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The resettlement of discretionary life- sentenced offenders

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The resettlement of discretionary life-sentenced offenders

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Summary

This research investigated the role of Probation in the supervision of discretionary life-sentenced offenders. It found that probation staff were largely successful in adhering to guidance, though there was some inconsistency within and across areas. Backup and supervision arrangements, with relevant training, were not always in evidence, owing to limited resources and high caseloads. Where a structured, joined-up approach was in place across agencies to address resettlement problems, practitioners felt better able to make accurate risk assessments and were more confident that resettlement difficulties were being attended to. The introduction of Public Protection Panels was viewed as a positive development in this respect. A number of key factors were identified that were significantly associated with recall.

Implications for policy, practice and future research

- Missing cases should be traced.
- A common set of national guidelines for lifer work is required.
- Sufficient opportunity should be provided for practitioners and managers to gain skills and knowledge of the lifer system.
- Back-up officer arrangements should be in place across probation areas.
- Continuity of probation officer should be prioritised and supervised.
- There is a need for reduced caseloads and the promotion of defensible decision-making in supervision.
- Closer liaison is needed between prison and probation staff.
- The Lifer Review and Recall Section (LRRS) should improve feedback on routine reports and on reasons for refusing an application to suspend supervision:
- A holistic approach to resettlement is essential.
- Supervisors should monitor high risk factors and be trained in relevant areas.
- Research is needed to obtain lifers' perspectives on resettlement.

How the recommendations are being addressed

A number of current policy developments will improve practice and enable existing resources to be used more effectively and efficiently. Central to this is the introduction of an Offender Management Model, which will provide:

- better continuity of supervision and of management support;
- closer working between prisons and Probation;
- holistic work on resettlement.

Together with the use of electronic records based on the OASys risk assessment system, these changes will keep better track of offenders.

LRRS have introduced closer working with local areas and closer monitoring of cases, and a new post-release team has improved feedback to Probation. Responses to progress reports are now the subject of business plan targets. New supervision guidance is being prepared by the Public Protection and Licensed Release Unit. The *Lifer Practice Guide* will help practitioners manage and supervise lifers, both pre- and post-release, and will cover the allocation of lifer cases according to national standards. The unit is also collaborating with LRRS to revise the Prison Service *Lifer Manual*. This will be accompanied by reporting templates drawing on good practice from across probation areas.

Home Office Development and Practice Reports draw out from research the messages for practice development, implementation and operation. They are intended as guidance for practitioners in specific fields. The recommendations explain how and why changes could be made, based on the findings from research, which would lead to better practice.

1. Introduction

This research project was commissioned as part of the Dangerous People with *Severe Personality Disorder* initiative, to investigate the role of the Probation Service in the supervision of discretionary life-sentenced offenders. The research was carried out between June 2002 and September 2003.

Aims

The aims of the research were to:

- identify the factors involved in supervising lifers;
- identify best practice for managing serious offenders;
- improve understanding of the individual risk factors associated with recall for discretionary lifers; and
- assist the Probation Service in improving the prospect of successful resettlement.

Background

A life sentence is mandatory for persons convicted of murder and 'automatic' for those sentenced for a second serious sexual or violent offence (see Section 2 of the *Crime (Sentences) Act 1997*).¹ A life sentence is discretionary for a number of other serious offences including attempted murder, manslaughter, rape, armed robbery, arson, criminal damage with intent to endanger life and some drug offences. Discretionary life sentences can only be imposed where: the offence is considered grave enough to require a very long sentence; the offender is a person of mental instability who, if at liberty, presents a grave danger to the public; and, it appears that the offender will remain unstable and a potential danger for a long or uncertain time (*R. v. Hodgson (1967) 52 Cr. App. R 113*). Discretionary lifers represent a significant minority of the overall life-sentenced population. On 28 February 2003, there were 1,683 prisoners serving discretionary life sentences in England and Wales. This represented 31 per cent of the total life-sentenced population of 5,352 prisoners; the remainder were serving mandatory life sentences for murder.²

