

**RMA**

**INITIAL INSIGHTS INTO EXPERIENCES OF RELEASE,  
COMMUNITY INTEGRATION AND RECALL FOR INDIVIDUALS  
ON THE ORDER FOR LIFELONG RESTRICTION**

JULY 2023



**REDUCING  
SERIOUS HARM**

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## 2. ABSTRACT

The Order for Lifelong Restriction (OLR), Scotland's unique approach to the management of serious violent and sexual offenders, has been available to the High court as a sentencing option since 2006. The current study provides the first insight into the experiences of individuals subject to the OLR, with specific focus on experiences of release from custody, community integration and recall (where applicable).

The report draws upon data from interviews with eight individuals who have progressed through the custodial element of their sentence and been released to live in their community. These individuals provide a unique perspective, having experienced all key stages of the OLR sentence, including recall to custody for three of the participants. Reflexive thematic analysis revealed three overarching themes in the data:

1. *A never-ending journey;*
2. *Release from custody is challenging, but supported and*
3. *Positive coping strategies help to navigate the OLR.*

The findings suggest that individuals on the OLR experience working towards release and the transition from prison to community as challenging. However, once in the community, support from justice services was reported to be largely positive and this combined with internal coping strategies supported community integration. The implications of these findings for practitioners and considerations for future research are discussed.

### 3. INTRODUCTION

Effective sentencing and management of individuals convicted of serious violent and sexual offending is key to ensuring the safety of the public. In Scotland, special sentencing measures were introduced in 2003 for individuals assessed to pose a continuing and serious risk to the public (see Darjee & Crichton, 2002). The Order for Lifelong Restriction (OLR) became available to the Scottish High Court in 2006; a true lifelong, indeterminate sentence. The OLR may be imposed for any offence with the exception of Murder, which carries a mandatory life sentence.

An indeterminate sentence is defined as a legal order which lacks a specified date to which an incarcerated individual would be released from custody ([UK Government, 2022](#)). The OLR presents the only indeterminate sentence of its kind. Prior to sentencing a thorough psychological risk assessment (known as a Risk Assessment Report) is completed and provided to the court outlining an opinion on the individual's risk. The judge draws upon this, and other evidence to determine whether the OLR sentence is necessary and appropriate for public protection.

Sentencing of individuals convicted of serious offences to custody and the resulting loss of liberty experienced by these individuals may be regarded as 'retribution' for victims of crime (Darley & Pittman, 2003). In addition to this punishment however, indeterminate sentences are unique as they also consider and manage 'future' harm that an individual may pose if they were to be released from sentencing conditions (see Ferguson, 2021). Long term legislative measures are applied to reduce or retract an individual's autonomy to the extent that they are less likely to commit such harm (Duff, 2001). For an individual subject to an OLR these long term measures are outlined within an individualised Risk Management Plan (RMP). This RMP is designed to manage the individual's risks within their current context, whether that is prison, hospital or the community.

The RMP is developed by professionals, ideally in collaboration with the individual, within nine months of the sentence commencing, and remains a live document throughout the individual's life. Within custody, the RMP is implemented with the aim of supporting the individual to address their risks and move through the sentence. If considered necessary, the individual will progress to less secure conditions<sup>1</sup>, including semi-open and open conditions where their ability to manage themselves and their risks is tested. When sentenced, individuals receive a 'punishment part' to their sentence, a minimum period which must be spent in custody. Following the expiry of this punishment part, the individual is eligible to apply for release on parole; The Parole Board shall not give a direction to release until it is satisfied that it is no longer necessary for the protection of the public that the individual should be confined. ([Prisoners and Criminal Proceedings \(Scotland\) Act 1993 S. 2 \(5\)\(b\)](#)). Whilst this journey appears linear, many factors (e.g. custodial behaviours, compliance and engagement with treatment) can impact upon the progress an individual makes throughout their sentence, and ultimately, how long they spend in custody.

Upon release, the individual with an OLR will continue to be subject to an RMP which includes supervision and monitoring for the rest of their life (Risk Management Authority, 2022). This ongoing risk management is designed to prevent future serious offending from occurring. The individual is also subject to a lifelong licence in the community which is supervised by Justice Social Work (JSW). A recall to custody on the OLR sentence can be initiated by JSW in the event of concerning behaviours, reoffending or breach of licence conditions. In such instances the individual is returned to custody and reviewed by the Parole Board to consider suitability for re-release. The individual will only be released if the Parole Board consider the individual can be safely managed in the community.

<sup>1</sup> Less secure conditions and community access are defined within Section 8 of the [SPS Risk Management Progression Temporary Release Guidance \(2018\)](#)

The [MacLean committee report](#) (Scottish Executive, 2000), which proposed the introduction of the OLR sentence, outlined that it was central to the committee's thinking that individuals subject to the OLR would continue their sentence in the community, if their risk could be safely managed in that context. In fact, committee members highlighted within the report: "The term indeterminate sentence should not be seen as synonymous with indeterminate incarceration" (p58).

As of December 2022, 257 individuals have been made subject to an OLR. Following the death of 17 individuals and seven successful appeals there are now a total of 233 individuals serving an OLR sentence. Since the sentence commenced in 2006, there have been 17 individuals released from custody on the OLR; four of these individuals were released on compassionate grounds due to health reasons and are now deceased. Of the remaining 13, one is deceased, six continue to be managed in the community and six have been recalled to custody.

At this stage, only a small number of individuals subject to the OLR have experienced release from custody and community integration. As such, understanding of how individuals perceive this stage of the sentence and the associated supports and challenges is limited. Additionally, in some cases individuals released from custody have subsequently been recalled on their OLR sentence. Therefore, exploring the factors contributing to recall may help improve understanding around how to support community integration in this population. It is therefore imperative that research is conducted to improve understanding. Individuals subject to the OLR have been identified as participants to ensure that their experience is captured first hand (rather than speaking to case managers, for example). A qualitative approach is appropriate to reveal and understand the views and perceptions of participants subject to the OLR who have experienced release, community integration and recall.

The current report will consider literature surrounding the role of community integration following a prison sentence. The focus will be on individuals' experiences and the potential facilitators and barriers to effective community integration. The role of professional supervision upon release is a key consideration given the lifelong nature of supervision for individuals on the OLR sentence. As such, relevant literature on this topic has been collated and presented.

In addition, to understand individuals' experiences of release, integration and recall on the OLR sentence, it will be important to also consider experience of the sentence more broadly. Exploring experiences and individual perceptions of the sentence will provide context to the perceived supports and challenges of community integration in this population. To consider whether the experiences identified by those sentenced to an OLR are unique to the population or consistent with similar populations (i.e., other populations sentenced to indeterminate legal orders), the broader literature must be examined and assessed. Limited literature is available on the experiences of individuals on indeterminate sentences, however the current study draws upon a small number of studies into experiences of indeterminate sentencing in Scotland, England and Wales.

Our introductory section concludes with research questions for the current study.

### **3.1 PRISON AND RELEASE ON AN INDETERMINATE SENTENCE**

As outlined below, existing literature suggests that individuals subject to indeterminate sentences may face challenges when working towards release from custody. These experiences may influence how they subsequently make sense of their release, community integration and recall and are therefore important to consider. A recent review of the Imprisonment for Public Protection (IPP) in England and Wales by the Prison Reform Trust (Edgar, Harris & Webster, 2020) reported that all of the 31 individuals interviewed had been held in custody beyond their tariff (the punishment part of their sentence). Participants identified factors which they felt contributed to this, including

delays accessing interventions, slow parole processes and risk assessments indicating that they continued to present an unmanageable risk. Participants also reflected that their own behaviours had often resulted in difficulties progressing through the sentence and achieving release. Feedback indicated that being held in custody post-tariff had negatively impacted upon participant mental health and wellbeing. When it came to release, individuals reported feeling ill-prepared, with difficulties relating to housing and employment being primary concerns.

More broadly, studies investigating the IPP sentence found that individuals on indeterminate sentences may feel written off, stigmatised and even victimised by justice processes they perceived to be unfair. This was particularly in comparison to peers who were on determinate sentences (Harris et al., 2020, Merola, 2015). In interviews with individuals on the IPP sentence, Harris and colleagues' (2020) found that participants reported a substantial degree of hopelessness and unfair treatment while being on an indeterminate sentence, and consequently felt "trapped" by not knowing when or if they will ever be free of its regulations.

Perceptions of indeterminate sentences as unfair have been reported in other studies. Merola (2015) conducted semi-structured interviews with seven individuals who were aged 18-21 and subject to the IPP sentence. Participants reported believing that they had been treated unfairly when compared with peers who had committed similar crimes yet received determinate sentences. Additionally, a theme of 'walking on eggshells' was generated based on participants reports of management in the community; finding it difficult to see a future for themselves and apprehension surrounding recall to custody over minor violations (Merola, 2015).

The impact of perceived unfairness may be significant in the management of individuals subject to indeterminate sentences, particularly in relation to release and community integration. According to Tyler (2003), individuals who believe that they are being treated in a fair and just manner, are more likely to engage meaningfully with authority figures and view their role as legitimate (Hough et al., 2013). Furthermore, individuals who believe that procedural justice is present are more likely to engage with supervision and comply with requirements, even when such processes are unfavourable for them (Tyler, 2006). Procedural justice concerns the perceived fairness of the procedures involved in decision-making and the perceived treatment one receives from a decision maker (Murphy & Tyler, 2008). Weaver and colleagues (2021) also suggest that what is perceived to be fair and just is subjectively and situationally conditional; therefore how we perceive we are treated relative to similarly situated others will also factor into perceptions of fairness (Weaver, Piacentini, Moodie & Barry, 2021).

In their study investigating the perceptions of 20 individuals with sexual offences recalled to custody following community release, Digard (2010) found that participants who reported experiences of perceived unfair judicial processes felt less inclined to engage meaningfully with professionals. This was despite continuing to engage on a 'formal' or required basis as stipulated by their sentence conditions (see Robinson & McNeill, 2008). Weaver and colleagues (2021) considered factors contributing to non-compliance with community supervision in a Scottish population of 93 people who were breached or recalled for non-compliance with a community order or licence. Whilst acknowledging that perspectives of those who have been breached or recalled tended to be negative, the study did also find evidence of positive experiences of supervision among non-compliers. In these cases, perceived procedural fairness appeared to have been positively influenced by the nature and quality of interactions with supervising officers. Specifically, the authors highlight relevant factors influencing positive interactions and perceived fairness such as: that the ways practitioners relate to service users which communicate how practitioners view them; the extent to which individuals feel supported to address the issues that matter to, and impact upon them; and whether decision making reflects those issues which are important to the individual (Weaver et al., 2021). Whilst these positive experiences did not result in compliance in the individuals interviewed, in line with Digard's (2010) findings, such perceptions of procedural justice may support meaningful engagement with professionals following a breach or recall.

Findings on procedural justice are important to consider as effective community management relies on relevant authorities being able to engage and maintain compliance from those being managed, which may be undermined by beliefs that such management is unjust (see Tyler & Blader, 2003; Tyler & Jackson, 2013).

The Compulsion Order and Restriction Order (CORO) is a further indeterminate sentence which is available in Scotland. The CORO is designed for individuals with a mental disorder (as defined by the Mental Health Care and Treatment Act (2003)) who must be confined indefinitely in hospital until they are no longer deemed a threat to themselves or the general public (see [Scottish Government, 2005](#)). A recent phenomenological investigation into lived experiences of individuals on the CORO found that individuals reported feeling that their life was out of their own hands, and that they walked a delicate tightrope such that seemingly small actions could result in significant consequences, such as a recall to hospital (Barnett et al., 2022). Additionally, it was noted that some participants viewed the order as punitive in nature. The authors further identified numerous coping strategies that individuals recognised as important to managing their lives on COROs, including active acceptance and exercising the power and choices that you do have. The CORO and the OLR are both indeterminate sentences, however they are applied to different populations therefore it is possible that experiences of these sentence types will differ. The current study provides an opportunity to consider whether similarities exist in experiences of different types of indeterminate sentence in Scotland, particularly when considering release, integration and recall.

