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Learning Together

Men's experience of identity transition during the initial stages of Life Sentence Imprisonment: A Scottish perspective

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Introduction

In the absence of capital punishment, a life sentence is the most severe penalty available to UK courts.[1] A life sentence requires a minimum period of imprisonment, with no fixed release date. It defines a minimum period of incarceration and sets out an earliest possible date of release. The sentence sets a punishment part (commonly referred to as 'the tariff') as the minimum period which must be served prior to a first consideration of release. Progress through the prison system and the attainment of liberation are both conditional aspects of risk assessments. A final determination by Parole Scotland decides whether a person will be released, after due consideration is given to any risk to public safety. If release is directed, then liberty is conditional against a commitment to and positive evaluation of these restrictions. The conditions of liberty are then usually applied for the remainder of the individual's natural life.

Those serving life sentences in Scotland, like those in many other western nations, are now spending significantly longer periods in prison before being considered for release. The average minimum tariff awarded to a life sentenced prisoner in Scotland currently states that just under 20 years custody must be served, as a minimum, prior to a first consideration of release.[2] This represents a period of almost double that applied for a similar sentence at the turn of the century.

Issues surrounding survival, self-perception, self-adjustment, adaptation, maladaptation and identity tensions in response to these very long-term, indeterminate periods of imprisonment are well documented. However, the literature, within a Scottish context, is largely silent on this phenomenon. This paper examines the effect of these sentences, how they impact on the self-perceptions of those penalised and the capacity they have to shape future self-identifies, within the prison environment, to the satisfaction of public safety. This research will explore the 'known self', the 'adapting to survive self' and 'system expected self' features of evolving individuality, highlighting for some the stark choice between prison-based survival and system acceptance. The research will do this by exploring the impact upon personal identity applied through the omniscient challenges of facing the beginnings of very long-term, indeterminate imprisonment in Scotland. These experiences will be articulated through the voices of a number of men currently held in custody by the Scottish Prison Service (SPS).

Context

The definition and application of life sentence imprisonment has dramatically changed within the United Kingdom in recent years suggested that a life sentence was usually no longer than 9 years,[3] whereas Hulley et al. found that early-stage life sentenced participants were 8 times more likely to be serving tariffs of '20 years or more' than the post-tariff group.[4] Scotland is experiencing substantial growth in the volume of people who are serving a life sentence. The average period awarded by the Scottish Courts has also increased significantly and a larger percentage of these people have now served much longer than the minimum period of imprisonment originally set by the Courts.[5]

SPS is an Executive Agency of the Scottish Government with a prison estate consisting of thirteen public prisons and two publicly owned prisons, operated by private companies on behalf of SPS. Penal

1. Walker, N. (2010).*Crime and Punishment in Britain,* Aldine Transaction.
2. The Scottish Prison Service. (2017), *Population and Accommodation Report.* February 2017.
3. Radzinowicz, L. (1968), The Regime for Long-Term Prisoners in Conditions of Maximum Security: Report of the Advisory Council on the Penal System. London Copyright.
4. Hulley, S. Crewe, B. and Wright, S. (2015). Re-examining the problems of Long-term Imprisonment. British Journal of Criminology. 1-24. Quote, Ibid: 10.
5. The Scottish Prison Service. (2017), *Population and Accommodation Report.* February 2017.

policy is devolved directly to the Scottish Parliament and currently there were approximately 7800 people held in Scottish prisons at the time of this research The Scottish Government has a clear focus and strategy for reducing offending and increasing public safety. A national strategy for justice was first published in 2012.[6] This strategy has recently been updated, setting out a vision for justice in the country as well as clear priorities and pan-organisational objectives for the period 2017-2020.[7] Central to this vision is the consideration of the country's prison population — priority prisoner groups targeted include the development of a strategy for young people, an applied approach and a new estate specific to female offending and a policy and legislative emphasis on addressing issues surrounding short-term imprisonment and the development of alternatives to custody. Reductions in the prison population are to be welcomed, as is the political courage and creativity in applying an innovative legislative programme focused on continuing positive momentum. Scotland's justice system has been heralded as a reformist and responsive model, as recently noted by the Prison Reform Trust: 'There is much for England and Wales to learn from the progressive approach to punishment outlined today by Nicola Sturgeon. In particular, extending the presumption against short prison sentences from 3 to 12 months is a sensible way of reserving prison for those that really need it'.[8]