The law relating to discretionary lifers significantly changed in 1991 following a decision of the European Court of Human Rights in *Thynne, Wilson and Gunnell (13 European Human Rights Reports 666)*. The decision established the right of those subject to a discretionary life sentence to regular and independent review once the 'tariff' (punishment) period of their sentence had ended. Discretionary Lifer Panels (DLPs) of the Parole Board were subsequently introduced in 1992 as an independent body with the status of a court and the power to review the lawfulness of continued detention beyond the tariff. DLPs were given the responsibility by Parliament to give a direction to the Secretary of State to release a life sentence prisoner only if they were satisfied that it was 'no longer necessary for the protection of the public that the prisoner should be confined' (Section 28(6) of the *Crime (Sentences) Act 1997*). As a consequence, once the tariff part of the sentence has been served by discretionary lifers, continued detention can only be justified on the grounds that an individual's release poses an unacceptable risk to the public.³

Discretionary lifers are released on licence to probation areas in the community, 'whose responsibility it is to contribute to public protection through the supervision of life-sentenced offenders' (HM Inspectorates of Prisons and Probation, 1999: 2-3). Chief Officers in each probation area hold the overall responsibility for the supervision of lifer cases. Lifers are allocated to probation officers who are required to report regularly to the Lifer Review and Recall Section (LRRS, formerly known as the Lifer Unit) of the Home Office which holds the responsibility for managing and reviewing all lifer cases across the criminal justice system. Life-sentenced offenders released into the community can be recalled to prison at any time for the remainder of their lives for unacceptable behaviour, the commission of an offence or other breaches of the life licence (see Section 39 of the *Criminal Justice Act 1991*). The release and resettlement of life-sentenced offenders therefore poses a dual challenge to criminal justice professionals: the challenge of ensuring the public is protected from dangerous offenders, while simultaneously supporting released lifers in their efforts to resettle into the community and lead law-abiding lives.

1. The judge is required to impose a life sentence on a person convicted of a second serious sexual or violent offence 'unless the court is of the opinion that there are exceptional circumstances relating to either of the offences or to the offender which justify its not doing so' (*R v Offen (2000) 1 WLR 253*).
2. Statistics provided by the Prison Statistics Department of the Home Office. See also Hollis and Goodman (2003).
3. For a full review of the decision making processes of Discretionary Lifer Panels, see Padfield *et al.*, (2000).

2. Methods

Following the beginning of the project in June 2002, a database was obtained from the Parole Board which drew upon analysis of DLP dossiers and contained variables on 138 lifers, all of whom had been released from prison between October 1992 and September 1997, that is, during the first five years of the DLP process. The 138 cases represented 92 per cent of the total number of discretionary lifers (150 in total) released in this period, some of whom had subsequently been recalled.⁴ Through a combination of qualitative and quantitative methods, it was proposed that these data would be combined with detailed information about the resettlement process in order to gain a greater understanding of the process of effective supervision of discretionary life-sentenced offenders, and the factors associated with recall. The research was based on data gathered through: face-to-face semi-structured interviews with probation supervisors; content analysis of lifers' probation files; information provided by the Parole Board; and observation of a small number of DLP hearings.

Missing cases

Following contact with the LRRS and the Probation Service, there were 20 missing cases for which the researchers were unable to interview the supervising officer or analyse the lifer's probation file. In eight cases, the reasons that were given for this were understandable, but for 12 offenders the explanations were more problematic. For example, in four cases the probation area identified by the LRRS had no record of the lifer. With limited success, further efforts were made to locate these cases and, at the time of writing, information on these cases is not known.

The total number of lifers in the sample was therefore 118 and these cases were allocated across 34 probation areas in England and Wales. In addition to the missing cases, there were five cases for which only the probation file analysis could take place and one case where only the interview could be achieved. In total, 113 interviews with probation officers were carried out and 117 lifer probation files were analysed.

3. Results

Offender characteristics

Ninety-six per cent of the achieved sample members were male, 94 per cent were White British and, at the time of the first DLP release, the mean age was 45 years. Eighteen of the lifers had died, 14 in the community and four in custody. At the time of the index offence⁵, 87 per cent of the achieved sample had previous convictions, with an average of 17 convictions. The age at first criminal conviction ranged from 8 to 56 years, and the mean age at first conviction was 19. Of those who were convicted 30 or more times prior to the index offence (n = 23), 87 per cent were aged 15 or younger at the time of the first conviction. The index offence for almost half of the achieved sample was manslaughter by reason of diminished responsibility (49%), 22 per cent received a life sentence for sexual offences, 17 per cent had committed other violent offences and 13 per cent were arsonists. Over a third (35%) of all index offences contained a sexual element.