There is no qualitative research available which directly compares individual experience on the OLR sentence to that of the IPP or CORO sentence. As such, it is possible the experiences outlined by Harris et al. (2020) and Merola (2015) are exclusive to the IPP sentence; and Barnett et al. (2022) to the CORO. There are significant differences between the IPP, OLR and CORO however all are indeterminate in nature and therefore it is possible that similar experiences and challenges exist. Additionally, the present study considers that the experiences of individuals on an indeterminate sentence may differ from the experiences of individuals on a determinate sentence. However, given the limited literature available, it is possible that factors impacting reintegration may be similar for both groups. For example, findings suggest that a fear of recall to custody can result in a preference for remaining in custody rather than release on probation for individuals on determinate (Binswanger et al., 2011) and indeterminate (Harris et al., 2020) sentences. These factors will be explored within the current study.

## **3.2 COMMUNITY INTEGRATION**

### **3.2.1 Facilitators and Barriers**

Community integration is the process in which an individual transitions from prison to their community and aims to lead a non-offending lifestyle. Attempts to understand experiences of community integration following incarceration are widespread across forensic populations (e.g., Binswanger et al., 2011; Harris et al., 2020; Lievesley et al., 2018; Merola, 2015; Van Rooij et al., 2013). The processes of desistance from crime and community integration are complex, with many associated factors (LeBel et al., 2008; Shinkfield & Graffam, 2009), including intrapersonal factors (e.g., psychological issues, substance use), employment opportunities and social/professional supports (Shinkfield & Graffam, 2009).

Empirical evidence widely indicates that post-prison integration can be positively influenced by pro-social connections with peers and effective engagement with professionals (Buck et al., 2021; Davis et al., 2013; Kitson-Boyce et al., 2019; Levenson & Hern, 2007; Visher et al., 2003; Willis & Johnstone, 2012). Conversely, those who fail to integrate and who return to offending self-report failing to engage with positive peer supports, and may continue to associate with negative peer influences (Bahr et al., 2010). The nature and quality of relationships with family and friends is therefore important, with positive, prosocial relationships which provide practical support being considered to be particularly supportive by individuals in the process of reintegration (Davis et al., 2013).



Experiences of professional engagement and assessment may further contribute to effective integration. The literature indicates that individuals who undergo assessment by professionals often feel powerless to the outcome irrespective of their engagement (Chawke et al., 2021; Gray et al., 2021). However, positive reports of engagement with professionals by individuals subject to risk assessment occur when individuals do not feel coerced to engage, feel they are being treated fairly and are provided with a sense of empathy and understanding to their circumstances (Bender et al., 2016; Chawke et al., 2021). The quality and dynamics of relationships with professionals may therefore determine the extent to which individuals commit to community integration, with those who feel powerless being less inclined to change anti-social identities and offending behaviour (Farmer et al., 2012; Ferrito et al., 2012; Maruna, 2001).

An individual's relationship with their community is also important to consider. Commonly reported difficulties include: fear of stigmatisation and labelling (Buck et al., 2021; Kitson-Boyce et al., 2019; Woodall et al., 2013); perceived increased risk of relapse; risk of assault and vigilantism (Binswanger et al., 2011; Woodall et al., 2013); feelings of 'helplessness' and of being ill-equipped for community integration (Woodall et al., 2013). Therefore numerous factors regarding perceptions of the community may be relevant to integration success. However, social stigma is considered a significant barrier to an individual's ability to integrate into a community in which they feel accepted and valued (Buck et al., 2021; Kitson-Boyce et al., 2019; Woodall et al., 2013).

### **3.2.2 Experiences of Supervision**

Finally, it is important to consider the role of supervision processes which aim to support an individual to re-enter the community. 'Supervision is a means by which a relationship is established with the individual, to ensure that the individual is engaged through dialogue in a process of change and compliance. It may also involve oversight or administration of an order or sentence in a manner consistent with legislation and procedures, to ensure that any requirements or conditions are applied and compliance with such requirements is monitored' (RMA, 2011, p28). Individuals who have been released from prison, but still have a part of their sentence to serve in the community will be subject to licence conditions. As outlined by the Parole board, the aim of a period on licence is to protect the public, to prevent re-offending, and to secure the successful reintegration of the individual back into the community. They are not a form of punishment and licence conditions must be considered necessary and proportionate (Parole Board, 2022).

As noted by Weaver and Barry (2014) community based supervising officers hold a dual role, simultaneously controlling the individual to manage their risk and supporting them to change. In their study with 26 individuals convicted of sexual offences, and who were assessed as presenting a 'high risk'<sup>2</sup>, the authors reported that the majority of participants identified supervision as being primarily focused on control. Further, they reported that supervision was focussed primarily on the regulation of licence conditions, rather than support during release. The authors note that the role of control did not necessarily impede upon integration (and indeed was considered helpful by some respondents), however, control in and of itself was insufficient to attain long-term desistance. It was considered to be the combination of support and control<sup>3</sup> which facilitated change.

Feeling supported and respected by the supervising officer is identified as key to perceived fairness in the implementation of supervision requirements. Interactions with supervising officers in which an individual feels their voice is not heard, limited opportunities for engagement and a perceived lack of support to manage problems have been identified by Weaver and colleagues (2021) as factors which can undermine trust and compliance in a supervisory relationship. Moreover, the authors report that: "risk-centric cultures create conditions in which people become reluctant to cooperate, engendering mutual distrust and anxiety, exacerbating risk by breeding postures of defiance, ultimately leading to non-compliance (p.23)."<sup>3</sup>

<sup>2</sup> The authors defined high risk as individuals eligible for Multi-Agency Public Protection Arrangements (MAPPA) [Level 2 or Management](#)

<sup>3</sup> Risk-centric means investing in tools, processes, practices, skills and technology that enable proactive identification, assessment, management and control of risk.

Examples of support that were identified as beneficial to participants' community re-entry included access to training and employment resources. However, participants overwhelmingly reported that personal motivation and self-regulation were the most prominent factors influencing positive re-entry. This was coupled with a recognition of the importance of pro-social supports in the form of both professional and personal relationships in supporting their desistance and integration (Weaver & Barry, 2014).

Conversely, supervision in itself can present a barrier to community integration and achieving personal goals. Attending supervision appointments as mandated by licence conditions for example, may limit an individual's employment opportunities (Digard, 2014). Studies throughout the UK (e.g. Hayes, 2015) and internationally (e.g. Durnescu, 2011) have demonstrated that individuals on licence (often referred to as probation within the literature) report feeling constrained, restricted (McNeill, 2017) and stigmatised (Fitzgibbon & Healy, 2019) by their supervisory requirements. These findings highlight the challenges faced by individuals who experience the restrictions of community supervision.

### **3.3 SUMMARY AND PRESENT RESEARCH**

In summary, a small number of individuals have now been released from custody on the OLR sentence. The current study is warranted to develop understanding of the facilitators and barriers to community integration in this population. By improving understanding, it is hoped that professionals may be better able to support community release and integration in individuals subject to the OLR, whilst ensuring public protection. The study will also add to the qualitative literature available on indeterminate sentences more broadly.

The study will focus on experiences of release from custody, community integration and where appropriate, recall to custody. To provide context to these perspectives, individual experiences of the sentence as a whole will also be considered. The study will aim to meet the following research objectives:

- 1. To develop an in-depth understanding of the key perspectives and experiences of individuals who are sentenced to an OLR, and have been released into the community.**
- 2. To explore key experiences of progression through the OLR sentence, including transitions from prison to the community, and where appropriate, experiences of recall.**

Research questions are outlined below, however in line with qualitative methodology the method of inquiry was guided by the participants to examine experiences which they considered to be most important to share (Smith et al., 2009). The primary research questions are as follows:

1. What are the experiences of transitioning from prison to the community, while on an OLR?
2. For those who have been subject to recall to custody, how do individuals describe this experience?
3. What does the OLR mean for individuals' perceptions of the future?

Additionally, to provide context to the primary research questions above, the following secondary research questions were included:

4. For individuals subject to the OLR sentence, what aspects of the OLR journey do they feel have been most important or impactful?
5. How do participants feel about professional support and interventions they are provided whilst subject to the OLR?
6. What does the OLR sentence mean to those subject to it?

## 4. METHOD

### 4.1 DESIGN

In-depth, semi-structured interviews were conducted in a secure, face-to-face setting. Within the community meetings took place in a secure social work building; in custody interviews took place either in the agents visits area or a links centre. All interviews were conducted with two researchers, and one interviewee.

The strategy of semi-structured interviews was deemed fitting for a phenomenological<sup>4</sup> approach, whereby the recording of complex experiences required an in-depth and open-ended method of data collection (Seamon & Gill, 2016). A topic guide was used to guide interviews. However, in line with our phenomenological approach, the content of the guide was not prescriptive; rather, participants were encouraged to discuss and expand upon relevant experiences they believed were most important (see Smith, 2009). For copies of the topic guides used, see *Appendices A and B*<sup>5</sup>.

To ensure the safety of participants and the research team, individual RMP's were consulted prior to each interview taking place. This ensured that researchers were aware of signs to look for that the individual's risk was increasing or that they were having difficulty coping with the interview (known as Early Warning Signs). Participants were informed that these checks had been completed and that any concerns arising would be discussed with them and their case manager to ensure that they were appropriately supported.

### 4.2 PARTICIPANTS

For inclusion in the study, participants had to be sentenced to an OLR and had to have progressed through the sentence to the point of community release. This was important to allow each participant to comment on all key stages of the order (assessment; sentencing; custody; less secure conditions (if applicable); release and integration; and recall (if applicable)). Participants included individuals who were (at the time of the study) residing in the community on an OLR, as well as those who have since been recalled back into custody. Participants were all over the age of 18 years, resided in Scotland and were fluent in English.

At the time of commencing the project, 10 individuals met this criteria. Each individual's case manager<sup>6</sup> was contacted to establish eligibility for participation and current stability. To protect the safety and wellbeing of participants, we excluded individuals who were diagnosed with any neurological condition (e.g., dementia) or cognitive impairment (e.g., learning difficulties or brain injury) only if it was determined that such a condition and/or impairment impeded upon their ability to engage effectively throughout interviews and/or provide informed consent. Additionally, individuals were excluded from consideration if they possessed substantial difficulties with communication and/or language comprehension and could not be supported to participate. One individual was excluded on this basis following discussion with the case manager. Whilst attempts were made to engage the speech and language therapist to support the individual, this was not possible within the timescales of the project.

Following consultation with case managers and initial meetings with eligible participants to discuss the project, one individual also chose not to participate. Eight participants were recruited for the study: Ross, Charlie, Lewis, Alasdair, Owen, Graeme, Josh and Liam. To protect their identities,

<sup>4</sup> Study of lived experience and meaning-making, including how people make sense of their experiences.

<sup>5</sup> Two separate topic guides were used for individuals who remained in the community on an OLR and those who had been recalled. The topic guides were identical, up to questions surrounding recall. This was to establish the experiences of being recalled on an OLR for relevant individuals interviewed.

