative was not designed to manage or mitigate risk, and sat outside of the realms of interventions intended to influence an individual's sentence length. The open and therapeutic nature of the group enabled these boys to demonstrate that they are capable of reflexivity and post-traumatic growth when the right kind of support and ethos is offered. We suspect that an offender management group facilitated by non-clinicians would struggle to achieve the same outcomes.

Lifers have elsewhere described wariness around the motives of psychologists representing the Prison Service,²⁶ and the boys in the LSG were no different (despite the group's facilitation by clinical psychologists operating within the NHS, separately from the prison psychology staff team). The sense that interactions might be misconstrued — particularly that they risked implicating themselves regarding gang affiliation or the 'murderer' label (something they were seeking to relinquish) — was often present and influenced how candidly the boys felt they could speak. Despite this group's attempt to offer safety and openness, members would only reveal what felt safe in that context. The lack of wider safety in the prison environment and the difficulty establishing trust (given early disorganised attachment relationships that generate fearful, rigid over-interpretation of others' motives)²⁷ will likely limit how effective such interventions can be in this setting.

Material from the group suggests that it was a unique and valued intervention, enabling members to face the reality of their offence and its consequences in a way that was supportive, non-judgemental and avoided further shaming.

25. Rogers, C. R. (1957). The necessary and sufficient conditions of therapeutic personality change. *Journal of Consulting Psychology* 21(2), pp.95–103.

26. Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & Society* 13(5), pp.509–529.

27. Fonagy, P., Luyten, P. and Allison, E. (2015). Epistemic petrification and the restoration of epistemic trust: A new conceptualization of Borderline Personality Disorder and its psychosocial treatment. *Journal of Personality Disorders* 29(5), pp.575–609.

The facilitation of a therapy group in custody also brings numerous challenges which can impact effectiveness. Prominent among these were institutional barriers (e.g., long delays in escorting boys, room unavailability/inconsistency, poor communication between staff, and low prison staffing levels) which often led to the sudden cancellation of group sessions. Inter-system and inter-professional conflict were common, driven by the anxieties this work evoked.²⁸ Limited resources also meant that this group was available only to a small proportion of lifers. The boys felt that one session a week was inadequate, describing feelings of frustration at slow group formation and a sense of hopelessness that there would be sufficient time to delve into the issues that mattered. This reflects similar findings regarding groups offered to life-sentenced adult men, where activities were slow to develop despite strong group cohesiveness.²⁹

While such a group can make a positive contribution to the adjustment and care of boys convicted of fatal violence, it must be integrated with

other opportunities that support their development and onward transition. Planning and decisions around transition are often chaotic and unclear, with a high number of transfer refusals leaving many young lifers in a state of uncertainty and shame. Improvements in systems, enhancing perceived autonomy and creating clarity around progression, would help to create conditions under which young lifers' capacity to reflect and develop could be fostered and potentially flourish.

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28. See n.18.

29. Brunning, J. (1982). The group psychotherapy of murderers. *Prison Medical Journal* 23, pp.6-10. See also n.8.

Building Futures and the long-term prison population:

Situating long-tariff 'lifers' within current prison reform work

Claudia Vince is the Programme Coordinator on the Building Futures Programme at the Prison Reform Trust, and oversees several workstreams including Invisible Women.

Throughout the 40 years since its foundation the Prison Reform Trust (PRT) has sought to reduce the unnecessary use of imprisonment. However, despite the efforts of reform organisations and extensive evidence showing how ineffective and expensive prison is, the long-term prison population has significantly increased. The PRT believes that prison sentences should not be so long that they destroy hope; and that those in prison should be supported to spend their time meaningfully and constructively. Changing who goes to prison and for how long is a core and ongoing priority for the PRT.

As part of this commitment, our National Lottery funded Building Futures programme¹ is specifically designed to focus on people who will spend 10 or more years in custody. By collaborating with long-term prisoners and developing prisoner leaders, the programme will provide a platform for self-advocacy. A network of long-term prisoners, drawn together by the programme, will directly respond to and inform the policies and debates that impact them. The aim of this is to create change from within the system by shedding light on the human cost of long-term imprisonment.