While there were 12 cases for whom the release status was not known, 65 per cent of the 138 lifers were released in the community at the time of the fieldwork, of whom three quarters were under supervision, nine per cent had had the supervision requirement lifted and 16 per cent had died on licence. Of those who were recalled at the time of interview (26%), three per cent had subsequently died in custody. However, probation file data available on 117 cases revealed that there were a number of lifers in the sample who had been released more than once and some of the releases and recalls had occurred prior to the establishment of the DLP process. For example, one person had been released five times in total, over an 18-year period, only one of which had been a DLP release in 1994.

4. Parole Board figures suggest that out of 881 DLP hearings, there were 166 occasions of release, including eight prisoners detained at Her Majesty's Pleasure (in effect, a mandatory life sentence for those under 18 years of age). Out of the remaining 158 occasions of release, 150 discretionary lifers were released, some of whom were released more than once. Data were available from the Parole Board for 138 of the discretionary lifers.

5. Although offenders may have been convicted of more than one offence at the time of the life sentence, the index offence refers to the most serious.

For the purposes of this study, the introduction of the DLP process in 1992 was taken as a baseline and 53 out of 117 offenders had been recalled at least once (45%). For all of the recalled lifers, the minimum time spent in the community prior to the most recent recall date was four days and the maximum time period was almost nine years, with the mean length of time in the community being close to three years. The majority of these (58%) had been recalled for 'unacceptable behaviour' and the remainder were recalled for either a reconviction (21%) or both a reconviction and unacceptable behaviour (21%). Of those reconvicted, 11 were recalled for sexual offences, six for violent offences, two were recalled for robbery offences and three for other offences. In three cases the recall offence was serious enough to warrant a second discretionary life sentence. Over a third (36%) of the lifers who were recalled once had been re-released and were living in the community. There were nine offenders (17% of all those recalled) who were released twice during the research period and had been recalled back to custody.⁶

Given the conditions for a discretionary life sentence, it was not surprising to find that the vast majority (97%) of offenders displayed mental instability at the time of the index offence and 82 per cent of the achieved sample had been diagnosed with more than one mental health problem. Furthermore, data provided by the Parole Board suggested that 68 per cent (n = 106) of the achieved sample scored a total of 25 or more out of a possible 40 on Hare's Psychopathy Checklist-Revised (PCL-R), indicating a significant level of psychopathic traits in a UK-based sample (see Cooke and Michie, 1999; Hare, 1991).

Supervision

Allocation

The Lifer Manual (HM Prison Service, 2002) recommends that the supervising officer should be an *'experienced practitioner who must be able to cope with the pressures and anxieties of this kind of work'* (para.13.15). The majority of interviewees were experienced probation officers and 60 per cent had supervised three or more lifers. Almost a fifth of officers had only experienced supervising the current life-sentenced offender, but had been a probation officer for more than two years prior to the start of the supervision process. In one exceptional case, the probation officer was recently qualified and had been allocated two life-sentenced offenders due to "high caseloads" and because the probation team "consists of many newly qualified officers". While the majority of interviewees were experienced probation officers, the allocation process of lifer cases seemed to vary significantly across probation areas. For example, lifers were sometimes allocated to officers on a geographical basis or specifically to a resettlement team officer, or in certain areas it was more haphazard: "It may have been that I'm an experienced PO, but I think they were basically scrabbling for people". However, there was agreement across all areas that the supervision of lifers should be regarded as more specialised than other types of supervision, particularly because of the gravity of the index offence, the length of time spent in custody, the responsibility for reporting to the Home Office and the indeterminate nature of supervision. The Lifer Manual also recommends a pairing system:

'Arrangements must also be made for a contact with a second officer familiar with the case whom the supervising probation officer can consult whenever difficulties arise and, particularly, to take over supervision of the licensee during the absence of the designated supervising probation officer' (para.13.15).

Probation supervisors generally supported this view; it was accepted as good practice in the supervision of lifers, and in some areas a 'back-up officer' was in place for work with lifers. However, due to limited resources and large caseloads, there was little evidence of this policy in practice across the total sample and there was scope for clearer support structures to be in place. Several officers commented on their fear of the consequences of something going wrong, and it was clear that supervisors felt a sense of personal responsibility for their lifer's resettlement, even though the management of life-sentenced offenders is the responsibility of the probation area as a whole.