<sup>6</sup> Professional responsible for co-ordinating the management of an individual subject to an OLR.

participant names have been changed. At the time of interview, five were being managed in the community (Graeme, Josh & Liam). All participants were male. Further demographic and sentencing information is not provided to protect the identity of participants.

### **4.3 PROCEDURE**

Prior to commencing the study, ethical approval was sought and attained from the RMA research committee, the SPS Research and Ethics Committee and from each Local Authority managing an individual subject to the OLR in the community.

Contact was made with each potential participants' case manager to establish suitability, following which the case manager provided the potential participant with a one-page flyer containing key details of the project, such as what participating involved and topic areas for discussion. Individuals interested in participating were encouraged to inform their case manager so that an initial discussion could be scheduled with researchers.

An initial face to face meeting followed in which the proposed study was explained to potential participants and they were given the opportunity to ask questions. A consent form and participant information sheet was reviewed and provided to each individual to take away and consider in their own time. Potential participants were encouraged to consult with a trusted individual when making their decision over whether to participate to ensure that their consent was informed. Individuals were provided with a minimum of one week to decide whether they wished to participate. If an individual expressed interest in participating following this period, case managers were contacted to organise a second meeting to conduct the interview.

Prior to interviews, the information sheet and consent form were reviewed with the individual who was invited to ask any questions before consenting to participate. Interviews were recorded using approved RMA-issued Dictaphone devices for the safe storage of interview data. At the end of each interview, participants were debriefed and provided more information on the purpose of the study (e.g., previous findings from research in similar populations), how data will be stored, and who to contact in the event they wish to withdraw from the study.

Following data collection, audio-recordings of interviews were transferred to secure RMA servers and the respective audio data on the Dictaphone device was deleted. The audio recordings of interviews were later transcribed verbatim for the purpose of qualitative analysis. No participants requested to withdraw their data.

All participants were given the opportunity to discuss the themes generated following analysis and before publication. All eight participants chose to take part in this process. Meetings took place on a 2:1 basis in the community or visiting facilities in prison. The purpose was to ensure that the report had broadly captured the individuals key experiences through the generated themes. No participants disagreed with the initial themes produced. While minor points of disagreement were noted by some individuals regarding the content of certain themes (e.g., the varied perspectives of others on the sentence), this was not consistent across all eight participants, and thus no changes were made. When refining the report for publication changes were made to the themes (specifically, refining 5 themes into 3), however the key points discussed with each individual were still captured therefore it was not considered necessary to meet with participants again.

### **4.4 ANALYTICAL STRATEGY**

In accordance with the phenomenological focus, reflexive thematic analysis (Braun & Clarke, 2019) was adopted to analyse the interview data. The strategy was inductive in nature; a set of research questions allowed researchers to target broad areas of inquiry, whilst a non-prescriptive and open-ended approach to interviews allowed participants to engage in active meaning-making surrounding the experiences which were most important to them (see Smith et al., 2009). This further encouraged the coding process to be data-driven, as opposed to implicating the research

question or theoretical frameworks throughout analysis (Byrne, 2022).

Reflexive thematic analysis encourages researchers to consider their roles in the research and analytical process, including the impact of their own preconceptions and biases. Braun and Clarke (2019) emphasise the importance of themes being actively generated as a function of the researchers being embedded in the analytical process. To achieve this, researchers documented reflective logs of their thoughts, feelings, values and preconceptions during key stages of the research process (e.g., prior to and following interviews, and throughout data analysis).

A reflexive thematic analysis is conducted in six stages, *including data familiarisation, initial coding, generating initial themes, review of initial themes, defining themes and writing up*. For a worked example of the approach, see Byrne, 2022.

#### **4.5 INDEPENDENT AUDIT**

An independent audit of the project was conducted by an RMA staff member with previous expertise of qualitative research, but no prior involvement in the study. The auditor was provided with a copy of the research proposal (including the aim, objectives and research questions), along with topic guides, each participant's worked thematic analysis document (i.e., interview transcript alongside exploratory note taking and coding), coding logs, copies of the initial and developed themes, and finally the reflective logs of researchers. The purpose of the audit was to consider whether the aim of the project, to explore lived experiences of the OLR sentence, and specifically release, community integration and recall, was adequately attended to in the topic guides and interviews. This was also to establish whether the analyses were grounded in the interview transcripts. If any part of the analysis was considered to be too detached from the data (including themes and codes), the auditor was encouraged to flag this to the research team.

Following the independent audit, no major concerns were raised regarding the content of the themes or the themes themselves. However, minor changes were made to the wording of certain themes to best reflect the underpinning data.

## 5. RESULTS

Following analysis of all eight interviews, three overarching themes (including four subthemes) were generated. The focus of theme development was on grouping content which was considered by the researchers as important to understanding individuals' experiences of release, community integration and recall; as well as their broader experience of being subject to the OLR.

THEME	SUB-THEME
A never-ending journey	Constantly shifting goal posts
	The transition through custody is not supported
Release from custody is challenging, but supported	The challenges of community integration
	Supports in the community are positive
Positive coping strategies help to navigate the OLR	N/A

It is important to note that no themes were developed relating specifically to recall to custody. The potential factors contributing to this are considered in the discussion section. Reference to recall is considered within the themes identified, where appropriate.

Each theme is outlined below and illustrated with quotes from the participants; reference is made to which participants contributed to each theme.

### 5.1 A NEVER-ENDING JOURNEY

Whilst the focus of the study was release from custody and community integration, participants spoke in depth about their experiences which led them to the point of release. A common feature of this journey was perceived delays. Participants described delays with all aspects of the sentence, from having risk assessments completed, reports written, accessing interventions and progressing to less secure conditions. These perceived delays contributed to participants feeling at times that release was unachievable. A second strand to this theme was the perception that progression through the sentence was vastly unsupported by professionals in custody which further contributed to delays. These elements are considered as separate subthemes.

#### 5.1.1 Constantly Shifting Goal Posts

To provide context to this theme, it is important to note that the majority of participants reported not fully understanding the OLR when they were sentenced. For many, this meant that they didn't understand that they would not be automatically released at the end of the punishment part of their sentence. For those affected, the punishment part expiry date created the first in a long line of shifting goals. Lewis explained:

*“It took me about six year(s) to realise that, no it's gonna be a whole lot longer than what I thought” (Lewis)*

Whilst it is likely that a range of professionals would have explained the sentence at various points, including the court risk assessment, development of the initial RMP, during case management meetings and at Integrated Case Management meetings, the participants in this cohort were clear that if provided, these explanations were not understood.

Participants frequently reported perceiving delays as they worked towards release which they considered contributed to feelings of hopelessness and a lack of autonomy. When exploring these

delays participants reflected that it was the constantly changing goals and timescales associated with their sentence which were challenging to cope with. Charlie explains:

*“So I did deserve to be in jail. And I understood that much. Em, and I was kind of accepting of that. But when it came to like, well five years is up, and basically there’s no kinda light at the end of the tunnel – well there’s a light at the end of the tunnel, but somebody kept on moving the bulb.” (Charlie)*

Charlie wasn't alone in drawing on a 'light at the end of the tunnel' analogy to explain his experience of working towards release from custody, Owen stated:

*“On an indeterminate sentence, you, you just don’t know and because it’s that....limitless, you haven’t got anything to aim for, there’s no(t) that light at the end of the tunnel. It’s difficult enough, but not having that light at the end of the tunnel...an(d)...an(d) not knowing if that light at the end of the tunnel... you might see it, but further along the line that light will kinda go a wee bit further away” (Owen)*

Owen's language use illustrates his perception of his goal of release from custody being a fading or shifting light. Put simply, the greater the length of time Owen spends incarcerated on the sentence, the more dim the light becomes. In light of this, maintaining motivation to progress was identified as challenging.

Many participants also made similar comments about feeling as though the goals and targets within their management plan were constantly being moved by professionals. This resulted in feelings of hopelessness and a perceived lack of control over their circumstances. Alasdair reflected on his confusion over the aims of the OLR sentence and the impact of hopelessness:

*“I don’t see it (the aim of the OLR), it’s like stripping hope fae (from) guys and then shov-shoving them all in a box and then...what? Hoping that they rehabilitate? How long’s it gonna be before the number of OLR’s is in the thousands, and you’ve got guys stacked up feeling hopeless and angry... because they don’t feel that there’s any chance of them ever getting out?” (Alasdair)*

Most participants reported that they deserved to be in prison, but felt that the uncertainty regarding if, or when they would be released was a source of additional punishment and was unfair. When asked how they made sense of the delays, Charlie and Owen had similar responses:

*“You don’t. Em, <laughs> I don’t know - you get to a sense where you’re sort of numb, to it. Like, you just have to accept that, you’re on a... you can’t really do anything to change it.” (Charlie)*

*“I think you’ve just got to resign yourself to the fact, that’s it, you can’t change it. I mean you can rail against the, the system, you can be obnoxious, you can misbehave...if you’re on a determinate sentence it doesn’t matter, if you’re on an indeterminate sentence, then it’s gonna be noted as soon as it comes up for the next review.” (Owen)*

It is evident that Charlie struggled to come to terms with his perceived lack of autonomy in working towards release, to the extent of feeling “numb.” Owen builds on this idea of acceptance of the lack of autonomy and reflects that pushing back will only result in more time spent in custody; however

also notes that good behaviour for individuals on the OLR may also not result in release and due to the indeterminate nature of the sentence would need to be maintained indefinitely, which places a strain on individuals. He reflected:

*“You don’t know when you’re gonna get out anyway so that good behaviour could, well be limitless I guess. For some OLR’s, that, that, and other prisoners, that is difficult, and I’ve, I’ve seen individuals who are..who I thought were balanced just doing ridiculously stupid things because at some point in time that’s kicked in, that, that kinda realisation, not realisation because they’ve already known it, but that sudden, (sighs) I don’t know how long I’m going to be here for.. and they just break.” (Owen)*

As noted by Owen, the difficulties described are not unique to individuals on the OLR, and may be experienced by individuals on other sentence types. However, the indeterminate nature of the OLR sentence may mean that perceiving a lack of autonomy and feeling hopeless may be more likely in this population.