It is evident that the Scottish Government's priorities influence the delivery of public sector justice organisations. The plight of young people and women who offend are significant national challenges, as are the many thousands of prison receptions and short-term sentences awarded. However, against such a backdrop of the political priority surrounding these groups, the risk is that the (comparably) low numbers of people sentenced to life imprisonment may be lost. The annual numbers of people sentenced to a life sentence has remained relatively stable in Scotland over the last 10 years.[9] However the duration of the sentences awarded are increasing as is the impact this may be having on people's ability to respond to custodial expectations. Increasing numbers of people appear unable, or unwilling, to respond to the applied risk-assessment paradigm and consequently remain in prison. As a result, this significant sub-population is one of the largest growing and most significant prisoner classification groups currently held in Scotland.

The current gap in the literature[10] when combined with particulars of the Scottish context creates a humanistic, societal, organisational and financial phenomenon worthy of exploration. This research offers an important understanding of the relationship, influence, connectedness and tensions surrounding the aspects of the self-identity demands and adaptation experiences faced. It is anticipated that this understanding will provide the Scottish Prison Service with an opportunity to further consider the individuality, vulnerability and risks related to the expressed experiences of people beginning a life sentence in Scotland.

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Methodology

This was a qualitative study, and conducted as such in order to generate rich, complex and in-depth information from the personal perspectives of those involved.[11] Lived experiences illuminated the issues being explored and a purposive sampling technique to define specific characteristics of relevant people.[12] An examination of the Scottish prison population at the time of the research was used to identify men over the age of 21 and under the age of 50, within the first 3 years of a life sentence. This sample was appropriate, representing the largest group exposed to the research topic. Age range was defined by the limit of the current young offender range and the general held classification of the elderly prisoner.[13] At the time of data collection, there were 49 men within Scottish prisons who fit the sampling criteria.

6. The Scottish Government (2012), *The Strategy for Justice in Scotland.* Oct 2012.
7. The Scottish Government (2017), *Justice and Analytical Services report on Prison Statistics.* Feb 2017.
8. Prison Reform Trust (2017). Press release http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/470
9. The Scottish Government (2017), *Justice and Analytical Services report on Prison Statistics.* Feb 2017
10. With the notable exception of Maguerite Schinkel's research, Schinkel, M. (2015) 'Fair enough: Long-term prisoners talking about their sentence', *Scottish Justice Matters,* vol.3, no.1, pp.23-24. Schinkel, M. (2014) *Being Imprisoned: Punishment,* Adaptation and *Desistance.* Series: Palgrave studies in prisons and penology. Palgrave MacMillan: Basingstoke.
11. Strauss, A and Corbin, J. (1998), *Basics of Qualitative Research:* Techniques and Procedures for developing Grounded Theory, California: Sage Publications.
12. Teddie, C. Fen Yu, CT. (2016), *Mixed Methods Sampling, Journal of Mixed Methods Research.* Vol 1, Issue 1, pp. 77 - 100
13. Morton, J. B. (1992). *Administrative overview of the older inmate.* Washington, DC: National Institute of Corrections

Study participants had an average age of 32 years and an average tariff of 19.2 years. Twenty people were approached and 12, who satisfied the sample classification, agreed to take part in a semi-structured interview. Men were engaged in a pre-interview discussion as a means of first contact. This was used to explain the research project, to scope willingness to be interviewed, the issues to be discussed and the range of protective factors provided. Interviews lasted between 25 and 65 minutes.

Data analysis

A process of thematic analysis, focusing on identifiable themes and patterns[14] was used to surface and classify key issues captured during interviews. This technique was used to highlight, explore then group patterns of experience within language, phrases and reactions, expounding these into re-occurring feelings and meanings which may be less impactful if viewed on a singular level.[15] Further consideration of these patterns and collective themes against existing literature then took place with a focus given to the evidence uncovered and its relativity to self-identity, survival and adaptation.