Risk assessment

Risk assessment has become an important and central element of probation supervision and interviewees overwhelmingly agreed that the frequency and purpose of contact should be directly determined by the level of risk. However, supervisors raised concerns about the difficulties in achieving "proper risk assessment, proper

6. Of the nine cases released and recalled twice, data refer to the most recent recall.

planning and proper release plans” due to excessive caseloads and inadequate information. The most recent risk management initiative – *Multi-Agency Public Protection Arrangements (MAPPA)* – has a paramount role in determining the best local response to risk management of sexual or violent offenders (see Maguire *et al.*, 2001). During the fieldwork, 14 of the discretionary lifers in the community had been regularly reviewed by *Multi-Agency Public Protection Panels (MAPPPs)*, whereas the remainder had been released prior to the establishment of MAPPPs and were not considered to be a high risk. Nonetheless, the majority of interviewees referred to pre-existing multi-agency agreements that were in place to assess and manage the risks posed by sexual and violent offenders, based on initiatives developed by police and probation areas during the 1990s. It was also commonly anticipated by those supervising recalled cases that, once released, discretionary lifers would be – as one officer put it – “automatically MAPPPed”.⁷

Probation staff commonly stated that the purpose and frequency of contact should be directly determined by the level of risk that the lifer presented and it was clear from file data that supervision contact increased when probation officers had concerns about an individual. Furthermore, supervisors felt strongly about the need for a joined-up approach to risk assessment in order to ensure that decisions were defensible. Defensible decision-making occurs when ‘reliable assessment methods have been used, information is collected and thoroughly evaluated, decisions are recorded, staff work within agency policies and procedures and staff communicate with others and seek information they do not have’ (Kemshall, 2001: 21-22). However, while supervisors were aware of the importance of risk assessment and management in the supervision process, there were sometimes difficulties cited in achieving this. For example, one officer stated: “We do not have time to make defensible decisions. Risk assessment is risky – you need all the facts. I feel we are being forced into positions of making decisions on inadequate information”.

Continuity

The length of time offenders had been supervised by the current officer ranged from three weeks to 24 years, with an average length of just over four years. Fifty per cent of the achieved sample had been supervised by the interviewee for between one and six years. Where information was available ($n = 106$), three-quarters of the sample had been supervised by three or more probation officers and the highest number of previous probation officers was nine. Previous research suggests that long-term prisoners seek ‘some kind of personal relationship and rapport with probation officers’ and that the relationship is readily enhanced if officers are able to demonstrate ‘consistency and reliability, courtesy, honesty, directness [and] knowledge of the system’ (Williams, B. 1991: 8-9). Across the probation areas, there were only a few areas where it was local policy for officers to retain lifer cases when they moved posts within a county. Nonetheless, almost all (93%) interviewees maintained that, wherever practical and possible, the continuity of officer should be one of the key characteristics of lifer supervision, providing that support networks for officers were firmly in place to avoid complacency or collusive relationships. Probation officers commonly cited the “need to have a rapport” with lifers in order to “rebuild lives”, “form honest risk assessments” and create an “effective working relationship based on trust”.

Pre-release contact

Probation file data revealed that over half the achieved sample (53%) experienced ‘limited’ contact during custody with their home probation officer prior to their first DLP release, although this contact did increase to ‘extensive’ for three-quarters of cases in the year prior to being released. Analysis of both probation file and interview data suggested that during the custodial period of the sentence, there was scope for a more joined-up approach to risk assessment, offence-related work and information exchange. Where data were available ($n = 91$), probation officers were faced with working with a significant number of ex-prisoners (49%) whose offending behaviour had either not been addressed during the course of the prison sentence, or the relevant information had not been received by the probation officer. For example, one officer stated: “I don’t know what work has been done in prison apart from ‘some’ that was done with psychologists, but I’m not sure what about. There’s a dearth of information; missing work which I’ve been led to believe has gone on, but there’s no actual evidence”.

7. Although discretionary lifers will have been assessed as low risk by a DLP at the time of release, offenders convicted of sexual or violent offending are automatically referred to the lowest ‘nominal’ MAPPP level where information may be shared with other agencies due to the nature of the index offence (see Home Office, 2003).