Within the sub-theme of constantly shifting goal posts, most participants spoke about goal setting. Setting personal goals or targets was described by some as pointless as they felt that the constantly shifting expectations of professionals meant that these goals were never achieved. Alasdair explained:

*“Like that...going for a goal, looking to achieve something, I think when you give somebody an OLR you take that away. And it’s... no matter what goals they set, it’s like “Well it doesn’t really matter, ‘cause OLR!” (Alasdair)*

He explains that goals are set as part of the management plan, but when targets aren’t met, the OLR becomes the excuse for that. His perception is that delays are normalised by professionals managing OLR sentences. This is further expanded by Owen who reflects:

*“There is a tendency in prison to bandy about lengths of time as if they were confetti. They’re saying ‘it’s a knock back for 18 months.’ 18 months is a long time.” (Owen)*

By likening time to confetti Owen creates an image of time being treated as something light and expendable by professionals. He suggests that there is a failure to appreciate the true impact on individuals of the delays caused by failures to progress, and a perceived tendency by professionals to normalise and minimise this experience for individuals on the OLR sentence. Liam also highlighted a belief that professionals in custody lacked compassion regarding the impact of delays. Since being recalled he reported undertaking 2:1 offence focussed work with his case manager and prison based social worker. He reported that sessions were being facilitated quarterly and he anticipated that with the number of sessions required, the work would take years to complete. He reported raising his concerns with his case manager and feeling dismissed by the response:

*“Yeah (I’ve spoken to my case manager),..ehh, I’ve even put out a PCF2, which is a complaint, regarding the way it’s all going, and I’ve only been hit with: “it’ll take as long as it needs to.” (Liam)*

Whilst Liam reflected that he understood the focus of the work and why it was necessary, he didn’t understand the rationale for the spacing of sessions which he considered to be needlessly protracted. Similar to Charlie and Owen’s reflections on a lack of autonomy, Liam reflected that he would just have to accept the situation as continuing to complain would be viewed by professionals



as lacking insight and demonstrating anti-authority attitudes which he considers would only serve to delay his progress further. Graeme builds on the contributions of Alasdair, Owen and Liam by expressing his belief that the OLR allows professionals to deprioritise individuals:

*“em, they (professionals) actually see it as a way of going “well, we’ll get round to you when we get round to you.” And it’s, it’s no (not) – it’s no (not) punishment, it’s more like a, em- flesh. Ripping flesh, you know?” (Graeme)*

With his word choice, Graeme paints a vivid picture of the impact of the perceived delays on his wellbeing. He likens the experience to physical pain, whereas others, including Lewis, reflected on the mental toll of being subject to an indeterminate sentence:

*“when you get told you don’t really know how long you’re gonna be in the jail for, that has a massive impact on you... that’s like... it’s... it’s mental torture.” (Lewis)*

As participants reflected on progressing through their sentence many spoke about being ‘knocked back’ for progression or parole, suggesting that they were denied the opportunity to move to less secure conditions or back into the community. Decisions regarding progression and release are based on evidence provided by a range of professionals, and the individual themselves, on the manageability of an individual’s current risk. These decisions, whilst evidenced based and focussed on public protection, have significant implications for the individual subject to an indeterminate sentence. The participants explained that parole being declined was experienced as particularly impactful, as it felt that they were having years added to their sentence, as explained by Lewis below:

*“So like my sentence went fae (from) like, eh six year(s) to four and a half year(s) to seven year(s), all within the space of just a few month(s). Know what I mean? So obviously when I got that two year knockback that was heavy hard to take because I didny (didn’t) understand it.” (Lewis)*

Lewis explained how quickly his sentence changed and with minimal explanation. He reported that a successful appeal meant that the punishment part of his sentence was later reduced, however the minimum amount of time to be spent in custody quickly increased again shortly after when his parole request was declined. This decision by the Parole Board, based on evidence of outstanding risk factors to be addressed, meant a minimum of two further years in prison<sup>7</sup>. This was experienced as a significant blow for Lewis at the time. Lewis expands on the emotional impact of such delays:

*“I think it just all built up...like all these knockbacks and I was... I was trying my hardest but they just...I was just getting knockback after knockback.” (Lewis)*

Lewis expressed exerting substantial effort to no avail as his release was not granted on a number of occasions. He reflected that he felt at the time that no matter how hard he tried, he could not move forward. Whilst it is possible that the Parole Board acknowledged progress at each tribunal, the decision over whether or not to grant release appears to have been Lewis’s primary focus. Despite having subsequently progressed to less secure conditions, and achieved release from custody, Lewis expressed that the emotional impact of working towards release was still keenly felt. Specifically, he reported feeling angry and upset for a long time post release about the perceived delays he experienced and his treatment in custody. Additionally, he expressed a strong belief that if he was ever returned to custody, he would never be released, indicating a residual fear related to being subject to an indeterminate sentence.

<sup>7</sup> An indeterminate sentenced prisoner may request an early review by the parole board if they have implemented all recommendations in advance of their next hearing. However participants did not demonstrate knowledge of this. [See PBS guidance para 8.4.2.](#)

## 5.1.2 The Transition Through Custody is Not Supported

Participants reported that delays in progressing through the custodial element of their sentences didn't result from processes alone, but a perceived lack of support from professionals. Many participants felt that professionals didn't give them the opportunity to prove themselves. This was a source of frustration as participants felt unable to move on from their past behaviours. Graeme reported:

*"I mean you must be allowed to move on at one point, we canny (can't) continually be bashed over the head with an OLR" (Graeme)*

Decisions regarding individuals on the OLR are risk based and underpinned by risk assessment. Participants spoke of their experience of risk assessments and difficulty understanding the outcomes, for example:

*"The first two (Risk Assessments) I was low risk and the last one I was moderate risk, but I ended up a high risk at the end, so that kind of...when I read back, I, I didn't quite understand how that kind of all, adds up an, and it was difficult, impossible to get any kind of explanation." (Owen)*

*"Em ... I think that, when I was originally convicted I was a medium risk, em, uh- and I've suddenly become a high risk for the rest of my sentence ever since I got the OLR. Em, and I'm not quite sure how that happened." (Charlie)*

Both participants outline difficulty in understanding the conclusions of their Risk Assessment Reports completed to inform sentencing, and in understanding subsequent risk assessments completed to inform RMP's. Many factors may influence whether risk is assessed to increase or decrease as the sentence progresses. The perception from participants appears to be that they have been labelled as 'high risk' without understanding what this means. It is also clear that participants had difficulty understanding how such decisions on risk are reached which may indicate problems with communication of complex information at the assessment stage. Alternatively, it is possible that individuals are unable to process the information provided by the assessor prior to sentencing.

It was further reported that professionals were primarily concerned with how 'risky' individuals were which contributed to a perception that they weren't given chances to move forward. Liam explains:

*"the- the length of time it takes to get signed off ... ehh, and the fact that not very many people are wanting to put their name to an OLR to say, progression or release, but other people i.e. non-lifers and lifers- they can get out very easily.." (Liam)*

*"There's very little getting done on signing people, signing OLR's off because you're deemed more of a danger because of your OLR sentence. It might – it might not be, but that's how it comes across." (Liam)*

Liam's perception is that there is a reluctance amongst professionals to support transition through the sentence as a consequence of the OLR. He perceives professionals as viewing individuals on OLRs as especially risky compared to other sentence types, which impacts his ability to meet timescales and progress. This perception was shared by other participants. For example, Lewis reflected on an experience in which another prisoner challenged a prison officer on his behalf when it was perceived that he wasn't being treated fairly, he explained:

*“It was obvious like, I was being treated different. And- he’s (the officer) going like that “aye but he’s a different kettle of fish.” So he- they were comparing- they were saying that I was a different kettle of fish, to somebody, like \*{name}\* who’d been in terror- terrorist organisations, committed murder, been jailed for life but- I- they were somehow saying that I was a different kettle of fish fae (from) him.” (Lewis)*

Overall, the analysis suggests that participants within this cohort do not understand how or why decisions are made about their management in custody, which appears to contribute to a perception that professionals are unsupportive and risk averse. All individuals on the OLR sentence have an RMP which outlines their risks and the strategies to address these. This plan should, in theory, support individuals to understand the decisions made and their next steps. However, a number of participants stated that they had either not seen their RMP, or had opted not to read it. Lewis explained:

*“It’s difficult to read all that stuff, to read about the stuff you’ve been through, to read about the stuff you’ve done. So I- when I got all the paperwork, I just used to go like that wae it (pretends to throw it to the side). I didny (didn’t) read it. It was...it fries your nut.” (Lewis)*

In Lewis’s case, he described the content of the RMP as too distressing to read, therefore he chose to distance himself from it. For others, they described not having the opportunity to review the document which contributed to difficulties understanding decisions about their management. Additionally, it was clear that the RMP and the processes around approval of these plans was not well understood by participants and was viewed as another example of professionals being unhelpful. Lewis explained:

*“this game of tennis that yous are playing, is affecting my life ... yous are actual creating a risk by putting all these...like, putting all this pressure on somebody, and all this uncertainty” (Lewis)*

Lewis’s analogy of a ‘game of tennis’ refers to his RMP being passed between the SPS and RMA for approval. He reflects a belief that his progression was delayed due to waiting for his RMP to be developed by the SPS and approved by the RMA. He further explained that he believed that plans were often rejected on the basis of spelling and grammatical errors, which is not the case. It is acknowledged that many factors can impact upon the speed at which an individual progresses to less secure conditions, including (but not limited to): time taken to develop an amended RMP for the new context, RMT scheduling, RMA approval and bed availability. It is unclear if Lewis’s belief that the RMA held up the process is based on messaging from professionals in custody, or was an assumption on his part; however, what is clear is that the uncertainty was stressful for him, particularly as he didn’t feel involved in the process. His analogy of the “game of tennis” suggests that he perceived only two players – the SPS and the RMA, rather than fully understanding the multidisciplinary and collaborative process which underpins management of the OLR.

Participants further highlighted that the main strategy for addressing identified risks was participation in offending behaviour programmes, which were a source of frustration for participants. All individuals interviewed reported having participated in programmes in custody. These group based interventions were identified as a significant source of delay, not only to access the programmes but due to being required to attend multiple programmes, or repeat interventions. Ross explained:

*“(they) put me on the Good Lives after that and eh, I didn’t think that was*

*much of a course, I thought the STOP course was...was far better... I was repeating a great deal of what I had already done, which was irritating" (Ross)*

Having completed a programme (STOP), a new programme targeting similar risks and needs was released which Ross was then required to participate in. He reported feeling that he was repeating work he had already completed which he considered unhelpful and unnecessary. This was common to a number of participants. Furthermore, a number of individuals reported feeling coerced into programme participation. Specifically, it was noted that programme participation is intended to be voluntary, however this was not felt to be the case for individuals on an OLR. In order for progression or parole to be achievable, programme participation was necessary. Charlie explains:

*"I had to do two runs of the <programme>, which was a bit...(sighs)... I don't know, it, it just felt like kinda blackmail." (Charlie)*

Charlie expanded on his frustration with prison offending behaviour programmes, explaining that he felt that they didn't provide an individualised approach to treatment:

*"Programmes wasn't tailored towards OLRs. It wasn't tailored towards...it was... they're generic, that's what I'm trying to say. Whereas, when <third sector support worker> was working with me, <they> was working with me." (Charlie)*

Charlie and others considered that programmes were unable to meet the needs of individuals on OLRs, and thus fail to support effective progression. He emphasised the importance of this support being individualised, and not generic. He identified finding a working relationship with a third sector organisation more beneficial as he felt he was treated like an individual. Charlie explained that feelings of coercion and the lack of responsivity in programme participation has consequences for individual engagement:

*"there's a lot of the programmes that were kinda me going through it going "well I kinda know this stuff already" but at least it ticks off a sheet of paper for you so I can get moved on." (Charlie)*

This acknowledgement that engagement was superficial at times raises questions about the effectiveness of interventions which participants feel are not individualised and which they feel coerced to engage with. It was further reported that out with programmes, participants perceived that there was not a great deal of support from professionals. Liam noted:

*"I had done everything that I need to do, I'm asking for support I'm asking for help from people who are there, or supposed to be there....they'd rather, just say "Right no, put him back, get him to do programmes, and then take him back." (Liam)*

Liam reported that having participated in programmes he attempted to implement the skills by asking for professional support during a period of difficulty. He reported that the response to this was to return him to closed conditions to repeat programme work, rather than provide individualised support. He reflected that his learning from this experience was that professionals didn't care about him. Furthermore, he noted:

*"Ehh, you're only listened to when you do programmes. And then... if they feel that you need to do work...more work, then you get pinned with more work." (Liam)*

Liam reported feeling that he only has a voice during programme participation – but even then, this isn't enough to convince professionals that his risk is manageable. This links with the idea of moving goal posts described above, as participants reported that new risks or goals would often arise following engagement with interventions – which would postpone any consideration of progression or release.