Findings and Discussion

This paper explored the reflections of men at the early stage of a life sentence in Scotland, with a particular focus on conflicting identities and portals to the past, pre-prison self. The men describe a variable response to imprisonment however, unilaterally linked a primary self-identity which was set outside prison. Seeing themselves not as prisoners but as the people they were before incarceration (defined largely through relationship, activity, profession and place). Imprisonment is described as an experience which then untethers individuality from the social bearings of self, creating feelings of loss which then combine with a perceived threat of prison-based violence in beginning to shape, what is seen as, a prisonbased identity. The acceptance of a system-defined future identity (defined through risk assessment) is an inconstant experience. Some see the classification of a pro-social self in direct conflict with the realities of self and enduring prison, offering a choice between survival and freedom. Finally,

we see how some men experience specific prison activity and place as temporary windows back to a previous self-identity. Described as portals to a lost and longed-for pre-prison self-identity. Portals which become progressively more difficult to pass through as a consequence of the passage of time and the consequential deepening and dreaded permanency of the prison-based self-identity.

The confliction of Identities

Various narratives during this research describe a confliction of identities, in essence between identities before and within custody. The reluctant loss of a previous pre-prison self, combining with the necessary development of a prison based identity, driven by safety and survival, both contrasting against a system-defined identity focused on pro-social citizenship and public safety.

The men described acutely experiencing a ternary of tensions set between the pre-prison identity, a prison-based identity and the pro-social, system defined identity:

I'm putting myself out to be the right person, I'm trying to be the person that the Parole Board wants me to be…. but its 3 different people that you've to be, you've to tick 3 different boxes all at the one time. You've got to try to be the family man, the person that you are on the outside, then the one that sticks up for yourself, nobody's fool and then try and keep yourself righteousness, not getting into bother. It's almost impossible… jail is like being down the pub with another 60 rowdy folk. As one of the prison officers says be at the show but just don't be on the stage…I think that's a good way of describing it, be at the show and have a laugh and a crack but just don't be the one on the stage. (Robert)

The men discussed the difficulty and polarity set between surviving prison and pro-social citizenship. Robert highlighted the ternary or identities he struggles with, continuing to be the father to his children, fitting into and responding to the subculture of the prison whilst balancing his behaviour to avoid 'being on the

> The men describe a variable response to imprisonment however, unilaterally linked a primary self-identity which was set outside prison.

14. Aronson, J. (1994). *A pragmatic view of thematic analysis.* Qualitative Report 2(1)
15. Leininger, M. M. (1985). *Ethnography and ethnonursing: Models and modes of qualitative data analysis.* In M. M. Leininger (Ed.), Qualitative research methods in nursing (pp. 33-72). Orlando, FL: Grune & Stratton

stage'. This suggests a need to be 'nobody's fool' whilst the authority's focus on his behaviour may be counter to the 'righteous' person the system *requires* him to be and as such detrimental to his prospects for freedom.

John[2] and M take this tension a stage further describing the perceived impossibility of the confliction between the anti-social demands of the prison subculture and the pro-social citizenship demanded by the system. M describes the inherent difficulty of surviving the experience and the need to respond and engage with the subculture as a means of survival and the lack of system recognition for this: 'tell them I survived' (M). Creating an impossible choice between being *honest and judged or portraying a false identity,* 'you can't have both' (M). John2 presents the ultimate dichotomy. In his mind the choice is clear: he must engage with and respond to the subculture, embracing the anti-social nature of the prison based identity as a means of survival — even if this prevents his release. 'I can either survive in here or get out, not both', he says (John2). He presents the definitive challenge and unimaginable choice of being safe (surviving) or sacrificing this to become what the system expects him to be (attaining his freedom).

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connection can occur during longer visitation. We also see scholars highlight that whilst prison, by its nature, is cut off from wider society the extent to which the demarcation is total is less than absolute.[18] Even Goffman expresses permeability within his description of the total institution, highlighting 'free spaces'[19] as parts of the prison which are more relaxed, where personal guards or masks might be dropped. Other scholars describe distraction from the normative prison experience through prison run activities[20] or where mental escapism is possible through television, books or video games.[21] Responses to vulnerability through the use of the carceral environment as relief has also been used to express niches or corners where those most susceptible might find solace.[22]

This paper emphasises something different. A significant desire for sanctuary and solace which is focused more on self-expression and self-identity re-connection rather than a particular use of carceral space as escapism. The men described specific prison activities where it was possible to *transport* oneself back to the past, through '*portals'* to a pre-prison version of their self, where action and interaction could be as they were before sentence and imprisonment, if only for a short period of time. Allowing the men to 're-tether' to the identities they knew pre-prison.