In this article, we explore the context and background to Building Futures, demonstrating the importance of focusing on long-term prisoners. For the purpose of this special issue, specific attention will be paid to the experiences of the life-sentenced population, where the inflation of minimum tariff lengths has been both rapid and significant—and who therefore find themselves serving some of the longest sentences in our penal system.²

Context

As noted in the introduction to this issue, criminal justice (and specifically sentencing) policies, have become increasingly punitive since the late 20th century. In particular, the 2003 Criminal Justice Act — with the introduction of Imprisonment for Public Protection (IPP) and a presumptive minimum sentencing scheme for the offence of murder — contributed to a significant increase in the long serving prison population.³ More recent legislation, as well as the Police, Crime, Sentencing and Courts (PCSC) Bill currently before Parliament continues this trend. The proposed changes include: the introduction of whole life orders for young adult offenders in exceptional cases; an increase in the proportion of a sentence to be served in custody for certain groups; limiting automatic early release for people deemed high risk; and further inflationary measures on minimum terms in custody. These will inevitably see more people serving longer custodial terms in our prisons. The Criminal Justice Alliance has assessed that many of these provisions will have a disproportionate impact on people from BAME communities, worsening the racial inequality and systematic bias highlighted by the Lammy Review and which the government is supposedly committed to tackling.^{4,5}

Yet while the implications of the push towards longer sentences seem clear, the definition of what constitutes a 'long' prison term remains elusive. As lengthy periods of imprisonment have become increasingly common, what the public and policymakers deem to be a 'long' sentence has also

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1. For more, see: <http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/BuildingFutures>.
 2. Crewe, B., Hulley, S. and Wright, S. (2020). *Life imprisonment from young adulthood: Adaptation, identity and time*. London: Palgrave Macmillan.
 3. See Fitz-Gibbon, K. (2016). Minimum sentencing for murder in England and Wales: A critical examination 10 years after the Criminal Justice Act 2003. *Punishment & Society* 18(1), pp.47–67.
 4. The Prison Reform Trust is a member of the Criminal Justice Alliance and contributed to this joint briefing, for more information see: Criminal Justice Alliance (2021). *How the PCSC Bill will entrench racial inequality in the criminal justice system: an overview*. Available at: <https://www.criminaljusticealliance.org/wp-content/uploads/Ten-ways-the-PCSC-Bill-will-entrench-racial-inequality-FINAL.pdf> (accessed 5 January 2022).
 5. See n.2.

inflated.⁶ For example, at the end of the 1960s, the Home Office categorized any sentence of four or more years as 'long',⁷ yet by the mid-1990s, only a sentence of eight to ten years would qualify a prisoner as a 'long-term inmate'.⁸ Recognising the growth in this population, the Building Futures programme has defined 'long-term' as those who will serve over 10 years in custody. This will include a number of relevant sentence types, allowing the voices of prisoners serving both indeterminate and determinate sentences to be heard, including people serving life sentences, extended determinate sentences (EDS) and sentences of imprisonment for public protection (IPP). It will feature experiences ranging from the very young — typically men convicted in their late teens or early twenties often from minority ethnic communities⁹ — to the very old, typically convicted of historic offences and facing the prospect of old age and probable death in prison.¹⁰

A Challenging Start

Following a strong start to the programme in January 2020, where key prison sites, prisoners and other main stakeholders expressed the need for such a programme focusing on the long-term population, the global coronavirus pandemic brought about severe disruption in March of that year. With the national lockdown restrictions in prison estates preventing access and face-to-face engagement, the programme had to adapt its methods for platforming prisoner voice. Through PRT's established Prisoner Policy Network, we have been able to maintain contact with prisoners, primarily through Email a Prisoner and letters. Within the PPN, we have established a Building Futures

Stalled avenues to progression might well mean that people serving long indeterminate sentences, such as life sentences will end up spending more time in prison due to the pandemic, through no fault of their own.

Prisoner Network,¹¹ which allows us to identify long-serving prisoners whose expertise and contributions will form the basis of the programme's aims and priorities. This has been vital in ensuring we are able to communicate directly with prisoners, particularly during such a difficult time when many have been locked in their cells for 23 hours or more a day.