Perceptions of engagement with professionals in custody weren't generally viewed or reported positively by participants. They reported a mismatch between what professionals felt was necessary (programme work) and what participants believed would be helpful (a more individualised approach). This resulted in some participants suggesting that professionals were not effective in their roles, as explained below:

*“it's the way it's justified, it's the way- “oh you're- you're an OLR, you've got risk factors” and you're like that “you're still meant to do your job, you're still meant to get me through a process” know what I mean?” (Graeme)*

In exploring individuals experiences of release, community integration and recall, this first theme helps us to understand individuals perceptions of the challenges associated with achieving release on the OLR sentence. Despite experiencing release, and knowing that it is achievable, participants still expressed that the journey felt painfully slow, with many admitting that they lost hope of ever being released at times. Shifting goal posts, limited understanding of risk based decision making by professionals and parole boards, and difficulties accessing and completing individualised offence focussed work were identified by participants as factors which contribute to release being considered particularly challenging. These difficulties led to a common perception amongst the group that the OLR was an inhumane sentence. Lewis and Charlie described the perceived cruelty of the sentence as follows:

*“It's psychological abuse, like em, to no (not) know when you're ever going to get out” (Lewis)*

*“I think overall the sentence is wrong. You just get lost in it. Em...there's fear as well. So, I...I'm not really criminally minded, but there's just fear of basically doing anything...like anything wrong. I'm suddenly like in a shell. Eh...almost verging on like paranoia...” (Charlie)*

Owen sums up the views of many of the participants when stating:

*“I'd like to think...in this day and age, a progressive country such as Scotland, we should not be subjecting prisoners to indeterminate sentences with no release date ... my perception of the sentence is that it is inhumane” (Owen)*

## **5.2 RELEASE FROM CUSTODY IS CHALLENGING, BUT SUPPORTED**

It was apparent that most participants experienced difficulties integrating into the community following release from custody. The specific challenges were relatively inconsistent between individuals, but they described a general narrative of a difficult prison-to-community transition. Despite these challenges, it was evident that professional supports within the community were viewed positively by the majority of participants, and contrasted with how they viewed supports in prison. These experiences capture two distinct themes relevant to the prison-to-community transition, and thus generated two subthemes for the overarching theme. This phenomenon details the prison-to-community transition as being complex in nature; the experience itself is challenging, yet the supports allowed the struggle to be manageable.

## 5.2.1 The Challenges of Community Integration

Considering first the challenges of community integration, participants described a range of difficulties, including financial problems, housing, employment and managing licence conditions to name a few. However, the most common challenge experienced by the majority of participants was social isolation.

*“I-I thought maybe by now I’d been out a couple of years that I would em ... I don’t know, have known more people, like my phone doesn’t go, like my phone’s just bang, know what I mean?” (Lewis)*

Lewis speaks of the challenges of making friends in the community. He reflects that before leaving custody he believed it would be easy to integrate, however the reality is a more lonely existence. A similar comment was made by Ross who reported:

*“The quality of my psychological and mental health is a lot better than it ever was, trouble is, I can’t do a huge amount with it because nobody wants to know me” (Ross)*

Participants described feeling socially excluded in the community, with some participants reporting that their attempts to join social clubs or activities had been rejected. At times, this resulted from individuals’ identities becoming known and being rejected on the basis of the stigma of their offences; others reflected on lengthy processes to apply for college courses or to join clubs whilst professionals assessed the risks involved. Some participants explained that they had adapted, for example by agreeing with their supervising officer to use pseudonyms when attending approved clubs; others acknowledged that they had stopped attempting to expand their social circle resulting in social isolation.

Difficulties with social integration were not limited to making friends. Additionally, participants reflected that their role within their families had often changed by the time they were released. Owen noted:

*“you’ve been in here, 6 months, 12 months, 2 years, 3 years, 4 years, while you’ve been in here your family is moving on and your family is, is, is doing what they need to do and you can’t think when you go back there your gony slot right in where you were before you came into prison because that’s not gony happen” (Owen)*

It’s important to note that the majority of participants reported that their families were supportive and key to helping them cope with release. However, they also highlighted that it was difficult to know how or where they fitted in with their families following release from custody. It was noted that family members’ lives had moved on, with new partners, children and following bereavements which left individuals feeling disconnected.

Additionally, challenges with gaining employment contributed to feelings of social rejection and isolation for some participants. Alasdair highlights difficulty with obtaining employment and explaining his sentence to professionals outside of justice:

*“the only way you’d deal with the job centre is if you’re lucky enough to have somebody like <third sector organisation> or somebody supporting you ... it’s like talking to a brick wall unless you’ve got a professional there that knows the ins and outs” (Alasdair)*

Alasdair highlights that it's not just finding work which is challenging, but negotiating interviews with professionals in organisations such as the job centre who have a limited understanding of the restrictions imposed by licence conditions which may impact on employment options, such as curfews, electronic tagging, supervision requirements and exclusions zones. Despite being motivated to obtain employment, most participants reported that their attempts were fruitless.

*"I didn't have a job (laughs) I had no chance of getting a job, I realise that now though I did try, a lot" (Ross)*

*"I don't think it's impossible (finding employment), but I think it's incredibly difficult. I think it's incredibly difficult for anybody with a conviction. I think it's a bit more difficult than that for guys with – whose convictions are sexual in nature. I think it's fucking right next door to impossible for guys whose convictions are sexual in nature and they've got an OLR on their head. You know what I mean? It's just adding an extra barrier to everything." (Alasdair)*

The lack of structure, routine, purpose and social connection resulting from not having employment contributed to social integration being challenging. As Alasdair notes above, these experiences may be common to any individual leaving custody after a long sentence and challenges with social integration may also be more likely for individuals with a history of sexual and violent offending (Grossi, 2017). However, the participants in the present study linked the challenges they experienced to the OLR sentence, with many linking their difficulties with the restrictions imposed within their licence conditions and Risk Management Plan. For example, Charlie reported:

*"if I start making friends then I immediately have to go say to various people, social workers and OMU, "Oh I'm becoming close to a person", and then what happens then? Do they then go and, like, investigate the person and then start talking to the person?" (Charlie)*

In Charlie's case, there is a requirement that he reports any new relationships to his supervising officer as part of victim safety planning measures. Whilst this is important for public protection, for him, it presents an additional challenge to expanding his social circle. For Owen, he describes the difficulties of fully reintegrating to the community whilst subject to electronic monitoring and a curfew:

*"I'm sitting here now XX years out and I've still got a tag; now that's a wee bit contentious from my point of view because, em my curfew is from 11 at night til 6 in the morning...over XX years there's never been any difficulty with that at all and ... an maybe that sounds like, alright it's a bit of plastic round about you - I go to the gym 3 or 4 times a week, it's kinda when you're in the changing rooms and going in for a shower you gotty be...you realise that there's other things you've got to do so nobody will ever see it" (Owen)*

Whilst most participants acknowledged that the pandemic had likely slowed their progress in the community, some also indicated that they believed that the OLR was a contributing factor in restrictions remaining in place. For Owen, he expressed the belief that he continued to be subject to a tag and curfew for an extended period due to being on an OLR sentence. It was his belief that had he been subject to another sentence type that the restrictions would have been removed sooner. This links to the idea suggested by participants in the earlier subtheme, that professionals are risk averse when it comes to individuals subject to the OLR sentence which they considered made community integration more challenging.

## 5.2.2 Supports in the Community are Positive

Despite this rather negative view of the impact of the sentence, the majority of those interviewed outlined that supports from social workers, police and the Offender Management Unit in the community were positive. In addition, some individuals interviewed highlighted the benefits of third sector organisations in supporting their lives in the community. Ross and Josh reflected:

*“I’ve been quite lucky with the social workers I’ve had, I’ve had three social workers since I came out...and they’ve all been eh very positive, which has not always been my experience with social workers” (Ross)*

*“All- all my support network team you know the OMU team as well, I’ve nothing bad- bad to say about them at all.” (Josh)*

Unlike in the earlier theme where participants described relationships with professionals in custody as being negative, participants described consistently positive relationships with professionals in the community. It was clear that participants felt that professionals were available for them when they needed them, and that support would be individualised. Owen stated:

*“ma (my), experience in the community has been good from <social workers> ... they phone me every second week, em just really see, and, and, and I know they are at the end of the phone so if I’ve got a difficulty, em, I’ll phone them” (Owen)*

In addition to statutory services, participants spoke of having positive experiences of working with third sector services who provided additional support. Alasdair noted:

*“...the <third sector organisation> has done all sorts of stuff for me, it’s got me into education courses it’s got me into... know what I mean? Just volunteering, doing bits of this and that and the third, filling up my time and stuff-” (Alasdair)*

Participants did however, acknowledge that they had experienced challenging times during their period in the community when relationships with supervising officers had been tested. Lewis explains that he inadvertently entered an exclusion zone which resulted in an investigation:

*“I have messed up a few times... I got on the bus to go up to my sister’s- but me and my case manager talked about the bus and that, right? So in my head I’m going “naw I’m allowed to go on the bus”. But somebody seen us (me) on the bus and phoned the police!” (Lewis)*

Despite clear frustration about the consequences of mistakes, Lewis was able to reflect that he understood that he had licence conditions which he had to abide by. The relationship with the supervising officer continued to be positive and a source of support for Lewis as he navigated his integration into the community.

For Liam, support from professionals was particularly important when an allegation was made against him. Unfortunately, due to the restrictions resulting from the Covid-19 pandemic which were active at the time, support was more limited which he struggled to cope with:

*“Police investigated it all. Came back to us that I had done nothing wrong. Ehh, due to depression, anxiety, ehh, me being completely negative, completely shut off from everyone, not having support, ehh, I- quick- very quickly fell into-*



*back into offending.” (Liam)*

Despite Liam being recalled to custody, he still spoke highly of the support he received when in the community. Similarly, Owen reflected that his recall was due to his own poor decision making in a conflict situation, and not due to a lack of support from professionals:

*“I had all the help and support in the community...a great support network out there, (social workers) were great guys to work with, you know. You know you hear all this in the jail...but they’re there to help us and eh... I let myself down. You know, I should have recognised that eh, that he was too angry to talk to.” (Owen)*

This was broadly consistent across the group; with the exception of Graeme who described difficulties prior to his recall which contributed to relationships deteriorating. For those who described positive working relationships, this appears to have resulted in participants being more able to cope with the challenges of adjusting to life in the community. The findings also suggest that the experience of engagement with professionals in the community was fundamentally different to the experience of working with professionals in custody. This may warrant further exploration to determine why this is the case.

### **5.3 POSITIVE COPING STRATEGIES HELP TO NAVIGATE THE OLR**

As outlined above, the participants in this study expressed that working towards release and community integration whilst subject to the OLR sentence was challenging. However, when reviewing the data it was clear that all participants spoke of the strategies they had developed to help them to cope and continue to work towards their goals of parole and community integration. The final theme generated considers strategies which varied from practical skills to thinking strategies and states of mind. The strategies themselves were individual to each participant, but were considered to fall into three groups: personal change, ownership and acceptance.