Unsurprisingly, providing the earlier articulations of the importance of loved ones in shaping self-perceptions, these activities centred largely around family connection activities such as visits and telephone calls. Men expressed feelings of 'flicking a switch' (Robert) or '*travelling* through the visit room door' (Paul) as activities which actually transported them from one, current self-identity to a previous one. Travelling back to a lost and longed for identity which had

Portals to the past self — a window of early opportunity?

Previous studies have marked the importance of space within the prison setting — how it can shape reactions, behaviours and the vulnerability of those in custody.[16] Specific spaces such as classrooms have been described as 'zones'[17] where free expression and unguarded emotion is easier than it is in other parts of the prison. Moran describes the liminal advantage offered through visit rooms, as places where family re-

16. Crewe, B. Warr, J. Bennett, P. Smith, A. (2013). *The emotional geography of prison life.* Theoretical Criminology 2014, Vol. 18(1) 56 – 74. Moran, D. (2013) . *Between outside and inside? Prison visiting rooms as liminal carceral spaces* Geo Journal, Vol. 78, No. 2, pp. 339-351.
17. Crewe, B. Warr, J. Bennett, P. Smith, A. (2013). *The emotional geography of prison life.* Theoretical Criminology 2014, Vol. 18(1) 56 –74.
18. Jacobs, JB. 1977. *Stateville: The Penitentiary in Mass Society.* Chicago: University of Chicago Press. Bottoms, A.E. (1999). *Interpersonal Violence and Social Order in Prisons,* 26 Crime. & Just. 205, 282
19. Goffman, E. (1961) '*On the characteristics of total institutions: The inmate World'* in D Cressey (ed) 204
20. Milhaud O and Moran D (2013) Penal space and privacy in French and Russian prisons. In: Moran D, Gill N and Conlon D (eds) Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention. Farnham: Ashgate.
21. Johnson, R & Dobrzanska, A (2005). *Mature coping among life-sentenced inmates; An exploratory study of adjustment dynamics.* Correction Compendium, 30 (6) 8-9, 36-38. Sliva, S.M. (2015). *On the meaning of Life: A qualitative interpretive meta synthesis of the lived experience of life without parole.* Journal of Social Work, vol 15 (5) 498-515.
22. Johnson R (1987) Hard Time: Understanding and Reforming the Prison. Pacific Grove, CA: Brooks/Cole Publishing. Toch, H (1992) *Living in Prison: The Ecology of Survival.* New York: The Free Press.

connection and activity with those loved ones, the connections and the related behaviours which defined the pre-prison self; a self which was seen by many to be in direct conflict to the identity they had to become within the prison setting:

> It's a relief to get up and be with family. It's like a sigh of relief, the moment you sit down and you're with them, it's like thank god…... I suppose it is like flicking a switch or walking through a portal...you go back to being you… (Robert)

These contacts were described by the men as identity oases — places, periods and points of transportation back to lost activity and lost connection — back to a previous self.

It was also apparent that the longer some men spent in prison, the greater they felt the deepening permanency of the prison-based identity became. This crystallising identity, along with the complex adaptation, skills and understanding it demanded, was such that the short-term transition back to the previous, pre-prison self became progressively more difficult. These experiences suggest a possible relationship between time-served, loss of pre-prison identity, development of a prison-based identity and permanency of change to what is then seen as the self-identifiable primary self:[23]

> She knows me, the way I am, but when I was phoning her I wasn't coming across as the me she knew. She got annoyed. My sister had seen a change. She was asking what are you acting like this for, what are you being like that for. I realised I was actually being the prison Paul with my sister. That's a worry. (Paul)

Paul's reflection on the conversation with his sister underlines to him the impossibly painful identification of the beginnings of permanent identity change. He describes the progressive deepening of a prison-based identity being such that he fears new beginnings of self-definition. He fears becoming a person his loved ones no longer relate to nor recognise as a result of his pursuit of both prison based survival and eventual release. Paul describes a fearful dichotomy, caught between longings for a self he may lose as a consequence of responding to his new situation, as a life sentenced prisoner.

These results have highlighted a number of issues. We have seen how the experience of beginning a life sentence in Scotland varies. How for some it is similar to a social death whilst others view it as an opportunity to begin again. How men define themselves neither through prison nor the labels it offers. Also that whilst imprisonment regrettably separates most from the axis points of identity, many are driven to evolve a prison-based self-identity as a means of surviving the threat of violence. In so doing, some of the men interviewed described a conflict between survival and the expected response to custody. Finally that some continue to seek out opportunities to contact the lost and longed for pre-prison self, but that this ability to transit between self-identities may be progressively lost through the passage of time.