Drawing on these prisoner networks, we launched the PRT-wide initiative CAPPTIVE: Covid-19 Action Prisons Project: Tracking Innovation, Valuing Experience, which worked with approximately 300 prisoners and almost 50 families. This area of work drew on prisoners' experiences to highlight the harsh conditions and

restricted regimes introduced during the Covid-19 pandemic. Through a series of reports,¹² we identified key areas of concern regarding the management of the lockdown in prisons, including contact with prisoners' families, the harms of restricted regimes, and the impact of this isolation on physical and mental health. Within this, progression opportunities for lifers and other long-term prisoners notably declined¹³

*'I have served 15 years and am so close to parole, my future is looking so grim and I'm going to be released on benefits after all the hard work through my sentence'.
(Woman serving life sentence)*

Stalled avenues to progression might well mean that people serving long indeterminate sentences, such as life sentences, will end up spending more time in prison due to the pandemic, through no fault of their own. This was a concern of network members who voiced fears that the

6. Radzinowicz, L. (1968). *Report of the Advisory Committee on Penal System on the regime for long-term prisoners in conditions of maximum security* (The Radzinowicz Report). London: HMSO.
7. Flanagan, T. (1995). *Long-term incarceration: Issues of science, policy and correctional practice*. In T. Flanagan (Ed.), *Long-term imprisonment: Policy, science and correctional practice* (pp. 3–9). Thousand Oaks: Sage.
8. See n.2
9. Turner, M., Peacock, M., Payne, S., Fletcher, A. and Froggatt, K. (2018). Ageing and dying in the contemporary neoliberal prison system: Exploring the 'double burden' for older prisoners. *Social Science & Medicine* 212, pp.161–167.
10. A network of prisoners, former prisoners and supporting organisations. It is hosted by the Prison Reform Trust and aims to ensure prisoners' experiences are part of prison policy development nationally. For more on this initiative, see: <http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/Prisonerpolicynetwork>.
11. See: <http://www.prisonreformtrust.org.uk/PressPolicy/News/Coronavirus>.
12. Prison Reform Trust (2020). *CAPPTIVE: Covid-19 Action Prisons Project: Tracking Innovation, Valuing Experience*. Available at: <http://www.prisonreformtrust.org.uk/PressPolicy/News/Coronavirus> (accessed 30 March 2021)
13. House of Lords (2021). *Written Question UIN HL3923*. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2021-11-10/HL3923/#> (accessed 5 January 2022).

suspension of most offending behaviour interventions, Release On Temporary Licence and education courses would result in them having to spend more time in custody. This is likely to have an impact on the long-term indeterminate prisoner population, particularly in relation to their ability to plan for their future and progress towards release. As lifers who are held beyond tariff spend an average of an additional 9 years and two months in prison, further delays to progression are a huge cause for concern.¹⁴ Prisoners' concerns about the impact of the pandemic on progression has helped to identify a key priority for the Building Futures programme.

Developing our approach

By harnessing and amplifying prisoner voices, supporting self-advocacy and opening routes to prisoner leadership, the Building Futures programme will make the nature of the long-term prisoner experience more visible. This work will reveal specific aspects of prison life that help or hinder long-term prisoners from living meaningful lives both in prison and post release. Drawing directly from the expertise of people serving these sentences and those closest to them, the Building Futures programme will identify changes that will improve their way of life in prison and enable them to plan meaningfully for when they are released into their communities.

Along with the Building Futures Network, a further approach in ensuring the platforming of prisoner knowledge and experiences is through the development of Building Futures Working Groups. Situated across key prison sites and comprised of long-term prisoners, these autonomous groups meet regularly to discuss the programme's progress, identify priorities, and contribute to relevant policy development. A major function of these groups is to design and manage prisoner-to-prisoner consultations that will gather the views and insights of their peers to inform debates and policies that affect them. In refining and adding to the expertise among prisoners, the

groups will have relevant training and access to PRT's wide ranging network, including sector experts, policy makers and academics. Despite the challenges imposed by the pandemic restrictions, we have formed and are developing groups across seven prison sites, including a specialist site for men convicted of sexual offences, a specialist site for young adult men, a women's site and a high security establishment.