Considering first, personal change. Several participants spoke of developing new, more positive coping strategies during the custodial element of their OLR sentence. For example, Liam identified exercise as a strategy which he developed in custody, but continued to use in the community as a means of managing stress and maintaining his general wellbeing:

*“that’s my go to thing, is the gym. Even when I got out, ehh, I was doing a lot of running ... Ehh because that’s my go-to thing, that I do. Ehh, it helps me clear my head.” (Liam)*

Josh, Lewis and Ross also spoke about using exercise as a coping strategy, but also as a means of setting personal goals and maintaining their general wellbeing in custody and in the community. Personal change was also evidenced through engagement in education within the cohort. Charlie identified the role of education as being useful in maintaining his wellbeing during the custodial element of his sentence:

*“I was lucky getting into education. ‘Cause that kind of kept me, I dunno, it just kind of kept me busy, I wasn’t having to deal with all the- the idiots that were around and about because I was s- sat there with my headphones on- on a computer the whole- the whole time.” (Charlie)*

As with exercise for Liam, Lewis Josh and Ross; Charlie explained that his interest and enthusiasm for education had continued into the community where he was applying to study at college. Similarly, Lewis spoke about the importance of learning as a way of effecting personal change, however highlighted that unstructured learning, through personal reading, was of most benefit to him:

*"I believe I changed myself, I believe I grew up when I, kinda read a lot of books 'cause that's what I did, I read a lot when I was in, I stayed away fae (from) drugs, I went to the gym, and I read. And I grew up." (Lewis)*

Reflecting on how reading helped him to change, Lewis explained:

*"I think reading is an amazing thing for people because... I remember before I started reading you have a view o' how everything is - but reading, it can put things into perspective for you it gives you a bigger picture o' the world. Like before I went to the jail like in my head the world was just this wee bit where I hung about. That was my world, like I never ever thought...I just assumed everybody lived like that." (Lewis)*

Finally, the opportunity for learning and development was identified through engagement with offence focused work. In contrast with the general view of programmes being repetitive and lacking individual focus as discussed in a previous theme; Ross recognises the value in offending behaviour programmes as a means of learning about himself and developing new skills:

*"if there's a problem, eh, I try and solve it ... rather than, not solving it in the past, and that's all down to the, offender management programmes eh, teaching me that, teaching me these things about myself" (Ross)*

Based on the feedback from participants the role of learning appears to have been multi-faceted in supporting individuals to work towards release and community integration; providing an opportunity to develop insight and skills, a goal, a sense of achievement, distraction and an increased appreciation of different perspectives and options available in life. Continuing with education was identified as a goal for Lewis, Charlie and Josh and all were actively working towards this at the point of engagement with the study.

Ownership was also identified as a key strategy adopted by some participants within the cohort. The importance of taking personal responsibility for working towards positive outcomes is summed up by Owen:

*"you've got to drive your life forward, you canny (can't) expect ... society to carry you along cause that's not the case, and I think probably more so <stutters> wae (with) OLRs because of the kind of significance of the- the sentence" (Owen)*

Owen reported that he maintained his motivation and determination to be released and integrate into the community by focussing on what he could do to bring about positive changes himself. He highlighted that relying on others to "carry you along" is unlikely to lead to a good outcome; instead, active effort is required to achieve positive results. Furthermore, Owen makes clear that the significance of the OLR plays a role here, with active engagement in the risk management process being key to successful community integration.

For Josh, Alasdair, and Lewis, ownership was best evidenced by having goals to work towards in custody and in the community. These goals were identified as important to maintaining motivation and supporting progress through the custodial and community elements of the sentence.

*"I had like a vision, I had goals to, eh- I had goals to meet you know" (Josh)*

*"try and stay focused on the here and now meeting the small goals (you)*

*know, getting in here for one o'clock to see you guys, whatever it may be, what's my goal for that day. Well my goal for the day's to go round to the shop and put some money on the leccy (electricity). Right that's my goal for the day <laughs> ... you know what I mean that's- that's- that's where I- I keep my focus level at because I don't know what's happening down the road" (Alasdair)*

*"I do want to have somebody in my life. I want someb- I want to get to know somebody. I want somebody to get to know me. I want to have all that stuff." (Lewis)*

While Josh discusses the necessity of goals more broadly, Alasdair identifies the implementation of smaller goals, such as attending meetings or completing household tasks, as being critical to managing his ongoing anxieties about being subject to an indeterminate sentence. Alasdair recognises that he could be recalled at any point for a breach of licence conditions if it is felt to be necessary for public protection. He considered that this creates a challenge when planning any long-term goals therefore prefers to focus on shorter term goals. Lewis identified his specific goal of developing a bond with someone, and thus expanding upon his social relationships outside of prison, as being a strong motivation for promoting his integration into society.

Finally, acceptance was identified as a strategy employed by a number of participants. Josh explained that accepting his previous life and convictions, understanding the reasoning behind the OLR being issued, and moving forward was critical to progressing through to the community:

*"I accepted it, you know- that's the big thing, accepting it you know. And eh, accepting my crimes, you know- what I done... that made me stand up and take aware- the- the mess that my life was in before I offended you know, that's what I had to look at. And eh how I came to offend. And why I was given an OLR." (Josh)*

Acceptance plays a key role in Josh's appraisal of his shift in attitude while on the OLR. This experience appears to have allowed him to understand why his life has progressed in the way it had. The role of acceptance in managing the sentence and proactively facilitating change is echoed by Owen:

*"You're either gonna accept it or realise that there are other ways that you can maybe repair your life... if you don't want to, then fine, choice is yours but there are ways of doing it." (Owen)*

Owen sums up that despite the OLR presenting challenges as described in the previous themes, each individual still has choices. Accepting the situation and recognising that choices still exist was identified as a key strategy supporting participants to work towards release and community integration.

## 6. DISCUSSION

The present study sought to explore individual experiences of release, community integration and recall for individuals subject to the OLR. The findings, as outlined above, indicate that there were similarities in the experiences of the eight research participants. The themes generated indicated that participants considered the process of working towards release on the OLR was challenging, primarily due to perceived delays and a belief that professionals in custody could be risk averse and unsupportive. When release was granted by the Parole Board, community integration was experienced as challenging with social isolation common within the group. However, despite the challenges, participants generally reflected on feeling supported by professionals in the community, which in combination with their own coping strategies, supported gradual community integration. Whilst three individuals within the cohort were subsequently recalled, no themes were generated relating to the process of recall itself. Secondary research questions were also explored which revealed themes of the OLR being viewed by participants as poorly understood and inhumane. Each of these findings is discussed below.

### Primary Research Questions

The primary aim of the study was to explore individuals experiences of release from custody, community integration, and where applicable – recall to custody. Regarding experiences of transitioning from prison to the community, participant responses focused significantly more on the process of achieving release from custody, than on release and integration itself. This was illustrated by the majority of participants choosing to explain their experiences chronologically, starting at the point of being assessed for the OLR, rather than speaking about more recent community experiences first. This was unexpected as it was anticipated that discussion about each aspect of the sentence (custody/community/recall) would be more balanced. On reflection, it is possible that participants viewed the journey as important for researchers to understand. Additionally, it is noteworthy that this is the first qualitative study conducted which has given individuals the opportunity to speak about their experiences on the OLR, therefore participants may have been keen to ensure that all perceived issues with the sentence, and with the criminal justice system more generally, were captured in case another opportunity was not afforded in future. Also, release and community integration was a relatively recent occurrence for most participants, therefore the majority of their experience on the OLR related to custody, which may have influenced the weight they placed on this aspect of their experience.

As outlined in the results section, participants reported that their experience in custody was challenging, most notably because of perceptions that there was a lack of individualised interventions to address risk, professional reluctance to support their progression and a perception that the OLR sentence contributed to delays. These findings are in line with studies conducted by the Prison Reform Trust (2020) and the more recent IPP review submitted to the House of Commons Justice Committee (2022) which found that delays accessing offending behaviour programmes and specialist psychologically informed services were considered to have negatively impacted on IPP progression and release from custody. Within the current study, many of the participants spoke not only of delays accessing interventions, but a tendency for interventions to be repeated due to outstanding treatment needs or further risks being identified. Additionally, it was felt that group based interventions were not individualised which impacted upon individuals ability to address their treatment needs.

The focus on offending behaviour programmes by participants indicates the weight that they perceive successful treatment to have on their chances of achieving progression and parole. This mirrors findings by the Prison Reform Trust (Jarman & Vince, 2022) in which individuals subject to long sentences, including determinate, extended and indeterminate sentences, reported that

programmes were a necessary part of their sentence plan, and that no other form of personal development was sufficient to support progression or release. Participants reported a belief that professionals placed too much emphasis on OBP's, particularly given the lack of evidence supporting the efficacy of such interventions (Jarman & Vince, 2022). Interestingly, the Jarman study indicates that such issues are common to different sentence types, suggesting that frustrations with programme access and participation are not unique to the OLR, or indeterminate sentencing more generally. However, as noted by the Prison Reform Trust, in a situation where individuals lose faith that their sentence plan is meaningful, or the interventions it recommends will make a difference, disengagement or half-hearted engagement may follow (Jarman & Vince, 2022).

At the time of writing, group based offending behaviour programmes remain the primary means by which individuals' risks are addressed within the Scottish Prison estate. Indeed, in 2020 work commenced to redevelop and expand high intensity programme provision in custody, and to redevelop the Moving Forward Making Changes (MF:MC) Programme for delivery in custody and the community. The investment in this work indicates a continued commitment to group based offence focussed work. It is hoped that the redesign will begin to address waiting lists, increase access to interventions and provide provision for a greater range of treatment needs (e.g. Intimate Partner Violence). However, new programmes are in the pilot phase therefore it is likely to be many years before a full evaluation considers effectiveness. Additionally, it is noteworthy that there are currently no specialist psychologically informed pathways<sup>8</sup> within Scottish Prisons which limits the service available to individuals with complex risks and needs. As outlined in the recent RMA report considering the offending behaviour of individuals subject to the OLR, over one fifth of the cohort have convictions spanning violent, sexual, IPV and 'other' categories (RMA, 2022), highlighting the diversity in offending and complexity of treatment needs in this population.

Jarman and Vince's (2022) study provides initial evidence that issues with programmes impact on different sentence types. However, for the purposes of the current study, it is important to consider the unique aspects of the OLR and how these may impact participant perceptions. Due to the sentence calculation for the OLR punishment part, individuals will typically have a shorter minimum period to be served in custody than individuals on life or extended sentences. This may create an expectation of programme access at an early juncture, when an individual may not yet be ready to participate. This could be for a number of reasons, including (but not limited to) motivation, health, behavioural instability or other needs which must be addressed first (e.g. trauma therapy). The RMP should sequence interventions for the individual to address their risks and needs; this may mean that motivational work, therapy or substance use interventions will be prioritised in the first instance over programme access to support stability and increase the chances of positive outcomes when the individual does access offence focussed work. However, as previously noted, if individuals do not access their RMP then they may not understand why programme access has been delayed. Additionally, the lifelong nature of the OLR may contribute to individuals becoming more focussed on programmes. Individuals on determinate or extended sentences will eventually be released; for individuals on the OLR, many are acutely aware that their release is conditional on demonstrating a reduction in the risks they present – which in reality can be challenging to demonstrate without structured intervention. The pressure to access and perform in offence focussed work may therefore be felt more keenly by individuals subject to indeterminate sentences. Further research is warranted to explore this further.

Delays were also perceived to have resulted from risk aversion on the part of professionals and a lack of clear direction. The findings indicate that individuals interviewed for this study had difficulty understanding how risk based decisions were being made and how those decisions fed into their RMP. This appeared to lead to a belief that decisions were arbitrary and punitive, rather than evidence based and focussed on public protection. There are two linked issues to consider from these findings: perceived unfairness and communication. Considering first the issue of communication, many of the respondents indicated that they had not seen their RMP,

<sup>8</sup> Such as the Psychologically Informed Planned Environments (PIPE) or Westgate Personality Disorder Treatment Service available within HMPPS.

others indicated that they did not understand the outcomes of their risk assessments. It was unclear the extent to which participants were given the opportunity to review these documents with professionals and contribute to their development. Some respondents reported documents not being shared, others stated that they were given the opportunity but chose not to take it because they found it too distressing. As highlighted by Fellowes (1992), practitioners should aim to 'work with offenders, rather than on them' (p.93) highlighting the importance of collaboration, transparency and communication. The RMA's [Standards and Guidelines for Risk Management](#) (2016) highlight the importance of effective communication as an essential element of risk management (p.34). Furthermore, collaborative risk management practice should include efforts to engage the individual whose behaviour is the subject of concern; ensure their understanding of the roles of each partner; the conditions, requirements and expectations against which progress or deterioration will be judged; and the relevant legislative and procedural decision points relating to their order. Explicit efforts should be made to communicate this in a manner, and in language which is appropriate to the individual's level of understanding' (p.36). The extent of communication and collaboration with participants in this study is unclear, which potentially feeds into point two: fairness.