Conclusion

The limited availability of any current academic examination of the transition into a life sentence and its impact upon self-identity in Scotland, is such that this paper offers insight into a relatively unexplored area. The dramatically increasing periods of imprisonment awarded to those given life sentences in Scotland has seen the examination of the lived experiences of these men achieved during a period of significant change. A period of change in the application of what constitutes the longest period of imprisonment within Scotland. The average tarif faced by the men in this paper was 19.2 years. This minimum term of custody represents an extent of captivity which is almost double that faced by people sentenced to life imprisonment in Scotland less than 20 years ago. Some of the men interviewed described a prospect of facing a period of imprisonment which was greater than their current age.

The men involved in this study, described a progressive difficulty in achieving a desired, temporary identity-*switch*. This difficulty was experienced as a result of the deepening permanency of the complex skill-set and behaviours demanded by the prison-based

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23.   Hulley, S. Crewe, B. and Wright, S. (2015). *Re-examining the problems of Long-term Imprisonment.* British Journal of Criminology. 1-24.

identity, the concentrated application of it within the new prison environment and the distance (in time, place, activity and relationships) from the *pre-prison* self. These pressures were such that the permanency of the change was seen by some men as an inevitable consequence of the passage of time.

Men also described prison-based portals assisting in an identity-switch; as windows or oases which transported them back to a previous self-identity. These were seen as the small escapes of activity and place (primarily the visit room and the prison telephone) where connection and interaction with loved ones allowed a re-emergence (if only temporarily) of the previous self. Even here, however, the progressive deepening of the prison-based portrayal of self was such that the transition through these portals was becoming increasingly difficult. Offering, for some men, the profound concern of a correlation between time-served, permanency of identity change and loss of self.

Significantly, people described a direct confliction between the realities of surviving prison and the figment of the pro-social citizenship demanded by the system. Many held, with bitter experience, the person they had to become within prison to survive; where connection, humanity and personal engagement were to be, seen as signals of weakness and where propensity for significant violence was a foundation of self-protection. Self-survival was seen as primacy and as such this transition was seen as unavoidable by some. Many, therefore, experienced a polarity between the demands of surviving the experience of imprisonment and in becoming the person who could convince the authority of future law-abiding citizenship. A stark choice for many, was therefore set between the prospects of liberty or responding to the realities of surviving the environment.

Whilst positive in its philosophy and approach, if SPS considers its vision of 'Unlocking Potential and Transforming Lives' to be true for people beginning such unimaginably long periods of indeterminate imprisonment, much more may need to be done in understanding and responding to the specific individuality of the tensions surrounding the personal journeys into and through custody.

The men interviewed during this study highlighted a need to work hard to develop and hone the skills and human interactions reflective of responding to the perceived threats within the prison environment, as well as describing both a growing difficulty in transforming from this pretence identity back to their source identity. They also described a relationship between time served and the difficulty of transition. These descriptions provide a real risk of early and, potentially permanent, maladaptation for SPS. One which is at odds with the prospects of addressing issues such as progression, release and overcrowding. If the transformation these men are expected to undergo itself is to be survivable, even positive as well as being accepted by society, then a match between identity changes and a realistic prospect of a life beyond a life sentence must be achieved.

This study resulted in the author (the then Governor of the prison) establishing a programme of work which looked to reconsider and subsequently evolve the practice used to support people facing such sentences. This practice takes place within a specific internal facility, The National Induction Centre (NIC) within HMP Shotts. A subsequent programme of work, which involved significant contribution from men serving such sentences, focused on responding to the risks of early maladaptation, as a consequence of both the environment and the personal experiences of people beginning a life sentence. The work was undertaken in 2018 and developed the Custodial Assessment, Support and Transition (CAST) model. This model of case management and support now sees a holistic, multi-disciplinary and open approach to the early stage of this sentence. Offering people a constructive response to the articulated challenges faced during the early periods of very long-term imprisonment and providing a tailored response which underpins a supportive, adaptive beginning to the prison sentence. Recently completed research (2019) into the model, its practice and its outcomes are very positive and SPS are currently considering the potential to extent the CAST model to other sectors of the current prison population in Scotland.