



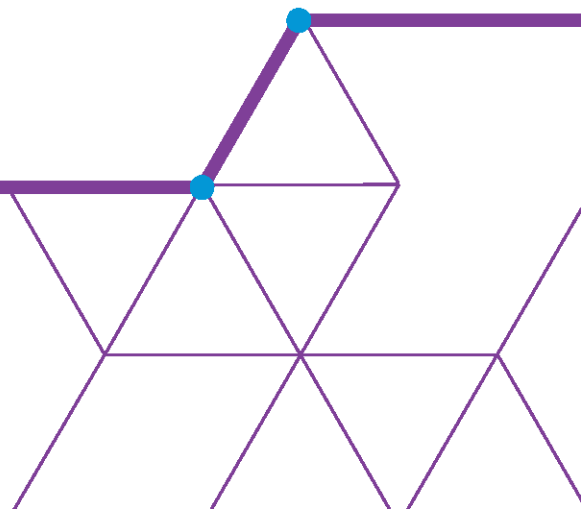
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Experiencing long term imprisonment from young adulthood: identity, adaptation and penal legitimacy

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1. Summary

This report summarises the findings from a study of prisoners serving long sentences (tariffs of 15 years or more) who were sentenced when aged 25 or under. It describes the main experiences and problems reported by study participants, and the ways in which they coped with and adapted to their sentences.

A survey (313 respondents, 294 male, 19 female with an overall response rate of 69%) and 147 qualitative interviews (126 male and 21 female) were conducted, with fieldwork undertaken during 2013-2015. As with all studies there are some limitations to the methodological approach, and it should be noted that findings may not be representative of the views of all prisoners serving long sentences

2. Key findings

- The most severely felt problems of long-term imprisonment related primarily to missing others outside prison (particularly parents and children) and feeling that one's life was being lost or wasted.
- Prisoners who were in the early stage of their sentence reported the problems of confinement as being more severe than those who were further into their sentences.
- The early sentence stage was characterised by feelings of trauma and disorientation, based on receiving a very long (and often unexpected) prison sentence, having to reconsider self-identity in light of the offence, and having to re-think their future.
- Prisoners who were further into their sentences were considerably more positive about their situations. Most had found ways of spending and managing their time, establishing a sense of control over their life, dealing with feelings of shame, making the sentence somewhat productive, and finding some sense of meaning in their situation.
- Most participants perceived themselves to have 'matured' during their sentence, but were aware that their maturity was relative – and possibly limited - to the prison context.

- Despite very common feelings of injustice and resentment among interviewees about their convictions and/or sentence lengths, most reported being highly compliant within the prison system because of the aspiration to be released as soon as possible.
- The female prisoners who participated in the study reported consistently and statistically significant higher problem severity than their male counterparts, across a range of issues, shaped to a large extent by their lives before prison.
- Most study participants who were some way into their sentences said they had changed profoundly as a result of having to cope within the prison environment and with the problems that they encountered over an extended time period. These changes – such as social withdrawal - might act as a barrier to reintegration after release.

3. Introduction

At the end of 2010, before this study commenced, there were over 2,300 prisoners serving indeterminate sentences of at least 15 years, and in the previous decade, the number of offenders who received a tariff (i.e. minimum term) of 15 years or more increased by 240%.¹ Between 2003-2012, the average tariff of a mandatory life sentence for murder rose from 12.5 years to 21.1 years,² in large part due to changes in sentencing frameworks resulting from the Criminal Justice Act 2003.³ Many of these long sentences are being given to young people: at the end of 2010, for example, 319 of the 2,300 prisoners serving indeterminate sentences of at least 15 years had entered prison when aged between eighteen and twenty.⁴ More recent figures show that at the end of December 2018, there were 9,572 prisoners serving indeterminate sentences of some kind, including 3,624 with life sentence tariffs of 10-20 years, and 1,862 with tariffs of greater than twenty years (including whole life tariffs). (Ministry of Justice, 2019). In sum, a growing number of prisoners are serving long sentences that, until relatively recently, were unusual. There is little research literature in this area, which tends to focus on the legal and human rights dimensions of the issue

¹ Information obtained from Ministry of Justice, by Susannah Hulley, Freedom of Information request FOI/68152, December 2010.