Although some optimism was expressed by supervisors about the anticipated impact of the offender assessment system (OASys) in terms of improving information exchange and focusing prison staff and probation officers on the identified areas of risk and need, there was at this time little evidence of the 'seamless sentence' as recommended in the Halliday Report (Home Office, 2001). Recent research evaluating seven separate resettlement pathfinder programmes for short-term prisoners highlights the need for 'greater recognition by prison management and staff of the importance of resettlement work and a genuine prison/probation/voluntary sector partnership in delivering it' (Lewis *et al.*, 2003: 63). Indeed, closer liaison between prison and probation staff was clearly needed in order to increase the prospect of purposeful planning in preparing lifers for release and resettlement. Furthermore, a small number of offenders in the sample ($n = 8$) had progressed through the system without having accepted full responsibility for their offending behaviour, and guidance was required on how supervising probation officers should respond to life-sentenced offenders who continued to deny their offences.

Post-release contact

Following release, supervision was seen to be highly important in the early stages by all probation officers and extensive contact was initiated as a means of managing and monitoring risk. Interview and file data suggested that it was normal practice in all probation areas for officers to arrange weekly contact during the first year, including home and office visits. While there was some variation in practice, supervision meetings usually decreased to fortnightly for the second year and monthly in the third year of the resettlement period. However, in some cases contact with lifers significantly decreased following recall, with most lifers receiving limited contact whilst in custody. For example, in one area a 'current probation officer' could not be interviewed for one recalled lifer as his previous officer had left the service and due to staff shortages, he had not been reallocated a community probation officer.

Probation staff commonly stated that the purpose and frequency of contact should be directly determined by the level of risk that the lifer presented and it was clear from file data that supervision contact in the community increased when probation officers had concerns about an individual. In some cases, the level of contact had been tailored to cater for individual circumstances, such as employment shifts or physical disabilities. Furthermore, supervision sometimes increased when offenders' circumstances changed (such as a new relationship or moving to independent accommodation). There were also some notable examples of a multi-agency approach to resettlement, focusing on the continuous management of risk and sharing the responsibility of decision-making. For example, in a few cases, close working relationships had developed between probation and mental health services as a result of the contact made through offenders' licence conditions. As one officer stated:

He is low risk at the moment so there are longer gaps in supervision, but he sees the psychiatric social worker fortnightly and psychiatrist bi-monthly as part of his licence. We also meet as a group with the offender once every six months. This means I can discuss any decisions to be made and the responsibility is shared. This has had a very positive impact – has helped him resettle.

Overall, there was a high level of compliance in reporting to probation officers, with 73 per cent of cases not having missed a session during the resettlement period, although it should be noted that the length of time under supervision varied considerably.

LRRS liaison and management oversight

Probation officers were required to provide regular reports to the LRRS both to report progress and flag up any difficulties. Arrangements between the LRRS and probation areas were seen by most supervisors as valuable and effective in a crisis situation: "They are very quick to respond on the issue of a warning letter or recall", but limited in relation to routine reporting: "It's one way – information is sent to them, you get a short reaction back from a report and a date for the next review". Furthermore, the cancellation of supervision was commonly stated by supervisors to be a low priority of the LRRS and there were a few cases in which officers had applied for the supervision requirement to be lifted and had received an inadequate or no response.

Over three-quarters of interviewees (77%) stated that they had enough support from middle and senior managers, but there was considerable variation in the level of support and there were clearly cases in which this could have been improved. As stated by HM Inspectorates of Prisons and Probation (1999:5): "The importance of lifers must

be acknowledged due to the gravity of the offences, the lifelong consequences for victims and families, the indeterminate nature of the sentence and the sense of responsibility experienced by staff working with them". It follows that the value of support by probation management in the supervision of lifers should receive greater recognition and that guidance should be in place across all probation areas to ensure clear support networks for front-line staff undertaking this type of supervision.

Training of supervisors

Training opportunities were few and far between for officers supervising discretionary lifers with 82 per cent of interviewees identifying a need for training and development. The following comment made by one probation officer sums up the issues raised:

There's a colossal need for lifer training – it's a huge gap! What tends to happen is after three or four years you find you're allocated a lifer – you're seen to be capable – but the requirements are found out by accident. Seniors are not necessarily trained either. You learn on the hoof. Going to the Lifer Unit would be helpful. We need training in risk assessment and what the Lifer Unit are really looking for. They must read heaps of rubbish before getting what they need. We need to know how to feed the issues back appropriately.