As outlined by Hough and colleagues (2012), individuals who believe that they are being treated in a fair and just manner are more likely to engage meaningfully with authority figures and view their role as legitimate. Participants were critical of prison based professionals who they felt were not treating them fairly in comparison to individuals with different sentence types, for example by viewing them as more 'risky' and limiting opportunities to progress. This finding ties in with Weaver and colleagues' (2021) study indicating that procedural fairness is likely to be subjective and measured against the treatment of others in a similar situation – participants frequently compared their experience to that of individuals on different sentence types and concluded that their treatment was unfair. It is possible that this perception of unfairness is linked, at least in part, to the issue of communication – whereby difficulties understanding decision making results in an assumption that the process is arbitrary or unfair. This seems possible when considering the complex personality traits<sup>9</sup> of many individuals subject to the OLR, where difficulties with trust are often prevalent and the importance of transparency and collaboration cannot be overstated.

All eight of the participants had experienced transitioning from prison to the community and reflected that this was a challenging phase of their sentence. The primary challenge was one of social isolation, with the majority of participants reflecting difficulties developing and maintaining intimate and non-intimate relationships. Some participants felt the OLR contributed to their difficulties because they perceived that restrictions (such as curfews, exclusion zones and electronic tagging) were more severe and were maintained for longer than for individuals with other sentence types. Additionally, the length of time spent in custody was considered to be a factor. Others appeared to acknowledge that stigma associated with the type of offence they were convicted of contributed to socialising being difficult.

Based on the feedback, there is some evidence to suggest that being subject to the OLR may introduce additional challenges for individuals being reintegrated into the community. This is in line with the findings of the IPP review (House of Commons Justice Committee, 2022) which suggests that additional support is required for release due to the additional risk factors and challenges faced by individuals on the IPP on release from custody. However, there are also similarities to the general desistance literature which highlights the importance of employment opportunities and social supports (Shinkfield & Graffam, 2009) and the detrimental impact of social stigma (Buck et al., 2021), suggesting that the challenges faced by individuals on the OLR may be similar to those experienced by individuals on other sentence types. A further study directly comparing

<sup>9</sup> Personality disorders are thought to exist in about 5-10% of the general population, in about 20-30% of general practice patients, in 30-40% of psychiatric patients, and in excess of 50% of prison and forensic samples. Psychopathy is thought to exist at clinically significant levels in between 0.75 and 1% of the population (so, about the same as schizophrenia) and in about 10-15% of the male prison population. Antisocial and Borderline personality disorders are most prevalent in prison populations (NOMS, 2015).

experiences of individuals on different sentence types would be useful to delineate whether differences exist.

Despite the challenges outlined above, participants generally described working with community justice agencies as a positive element of their prison to community experience. Considering the dual role of supervising officers outlined by Weaver and Barry (2014), it would appear that in the majority of cases a good balance was struck between control and support which fostered positive working relationships. Participants reported frustrations over their licence conditions, particularly when mistakes were made and warnings issued, but also reflected feeling supported to keep moving forward. Similarly, whilst some participants indicated that they felt supervision and licence conditions presented a barrier to achieving their goals, this was not to the extent described when speaking about management in custody. In subsequent meetings with participants to review the results this discrepancy was explored. Participants explained that whilst they were frustrated by conditions placed upon them, they genuinely felt that supervising officers were invested in them. Participants reported feeling that community supervising officers bore the risk of managing them in the community and therefore were more invested in supporting stability and progress. In line with the findings on procedural justice, participants reported feeling listened to, working collaboratively towards personal goals (e.g. education) and a belief that supervising officers and justice professionals were invested in their progress. In custody this was not felt to be the case.

Whilst reasons for this perceived difference are not clear, it is possible that factors such as frequent changes to key personnel in custody (including case managers and personal officers) could impact upon working relationships. Additionally, in custody, individuals on the OLR can easily speak to others on different sentence types which may make it more likely that they will draw parallels between their management and the management of others, contributing to beliefs of unfairness. Awareness of others on the OLR sentence, and the limited movement of the population is also likely to contribute to frustrations and feelings of hopelessness which are externally attributed to professionals within the environment, rather than considering other factors which may be contributing to this (Maruna & Mann, 2006). The positive working relationships between participants and supervising officers appear to have been a key factor in individuals sustaining life in the community. In contrast, for two of the three individuals subsequently recalled to custody, one described a deterioration in his relationship with his supervising officer; the other reported failing to seek support, further highlighting the importance of a positive and supportive supervisory experience.

In addition to professional support, the cohort explained that their community integration was supported by their own internal resources. Participants spoke at length about the coping strategies they had developed in custody which supported them on release. These findings are in line with those of Weaver and Barry (2014) who found that participants overwhelmingly reported that personal motivation and self-regulation were key to positive re-entry. Additionally, individuals subject to a CORO reported that strategies such as acceptance and exercising the power and choices you do have as important to managing their lives on the order. These findings further highlight the importance of building skills, strengths and protective factors in addition to managing risk.

It is important to acknowledge that no themes were generated surrounding the experiences of recall into custody. Questions relating to recall were posed to participants and interviewees were willing to discuss their recall; however no consistent themes were evident across the three interviewees who have experience of being recalled. It is unclear why this was the case. It is possible that this resulted from the small numbers of individuals interviewed with experience of recall; it may also have resulted from the reasons for each recall differing, impacting on the degree of similarity between participants. Given that this study presented the first opportunity for individuals on the OLR to speak about their experiences, it is possible that they chose to focus on other aspects of their experience to the detriment of expanding on their experience of recall. Therefore, the experience of recall merits further research to expand our knowledge and understanding of this.

Finally, the study sought to explore participants' perceptions of the future. These future expectations and aspirations differed across the group with some participants expressing more optimism than others. Surprisingly, it was not as simple as those in the community being more positive than those returned to custody; rather there was a mix in responses regardless of context. In line with prior research on indeterminate sentences (e.g. Harris et al., 2020; Merola, 2015), some participants expressed fear of future recall, concern that they will never be free of restrictions and finding it difficult to see a future for themselves. Others were more optimistic, expressing a belief that they could live a positive and meaningful life within the confines of their licence restrictions. At this stage, the reasons for these differences are unclear. One possible explanation is age. Older individuals within the group, both in custody and the community, expressed more positivity about the future; whereas younger contributors expressed more fears and pessimism. This would require further exploration to determine whether there are significant differences in perceptions of the future between the groups based on age.

## Secondary Research Questions

The study also sought to explore what aspects of the OLR journey individuals considered to have been the most important or impactful; and what the OLR sentence means to those subject to it. As outlined within the results, the participants spoke about experiencing the OLR as dehumanising and punitive. Specifically, participants spoke about the negative impact of the indeterminate sentence on their wellbeing and mental health. These findings are in line with studies exploring individuals' experiences on the IPP sentence which highlight hopelessness as a significant issue within the population (Harris et al., 2020; Edgar, Harris & Webster, 2020). Factors contributing to the experience of hopelessness and the perception that the sentence is inhumane in this study appeared to include the lack of release date, the lifelong nature of the sentence and the perceived lack of direction and opportunity offered to those subject to the OLR. It is possible that some of these issues link to the difficulties with communication and understanding discussed above, and could be addressed by a greater focus on collaboration and information sharing. The issue of hopelessness and the perception of the sentence as inhumane requires further exploration to fully understand the contributing factors, and whether these feelings are shared by the wider OLR cohort.

It is important to highlight that whilst the participants described their experience of working towards release and community integration as challenging; they also spoke at length about learning about themselves and the world; about support structures and feeling supported; about goals and ambitions; and about hope. The findings suggest that whilst there are areas where the implementation of the OLR could be improved, there are also areas of individual and organisational strength which can be developed. Focus on these areas may improve outcomes for individuals on the OLR sentence, whilst continuing to ensure that public protection remains forefront.

## 6.1 RECOMMENDATIONS

The present study provided an initial insight into the experiences of individuals subject to the OLR sentence. Based on the findings, the following recommendations are proposed to improve experiences of the OLR sentence and support progression through to community release:

- 1. Greater engagement with Risk Management Plans (RMP).** Several individuals interviewed noted that they were not familiar with their RMP. Given that the RMP is central to the management of individuals on the OLR sentence, this should be a collaborative, live process. As outlined in the Standards and Guidelines for Risk Management (2016), risk should be communicated in a manner which facilitates understanding. The findings of risk assessment should be communicated to relevant others including the individual who is subject to the assessment (p.15). It is therefore essential that individuals are given the opportunity to review and contribute to their risk management plan to support understanding of the sentence. Efforts should be made to consider how to make this more accessible to increase



the chances of individuals choosing to engage.

2. **Developing knowledge of professionals and prisoners on the OLR sentence.** It was clear from all participants that limited understanding of the OLR sentence presented a challenge in accepting and progressing with the sentence. Supporting understanding of the nature and requirements of the sentence from the outset is therefore key for all involved to support individuals subject to the order. Further research which considers whether knowledge of the sentence has improved in recent years may help to inform the development of any training input by identifying knowledge gaps.
3. **Greater preparation for community release.** At this stage only a small number of individuals on the OLR have been released into the community. It is hoped that more will follow in future. To ensure that the positive experiences of community management are replicated in future, it will be important to ensure that appropriate training and supports are in place for Justice Social workers who will take on the role of case manager. The RMA therefore have an important role in the development and delivery of these resources to ensure the necessary supports are in place. Consideration should also be given to new lead authorities learning from those already supervising OLR's in the community to share good practice.
4. **Future research** which directly compares experiences on different indeterminate sentence types, including the OLR, IPP and CORO would help to establish both similarities and differences between the impacts of indeterminate sentencing practices in Scotland and England. In addition, studies which compare indeterminate sentences with other sentence types, such as determine, extended and life sentences would support a greater understanding of experiences of different sentence types.
5. **A future follow up** with participants from the current study may also be beneficial to provide further insights into facilitators and barriers to community integration.
6. **A review of the implementation of the OLR.** To build upon the findings of the current study, it is important that future research provides a more in depth and holistic review of the implementation of the OLR. This should be from multiple perspectives, including justice professionals, victims agencies and the larger OLR cohort.

The review will consider the themes which have been identified within the current study, including hopelessness, delays and individualisation of treatment pathways. Additionally, the review will consider the factors contributing to recall and return to closed conditions for individuals on the OLR, and the measures which are implemented to support the individual following such developments.

Such a review would provide evidence of areas of good practice, as well as areas which could be developed or improved in OLR implementation.

## 6.2 REFLECTIVE ACCOUNT

The results of the present research were produced through in-depth, reflexive qualitative data analysis. The researchers roles, preconceptions and biases were taken into account in order to understand any potential influence these factors may have on the present findings. For example, all researchers are employed by the Risk Management Authority, a non-departmental government body in Scotland responsible for overseeing and guiding risk management practice. Two of the three researchers have responsibilities beyond the scope of the current study, specifically relating to evaluating the quality of Risk Management Plans for those on an OLR sentence. It is possible that their duties within the organisation resulted in a degree of bias or preconception towards how they believe the OLR could be experienced. Additionally the lead researcher had previously held the role of case manager for a number of individuals on the OLR sentence; however had no prior working relationship with any of the interviewees. This experience was reflected on at length to consider potential bias in the current study. The independent audit was included to mitigate for these factors, however it remains possible that any preconceptions may have influenced the generation of themes.