² Information obtained from Ministry of Justice by Jonathan Bild, Faculty of Law, University of Cambridge: Freedom of Information request FOI/89346, April 2014.

³ The Criminal Justice Act 2003 introduced a statutory minimum tariff of 15 years for murder for all cases where the date of offence is on or after 18 Dec 2003.

⁴ Information obtained from Ministry of Justice, by Susannah Hulley: Freedom of Information request FOI/68520/10, January 2011.

(Drenkhahn, Dudeck and Dunkel 2014; Zyl Smit and Appleton 2016), and rarely focuses on the experience of such sentences or their impact on prisoners (see Kazemian and Travis 2015).⁵

The primary aim of the study on which this report is based was to provide a systematic analysis of the experiences and adaptations of prisoners serving life sentences, received when they were aged 25 or under.

4. Research questions

The primary research questions of the study were as follows:

- How do prisoners serving very long life sentences from an early age make sense of and psychologically manage their sentences? What problems do they experience, and how do they cope with these problems?
- How do they adapt socially to the demands of the environment and build a life for themselves while imprisoned over many years? On what basis do they form relationships with other prisoners and with prison staff?
- How do such long sentences shape perceptions of penal legitimacy, with what implications for adaptation and compliance?

5. Research methods

The study adopted a mixed-methods approach. The first method entailed long interviews with 126 male prisoners (around an eighth of the population of interest at the time of data collection), and 21 of the 27 women who met the inclusion criteria. Fieldwork was conducted in 24 establishments overall, from Young Offender Institutions to open prisons, as well as two high-security establishments. All participants had been convicted of murder and were serving mandatory life sentences (with tariffs ranging from 15 to 35 years). Age when sentenced ranged from 13 to 25.

⁵ Drenkhahn, K., Dudeck, M. and Dunkel, F. (eds.) Long-term Imprisonment and Human Rights, London: Routledge; Zyl Smit, D. and Appleton, C. (2016) (eds.) Life Imprisonment and Human Rights, Oregon and Portland: Hart Publishing; Kazemian, L. and Travis, J. (2016) 'Imperative for inclusion of Long termers and lifers in research and policy', *Criminology and Public Policy*, 14(2) 355-395.

The sampling of the male prisoners was designed to capture people at specific sentence stages, as follows:

- Early - within the first four years of the sentence;
- Mid-stage - half of the tariff point plus or minus two years;
- Late-stage - two years before the tariff point onwards.

The sampling also reflected the number of prisoners in the population of interest who were in these three phases overall, and the kinds of establishments where they were based. Early stage prisoners were over-sampled, first, to maximise the number of prisoners who could – in the future – be followed up throughout their sentences, and second, because there is likely to be an increasing build-up of these prisoners within the prison system in the coming years.

The second method involved the distribution of surveys to all of the prisoners in each of the fieldwork establishments who met the research criteria. 313 surveys were received from 294 male prisoners and 19 female prisoners with an overall response rate of 69 per cent.⁶ The survey drew upon an existing set of ‘problem statements’, which had been developed in the 1970s to measure the ‘severity’ of the difficulties facing long-term prisoners, including such issues as ‘Being bored’, ‘Wishing that time would go faster’, ‘Losing your self-confidence’ and ‘Feeling suicidal’ (see Richards 1978).⁷ With some minor amendments to language, these statements were adopted and were supplemented with a range of problem statements which were developed after the early phase of fieldwork. Fieldwork was undertaken between 2013 and 2015.

Interviews were coded according to an ‘adaptive theory’ approach, in which coding is based both on existing concepts and literature and on themes emerging from the data itself. Surveys were analysed primarily in order to assess relative ‘problem severity’, and to compare the severity of different problems according to variables such as ethnicity and sentence stage.