Diversity within the long-sentenced population

We have conducted a number of scoping exercises to provide us with a clear grasp of the Building Futures cohort. A thorough literature review and a quantitative population baseline has allowed us to contextualise and understand the long-term prisoner group, capturing the rapid growth in the population and identifying potential areas of interest.

This preliminary work identified gaps in the literature relating to particular groups within the long-term prisoner population, including the experiences of women and older prisoners. To ensure that these subgroups were not overlooked within the broader Building Futures work, we have identified specific workstreams to examine their experiences. Four such workstreams are now discussed in turn: first, family contact amongst long-term prisoners; secondly, long-term

imprisonment in the women's estate; thirdly, 'progression' among long-term prisoners; and finally the experiences of long-term prisoners at different stages of the life-course. These issues are now examined in turn, drawing where possible on data from life-sentenced prisoners.

Family contact

A government commissioned review referred to families as the 'golden thread' that can help those in prison progress through their sentence and towards release.¹⁵ Yet for long-term prisoners, particularly those serving life sentences, maintaining meaningful

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14. Farmer, M. (2017). *The importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf (accessed 1 February 2021).

15. See n.2. See also Schinkel, M. (2014). *Being imprisoned: Punishment, adaptation and desistance*. Basingstoke: Palgrave Macmillan.

relationships with their loved ones can be challenging. This is a consequence of the type of offence which most commonly gives rise to a life sentence (i.e. murder, serious sexual violence); the sheer length of separation caused by the sentence; and also because the maintenance of healthy relationships is impeded by the barriers imposed by prison environments. For example, research has shown that some lifers feel that cutting contact with family is the best way of coping, or that doing so helps to shield loved ones from the prison environment.¹⁶ Lifers also report that, over time, relationships can become increasingly difficult, superficial, and forced, with loved ones becoming distant and prisoners experiencing extreme social dislocation.¹⁷ Those who are parents serving long sentences must come to terms with being absent for a large proportion of their children's lives, facing the prospect of their children growing up and entering adulthood without ever having their parent properly present. This is a known cause of distress for prisoners and the impact on children is likely to be profound and long-lasting — they have been referred to as the 'forgotten victims of imprisonment'.¹⁸ By including families in this discussion, we will shed light on the broader and prolonged impact of long sentences, ensuring that the experiences of prisoners' loved ones are part of the conversation throughout.

In November 2020, we launched a consultation with our Building Futures Network, to explore how contact with significant others shifts or changes throughout the duration of a very long sentence. In recognition that separation from loved ones is one of the most painful aspects of life imprisonment,¹⁹ this topic felt like an appropriate starting point. Having commissioned researcher Marie Hutton, from the University of Sussex, to work with us on this consultation, we are preparing a Building Futures report that captures the multi-layered complexities of family

contact for long-term prisoners. A key theme was how being held a long distance from home limited opportunities for family contact:

*'For the majority of the last 20 years I've been located hundreds of miles from my family, often making it difficult, if not impossible to receive visits. Both my parents are in their eighties so being located this far from home, I have not seen them for many years. Something that is always on my mind is I may never see them again...'.
(Man serving life sentence)*

Lifers also report that, over time, relationships can become increasingly difficult, superficial, and forced, with loved ones becoming distant and prisoners experiencing extreme social dislocation.

And many respondents, including those serving life sentences noted the difficulties of maintaining family contact throughout the duration of such long sentences:

*'I am serving a life sentence. I do not have any living family (all passed away), I was always single so I do not have any children. I was a workaholic in my own business. Because my company...went bankrupt and many people lost their jobs, I cut all contact with friends due to shame. It is very difficult when you do not have support outside'.
(Man serving life sentence)*

With these findings in mind, we are working with Partners of Prisoners²⁰, a national support charity, and others to develop a network of families of long-serving prisoners. This will be a vital piece of work for us, allowing us to communicate directly with prisoners' loved ones and consult with them on establishing key areas of work.