Additionally, two of the researchers had no prior experience of direct contact with individuals subject to the OLR. Given the loose structure of open-ended interviews, it is further possible that interviews (e.g., areas participants were asked to expand upon) may have been influenced by previous beliefs surrounding the population. This was mitigated by ensuring the lead researcher was present at all interviews to ensure consistency in interview facilitation.

Finally, given the often challenging discussions surrounding the OLR sentence, it is possible that the emotional impact of such topics may have influenced the researchers discussions surrounding the sentence during interviews, as well as the analysis of interview data. We are confident that the employment of an auditor and the review of the findings with participants at the draft stage to ensure the analysis remained grounded in the data helped to diminish this possibility.

### **6.3 LIMITATIONS**

Given the small numbers of participants in the current study, it is not possible to generalise the results to the whole OLR population. The study represents the experiences of eight individuals subject to the OLR who have progressed to community management. One individual declined to be interviewed, one could not be supported to participate at the time of the interviews and one individual has been released from custody since the study was conducted; the report is not therefore reflective of all individuals who have been released to the community on the OLR. Further work will be required to determine whether their experiences are common to the full cohort.

Additionally, it is important to note that the current study did not represent individuals who have an OLR and are managed in secure mental health facilities in Scotland. As such, their experiences may differ to those captured within the report.

### **6.4 CONCLUSION**

The OLR has been available as a sentencing option for the Scottish High Court for 16 years. In that time, over 200 individuals have received the order; the majority of which remain in custody. The current study focussed on a small subset of the OLR cohort who had experience of community management. The study provided the first qualitative insight into individual experiences of release, community integration and recall to custody on the OLR. The findings suggest that individuals on the OLR experience working towards release and the transition from prison to community as challenging. However, once in the community, support from justice services was reported to be largely positive and this combined with internal coping strategies supported community integration.

The findings are useful for considering next steps in research and developing practice in Scotland. As outlined, the participants highlighted a number of areas where implementation of the OLR could potentially be improved, including communication and access to individualised treatment interventions. To fully evidence what aspects of the order are working well, and which would benefit from development, a full review of the implementation of the OLR is warranted. Such work should consider a wide array of evidence, including the perspectives of professionals and the wider OLR cohort.

In addition, these findings support a broader understanding of indeterminate sentences. Limited research investigating experiences of those on indeterminate sentences, such as the OLR or the IPP, currently exists. We believe that a wider evidence-base is imperative to fully understand the true implications of these sentences.

Finally, we highlight the importance of conducting qualitative research of this nature. Developing an understanding of the individual behind the sentence is important to continue developing responsive and effective risk management practices which both support and develop the individual, and manage risks to the general public.

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## 8. APPENDICES

### 8.1 APPENDIX A (COMMUNITY TOPIC GUIDE)

#### Introduction

**Primary Interviewer:** Hello, and thank you for agreeing to take part in today's interview. As you are aware, my name is \_\_, and this is my colleague, \_\_. We are here today to perform research with the Risk Management Authority, or RMA. Before we get started, we will quickly describe our jobs within the RMA.

**Primary and Secondary Interviewer:** My role within the RMA is 1) *Head of OLR*, 2) *Case Worker*, or 3) *Research Assistant*. In my day-to-day job, I am responsible for 1) *supervising and leading a team providing expert OLR advice and to develop risk assessment and management practice*, 2) *managing the case work of OLRs*, or 3) *developing research within the OLR team*.

**Primary Interviewer:** However, today we are here for the purposes of our research, and so will not be performing the duties of our normal roles. Instead, we are interested in hearing your experiences of the Order for Lifelong Restriction, or OLR. In particular, we are interested in listening to your unique progression through the OLR, from moving between prison and the community.

Now primary interviewer should reiterate a few points relating to their data, in simple language (none of this will be a surprise since participants will have only just provided consent).

1. Your data will be anonymous. Anything you choose to share with the researchers will be kept anonymous, with the exception of a) disclosure of intent to harm/self-harm, and b) disclosure of previously undisclosed offences.
2. The interview will be audio recorded, and transcripts of the data will be produced (i.e., the audio of the interview will be turned into a written document).

We expect the interview to last approximately 1 hour to 1 and a half hours. However, if you need a break at any time, just let us know. You also have the right to end the interview at any time. You do not need to give us a reason for wanting to end the interview.

- Does that all make sense?
- Do you have any questions?

#### Opening question & general prompts

- Can you please confirm your name, gender, date of birth (and age), and ethnicity?
- Tell me about your experiences of being on an OLR.

We are interested in your experiences of moving between prison and the community, so we are going to ask you some questions about that:

- What was it like for you being released from prison to the community?
- Can you tell us about your experiences of the community on an OLR?
- Can you tell us about your experiences of receiving the OLR sentence?  
*Prompt: assessment, court attendance, receiving the order*
- What was it like for you being managed on the OLR in closed conditions?  
*Prompt: knowledge of RMP, relationships, interventions, barriers and supports*
- What was your experience of progression?  
*Prompt: moving from closed to NTE to OE*

We would like to ask you about the supports you have been provided while on an OLR (including interventions):

- What support have you received since being released from custody?  
*Prompt: Supervisions? Interventions? Third sector - personal vs professional?*
- What were your experiences of community supervision?
- How do you feel you were supported?  
*Prompt: Was the support enough to meet your needs?*
- What do you know about your Risk Management Plan (RMP)?
- Do you know how the RMP has been used in the community?  
*Prompt: Do you view the OLR and associated RMP as a useful support or not?*
- How did you feel about how the RMP is/was used?

### **Finishing questions**

- Can you tell us about how you feel about the future while being on an OLR?
- Do you feel positive/negative about the future?
- What do you understand about the OLR?

## **8.2 APPENDIX B (CUSTODY TOPIC GUIDE)**

### **Introduction**

**Primary Interviewer:** Hello, and thank you for agreeing to take part in today's interview. As you are aware, my name is \_\_, and this is my colleague, \_\_. We are here today to perform research with the Risk Management Authority, or RMA. Before we get started, we will quickly describe our jobs within the RMA.

**Primary and Secondary Interviewer:** My role within the RMA is 1) *Head of OLR*, 2) *Case Worker*, or 3) *Research Assistant*. In my day-to-day job, I am responsible for 1) *supervising and leading a team providing expert OLR advice and to develop risk assessment and management practice*, 2) *managing the case work of OLRs*, or 3) *developing research within the OLR team*.

**Primary Interviewer:** However, today we are here for the purposes of our research, and so will not be performing the duties of our normal roles. Instead, we are interested in hearing your experiences of the Order for Lifelong Restriction, or OLR. In particular, we are interested in listening to your unique progression through the OLR, from moving between prison and the community.

*Now primary interviewer should reiterate a few points relating to their data, in simple language (none of this will be a surprise since participants will have only just provided consent).*

1. Your data will be anonymous. Anything you choose to share with the researchers will be kept anonymous, with the exception of a) disclosure of intent to harm/self-harm, and b) disclosure of previously undisclosed offences.
2. The interview will be audio recorded, and transcripts of the data will be produced (i.e., the audio of the interview will be turned into a written document).

We expect the interview to last approximately 1 hour to 1 and a half hours. However, if you need a break at any time, just let us know. You also have the right to end the interview at any time. You do not need to give us a reason for wanting to end the interview.

- Does that all make sense?
- Do you have any questions?



## Opening question & general prompts

- Can you please confirm your name, gender, date of birth (and age), and ethnicity?
- Tell me about your experiences of being on an OLR.

RQ1: We are interested in your experiences of moving from prison to the community, so we are going to ask you some questions about that:

- Can you tell us about your experiences of receiving the OLR sentence?  
*Prompt: assessment, court attendance, receiving the order*
- What was it like for you being managed on the OLR in closed conditions?  
*Prompt: knowledge of RMP, relationships, interventions, barriers and supports*
- What was your experience of progression?  
*Prompt: moving from closed to NTE to OE*
- What was it like for you being released from prison to the community?
- Can you tell us about your experiences of the community on an OLR?

RQ2: How do individuals feel about supports they are provided while on an OLR (including any interventions)?

- What support have you received since being released from custody?  
*Prompt: Supervisions? Interventions? Third sector - personal vs professional?*
- What were your experiences of community supervision?
- How do you feel you were supported?  
*Prompt: Was the support enough to meet your needs?*
- What do you know about your Risk Management Plan (RMP)?
- Do you know how the RMP has been used in the community?  
*Prompt: Do you view the OLR and associated RMP as a useful support or not?*
- How did you feel about how the RMP is/was used?

RQ3: What are the key experiences of being recalled while on an OLR?

- Tell me about your recall.
- What do you understand about why you were recalled?
- Since your return to custody, how have you been supported?  
*Prompt: Was the support enough to meet their needs?*
- How do you feel about supports you were given during that time?
- What was it like returning to prison from the community?

## Finishing questions

- Can you tell us about how you feel about the future while being on an OLR?
- Do you feel positive/negative about the future?
- What do you understand about the OLR?

## 8.3 APPENDIX C (HELPFUL ORGANISATIONS)

The RMA is acutely aware that some readers may experience negative emotions when reading this report. If you feel you would benefit from support, please find a list of helpful organisations below.

### **Anxiety UK**

Provides confidential advice and support for those with anxiety, stress and anxiety-based depression.

Telephone: 03444 775 774

Text support: 07537 416 905

[www.anxietyuk.org.uk](http://www.anxietyuk.org.uk)

### **Campaign Against Living Miserably (CALM)**

Free and confidential helpline and webchat for men of all ages and backgrounds to talk about their fears and problems.

Telephone: 0800 58 58 58

[www.thecalmzone.net](http://www.thecalmzone.net)

### **Families Outside**

A national charity who offers an independent support service for families and friends of prisoners.

Telephone: 0800 254 0088

Text support: 60777 start your message with Famout

[www.familiesoutside.org.uk](http://www.familiesoutside.org.uk)

### **Mind**

Provides information and support for a range of mental health problems.

Telephone: 0300 123 3393

[www.mind.org.uk](http://www.mind.org.uk)

### **Rape Crisis Scotland**

Provides confidential support for people of all genders living in Scotland who have been affected by sexual violence.

Telephone: 08088 01 02 03

Text support: 07537 410 027

[www.rapecrisisscotland.org.uk](http://www.rapecrisisscotland.org.uk)

### **Safeguarding Communities, Reducing Offending (SACRO)**

Provides a range of criminal justice, youth justice and mediation services.

Telephone: 0131 624 7270

[www.sacro.org.uk](http://www.sacro.org.uk)

### **Samaritans**

Provides confidential emotional support 24 hours a day, for people who are experiencing feelings of distress and/or despair.

Telephone: 116 123

[www.samaritans.org](http://www.samaritans.org)

**Scottish Domestic Abuse Helpline**

Provides information and support. Calls are answered by women with training in all aspects of domestic abuse.

Telephone: 0800 027 1234

[www.sdafmh.org.uk](http://www.sdafmh.org.uk)

**Victim Support Scotland**

Supports victims of crime, witnesses and their family members, regardless of who they are and their circumstances.

Telephone: 0800 160 1985

[www.victimsupport.scot](http://www.victimsupport.scot)

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**RISK  
MANAGEMENT  
AUTHORITY**