⁶ The response rate does not account for those prisoners who met the research criteria but who we were unable to approach as part of the recruitment process. The response rate for the interviews is harder to state, since, in some establishments, the recruitment of prisoners was undertaken by prison staff who did not always provide full information as to who had been approached and who had declined to participate. We would, however, estimate the refusal rate for interviews to be approximately 40 per cent, with this rate being highest in Young Offender Institutions and high-security establishments, where we found prisoners to be more guarded than in other parts of the system.

⁷ Richards, B., (1978) The experience of long-term imprisonment. In *British Journal of Criminology*, 18, pp. 162-9.

6. Limitations

It is important to emphasise that the research design was cross-sectional rather than longitudinal, and therefore the experiences of individuals at different sentence stages is not directly comparable.

The study does not include prisoners who have been transferred during their sentences to secure hospitals, who could not be accessed due to time constraints and access issues. The findings may therefore be skewed towards those prisoners whose mental health is secure and who are coping relatively well with long prison sentences.

While there is no reason to believe that the findings are not generalisable to the population of interest, whether they are generalisable to prisoners serving long, determinate sentences, shorter indeterminate sentences, or other sentences can only be assessed through further research with those populations.

7. Findings

According to the survey data, the problems of long-term imprisonment that were experienced as most severe related primarily to missing others outside prison (particularly parents and children) and feeling that one's life was being lost or wasted; those experienced as least severe were emotional/psychological, relating to fears about mental health and psychological integrity. Specifically, the five most severe problems reported by the men (most severe listed first) were: 'Missing somebody', 'Worrying about people outside', 'Feeling that you are losing the best years of your life', 'Having to follow other people's rules and orders' and 'Feeling sexually frustrated'. The five most severe problems reported by the women were 'Having to follow other people's rules and orders', 'Missing somebody', 'Worrying about people outside', 'Not feeling able to completely trust anyone I prison', and 'Thinking about the crime you committed'.

The survey data also showed that early-stage prisoners experienced the problems of confinement as being more severe than prisoners who were further into their sentences. Few of these differences were statistically significant, but there was a clear, general pattern of diminishing problem severity by stage of sentence.

The qualitative data suggested that, in the first few years of their sentences, prisoners experienced a form of trauma, based on: receiving a very long (and often unexpected) sentence; having to reconsider their self-identity in light of their offence (murder); and having to re-think the futures that they had expected to have. The early years were characterised by feelings of shock and anger, and by a form of 'temporal vertigo', in which prisoners struggled to come to terms with the length of time in prison that lay ahead of them. The majority of prisoners sought to suppress, deny or deflect the reality of their situation. Most reported that they could not think about their futures, and instead managed their sentence 'day-by-day'. Managing time was experienced as a significant burden. Most interviewees, during these early years, could find little purpose or meaning in life, and felt that they were 'stuck in time', 'treading water' or 'just existing'. Most considered themselves to have very little control over their lives.

Prisoners who were further into their sentences were considerably more positive about their situations. Typically, they had come to terms with their circumstances and the need to build a life within prison. They had found ways of managing time – both its everyday burdens, and thinking about the amount of time that lay ahead – for example, through self-devised routines, and often via spiritual and religious practices. They had redefined control, in ways that enabled them to feel a localised sense of autonomy within their lives. Most stated they had also found ways of resolving their feelings of shame about their offence, which allowed them to 'move on' in their lives. This transition included establishing a new sense of self – often driven by a desire to demonstrate a personal ethic - making the sentence 'constructive', and finding some sense of purpose and meaning in life, often facilitated by practices and ideologies of faith and spirituality. Most felt themselves to have 'matured' during their sentence in certain respects (e.g. anger management; tolerance of others). However, this experience stood in contrast with the sense that time 'out there' had stopped at the point of the sentence and that key, developmental life events and years of 'life-building' had been missed.

Few participants mentioned the benefits of offending behaviour programmes in helping them to adapt to their sentences, although many reported retrospectively that such courses had helped them to 'think differently' about particular issues, and some spoke very positively about interventions involving forms of victim awareness as well as time spent in prison-based therapeutic communities.