Invisible Women

Women serving long prison sentences have often been excluded from discussions and campaigns

16. See n.2

17. Robertson, O. (2007). *The impact of parental imprisonment on children: Women in prison and children of imprisoned mothers series*. Geneva: Quaker United Nations Office.

18. Hulley, S., Crewe, B. and Wright, S. (2016). Re-examining the problems of long-term imprisonment. *British Journal of Criminology* 56(4), pp.769-792.

19. <http://www.partnersofprisoners.co.uk/>

20. Prison Reform Trust (2021). *Why focus on reducing women's imprisonment?* Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Why%20women%202021%20briefing%20FINAL.pdf> (accessed 9 August 2021)

surrounding women in prison, much of which has focused on the majority—those entering prison to serve short sentences of less than 12 months for minor, non-violent offences. We have therefore entitled this workstream ‘Invisible Women’.²¹

By facilitating gender-specific engagement work and building relationships with women serving long sentences, we aim to empower them to voice their concerns and share their solutions for meeting the specific needs of this rarely considered group. Having established our work in three prisons holding women serving long sentences, we are adapting our approach to suit the needs of each specific establishment. We published our first Invisible Women briefing in November, which outlines some of the issues expressed by women serving life sentences.²² Women highlighted the impact of exposure to extensive trauma, both prior to and inside prison, leading to a desire for a more ‘trauma-informed’ system:

‘Prisons need to be more trauma-informed. Staff need to be trauma-trained. In my time in prison... I heard some horrendous stories. I’d wake up in the morning and I’d be totally happy, then I’d go into group therapy and come out suicidal because other people’s trauma would trigger my trauma and you’re just left to sit with it’. (Woman serving life sentence, in the community)

Women also described how serving life sentences created specific burdens relating to the indeterminacy of their sentence, highlighting a belief that emotional honesty was equated to risk, and because this would hinder their chances of release, it was better not to speak to staff:

‘Because you’re a lifer, you’re frightened to show that you’re weak, because it will be used against you. It will come up in your parole report ‘she wasn’t coping well, she’s self-harmed, she has suicidal thoughts’ — you know, so you tend to lean on other inmates to get you to a better place’. (Woman serving life sentence, in the community)

Little is understood about the long-term impact of either of these features of long prison sentences, and it is clear from our initial consultation that such concerns are at the forefront of women’s minds.

Progression

A third workstream explores the experiences of progression amongst men and women serving long sentences. Working in collaboration with Ben Jarman, from the Prison Research Centre at the University of Cambridge, this consultation is currently underway. This work builds on Ben Jarman’s PhD findings to explore the complex and often frustrating routes to progression for the long-term prison population, highlighting particular concerns about a disconnect between ‘prison approved’ progression and more individual, personal development.²³ Having launched the consultation in June 2021 through email and letter correspondence, to date we have received over 90 responses from long-serving men and women across the prison estate. Here, life-sentenced men offer detailed accounts of their own challenges to effectively progress through their sentences:

‘Like many lifers we often feel like we are walking amongst the ‘living dead’. Progress? Which part?

Serving a life sentence longer than I have lived — is that normal? It felt as if the prison estate did not even know what to do with us. The reality is lifers at the beginning of our sentences were just warehoused like livestock, even these days containment is the desired approach. Therefore, sadly many lifers — myself included — saw progression to be somewhat of a myth’. (Man serving life sentence)

‘The current system fails to identify genuine personal development, due to such a high staff turnover rate and poorly trained staff building good relationships built on truth trust and respect are very difficult, making

Women highlighted the impact of exposure to extensive trauma, both prior to and inside prison, leading to a desire for a more ‘trauma-informed’ system.

21. Prison Reform Trust (2021). *Invisible Women: Understanding women’s experiences of long-term imprisonment*. Available at: http://www.prisonreformtrust.org.uk/Portals/0/Documents/Building%20Futures/invisible_women.pdf (accessed 24 November 2021)

22. See also Jarman, this issue.

progression extremely difficult. (Man serving life sentence)

With plans to publish findings on this stream in 2022, we hope that this work will provide useful and concrete areas for improvement for those involved in long-term prisoner progression.

