

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

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

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

Mind

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

Telephone: 0300 123 3393

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

Safeguarding Communities, Reducing Offending (SACRO)

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

Telephone: 0131 624 7270

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

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

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

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