With regard to social adaptations, participants generally described developing close but limited friendships with a small group of peers, bonded by a shared orientation to the sentence. However, participants were much less concerned with social relations and the

prisoner social world than with their individual situation and processes of reflection and change. Meanwhile, the survey findings indicated that late-stage prisoners were less loyal to other prisoners, less hostile to staff, and less committed to an 'inmate code' than those at earlier sentence stages.

Despite very common feelings of injustice and resentment among interviewees about their convictions or sentence lengths, in particular for those convicted under 'joint enterprise',⁸ most were highly compliant with their sentence. While prisoners in the early years of their sentences were often disengaged from the prison regime, most were non-compliant principally in order to alleviate the difficulties of prison life (such as missing loved ones and having meagre resources). Those further into their sentences had generally come to terms with their situation, and had come to recognise the risks of being non-compliant. While it was very common for interviewees to express resentment about the police and the wider criminal justice system, such sentiments did not appear to determine their views of prison staff and the prison system specifically.

While there were few differences between the male and female interviewees with regard to patterns of adaptation, the female prisoners reported consistently and significantly higher problem severity. This was particularly marked in areas relating to outside relationships (specifically, relationships with children), emotional and physical vulnerability, release anxiety, and overall mental wellbeing. Feelings of distress, powerlessness and concerns about trust were especially predominant in the narratives of the female interviewees, shaped to a large extent by their life experiences before imprisonment.

The fact that problem severity did not increase by sentence stage has been interpreted in previous studies as evidence that long-term imprisonment does not have cumulative or harmful effects. However, interview data suggested that long-term prisoners were impacted significantly by their experience. Most reported they had changed profoundly as a result of having to cope within the prison environment and with the problems that they encountered over an extended time period. Many appeared to have become 'over-adapted' to the environment – emotionally over-controlled; socially withdrawn, and so on - in ways that might make it more difficult for life after release (see Liem and Kunst 2013 on 'post-incarceration

⁸ 'Joint enterprise' represents a complex set of legal principles, which allow for more than one person to be convicted of a single offence by imputing criminal liability to the participants in a criminal enterprise for all that results from that enterprise.

syndrome').⁹ Further research with life-sentence prisoners who have been released would be required to assess the impact of adapting to long-term imprisonment on post-release outcomes.

8. Implications

The management of long-term prisoners might be improved through a number of initiatives, for example, in relation to:

- the care of prisoners in the early months and years of the sentence, when feelings of anger, trauma and disorientation are most acute, assisting prisoners with the specific problems that they encounter, such as missing family (particularly parents and children) and friends, and feeling that their lives are being wasted. This might therefore include organising enhanced parental/family visits and giving this group of prisoners more opportunities to engage in 'generative' roles within their establishments, i.e. which enable them to find meaning in their sentence by 'giving something back' to others.
- acknowledging the legitimacy deficits that can be relevant to this group, particularly their feelings about the unfairness of their sentence, and the difficulties of coming to terms with such long sentence lengths, which can affect individuals' levels of distress, vulnerabilities and rehabilitation.
- recognising that most prisoners serving such sentences experience deep feelings of shame, remorse and, where the victim is known to them, grief, and may need assistance in dealing with such emotions.

The recommendations set out above should be considered in light of a number of policy developments that have been implemented since the fieldwork for this study was conducted. These changes include responses to Lord Farmer Review (2017)¹⁰ of prisoners' family ties and the introduction of the Offender Management in Custody (OMiC) model, designed to promote a rehabilitative culture and ensure that prisoners are allocated a key worker to support them through their sentence.

⁹ Liem, M. and Kunst, M. (2013), 'Is There a Recognizable Post-Incarceration Syndrome Among Released "Lifers"?', *International Journal of Law and Psychiatry*, 36: 333–7.

¹⁰ Progress updates on implementing the Farmer recommendations are published here: <https://www.nicco.org.uk/>

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