Long-term imprisonment: being young, growing old and dying inside

Another workstream will explore and compare the experiences of people serving long sentences at different stages of the life-course. One aspect of this work will capture the experiences of young men who are disproportionately from minority ethnic backgrounds and serving sentences that are longer than they have been alive. The other end of the spectrum will explore the experiences of the ageing prison population, who may have received their sentence in later life for historic offences and face the prospect of living out the remaining years of their lives in prison.

The programme will remain grounded in the experiences of the individuals it seeks to represent through ongoing dialogue and will identify future areas of work based on their feedback.

Building Futures Working Groups

The Building Futures Network Groups will manage the project from the inside, co-producing all project materials and activities, empowering individuals to work in collaboration with the Building Futures team to ensure prisoner voice remains at the forefront of all aspects of the programme—from planning through to dissemination and influencing. In doing this we will create the space for long-term prisoners to play a leadership role in tackling the many challenges that affect them. As prisoners have highlighted how relationships with staff can come to shape their

experiences of imprisonment (in both positive and negative ways), a key priority will be to ensure both prisoners and staff are part of the conversation. In working with both prisoners and staff throughout the programme, we will share insights and knowledge to increase understanding of the distinct difficulties faced by long-term prisoners, with the view to integrate what we learn from prisoners to contribute to prison officer training.

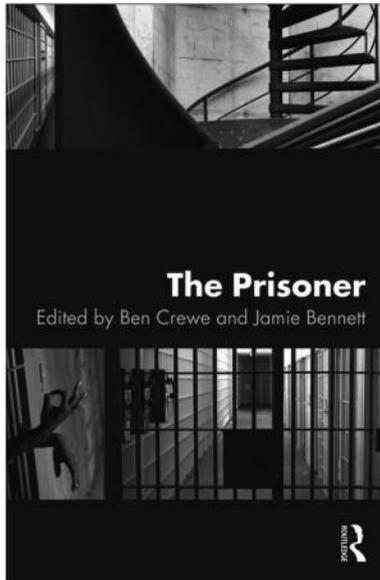
Next Steps

Resuming our programme of visits to prisons has been a key priority as restrictions have eased. It is only by meeting with and listening to those whom we seek to represent that we are able to focus on their priorities. In the coming months we will be building on our work to identify more Building Futures Network members and facilitating working groups.

Building Futures is PRT's biggest programme, funded for five years. It reflects our view that the increase in the number of people serving very long periods in custody represents the most profound challenge for the prison service and will shape the prison landscape for the foreseeable future.

The way in which the prison service chooses to meet that challenge will be determined in part by the values it brings in how to deal with those who have committed the most serious crimes—and which attract the most public and political opprobrium. But it will also depend on the extent to which those serving these sentences are given the opportunity and skills to contribute to a meaningful way of life inside and preparing them for their life outside. So we hope to model not just our traditional virtues of careful detailed research, but also a determination to hand over more influence and agency to the people we want to support. The way the programme is delivered will matter as much as the conclusions it may reach.

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*Deputy Director, Prisons Research Centre, Institute of Criminology,
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The *Prison Service Journal* is a peer reviewed journal published by HM Prison Service of England and Wales. Its purpose is to promote discussion on issues related to the work of the Prison Service, the wider criminal justice system and associated fields. It aims to present reliable information and a range of views about these issues.

The editor is responsible for the style and content of each edition, and for managing production and the Journal's budget. The editor is supported by an editorial board — a body of volunteers all of whom have worked for the Prison Service in various capacities. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editor retains an over-riding discretion in deciding which articles are published and their precise length and language.

From May 2011 each edition is available electronically from the website of the Centre for Crime and Justice Studies. This is available at <http://www.crimeandjustice.org.uk/psj.html>

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Six editions of the Journal, printed at HMP Leyhill, are published each year with a circulation of approximately 6,500 per edition. The editor welcomes articles which should be up to c.4,000 words and submitted by email to **prisonservicejournal@justice.gov.uk** or as hard copy and on disk to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8BT. All other correspondence may also be sent to the Editor at this address or to **prisonservicejournal@justice.gov.uk**.

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