It may be the case that lifer supervision is inherently problematic in that there are relatively few cases and yet the work is sufficiently technical and challenging to warrant specialist knowledge, skills and training. However, given the gravity of the life sentence and the high level of responsibility in managing the risk of lifers, sufficient opportunity should be provided for probation officers and managers to gain the necessary knowledge of the lifer system and skills to undertake the supervision.

Resettlement and recall

Through the Prison Gate (HM Inspectorates of Prisons and Probation, 2001: 12), a joint thematic review of through-care, defines 'resettlement' as:

'A systematic and evidenced-based process by which actions are taken to work with the offender in custody and on release, so that communities are better protected from harm and reoffending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory agencies'.

The review also goes on to suggest that there has been insufficient focus on 'the basics of resettlement – assistance with money, the provision of suitable housing, the preservation or repair of crucial relationships, employment, education, drug and alcohol problems' and that attention to those areas is vital if resettlement is to be achieved successfully.⁸ Given the criteria for a discretionary life sentence, it was not surprising that the most commonly cited problem area that had to be addressed in supervision during the resettlement period was mental health (49%). This was followed by personal relationships (45%), employment (42%), alcohol and drugs (35%), accommodation (35%), other problems such as physical health and institutionalisation (33%), family relationships (31%), finance (27%) and criminal peers (11%). All offenders in the achieved sample had experienced more than one problem during the supervision process and attempting to address the 'basics of resettlement', such as mental health, employment and accommodation, was seen by interviewees as crucial to reducing the risk of recall. Furthermore, there was clearly a need for the engagement of a large number of agencies, as one probation officer commented: "Getting a job is the main goal, but unless his accommodation and alcohol problems are dealt with, any form of employment is highly unlikely".

While in a high proportion of cases specialised services or programmes were utilised to address resettlement difficulties, the majority of core supervision work carried out with this sample of lifers was on a one-to-one basis, using interpersonal processes to promote and monitor desistance from crime (see Burnett, 2004; Burnett and McNeill, 2005). Lifer supervision was described as "returning to the roots of probation work" and the long-term nature of the work was seen by many supervisors to be a "good opportunity to invest time and skills and do a lot of positive work".

8. For a review of the main factors that influence reoffending by ex-prisoners see the report by the Social Exclusion Unit (2002).

The risk of recall

The life sentence provides the power to recall an individual to prison for the remainder of his or her natural life. The decision to recall is a combined reaction of the probation officer, a senior probation manager, the Home Office and the Parole Board to the lifer's behaviour. Recall is a sanction of serious gravity in that the offender has to return to custody for an indefinite period of time. Coker and Martin (1985) observed that to request an offender's recall is an exercise of power requiring one of the most difficult professional judgements that a probation officer has to make. As identified earlier, 53 of the offenders in the achieved sample (45%) were recalled following their first DLP release, some of whom had been re-released or re-recalled. The majority of lifers were recalled for unacceptable behaviour (58%) such as failure to co-operate with supervision and failure to reside in designated accommodation. The remainder were recalled for either a reconviction or both a reconviction and unacceptable behaviour.

There are a number of different measures that could be used to determine the 'success' or 'failure' of releasing offenders on life licence, for example, whether the offender received another life sentence or whether increasing risk was detected and successfully averted by a recall. Given the number of recalls experienced by the offenders and the differing reasons leading to a recall, attempting to classify successes and failures in the sample was a difficult task. By taking a crude definition that successful cases were those offenders who had not been recalled since the introduction of the DLP process in 1992 and failures were offenders who had been recalled, it was possible to investigate which factors were significantly associated with recall. The variables used for this analysis (approximately 40) were coded from the probation file data and information provided by the Parole Board. In order of importance, the following characteristics were significantly associated with a higher risk of recall:

- 1) misusing alcohol following the first DLP release;
- 2) having a higher number of previous convictions;
- 3) having been 18 years of age or below at the time of first conviction;
- 4) scoring 25 or more on the PCL-R;
- 5) having no psychological problems at the time of the index offence;
- 6) being sexually motivated at the time of the index offence;
- 7) not knowing the victim of the index offence;
- 8) experiencing local authority care during childhood;
- 9) having been abused during childhood;
- 10) having committed an index offence which included a sexual element;
- 11) using alcohol as a disinhibitor for the index offence;
- 12) having been hostile to the home probation officer during custody; and
- 13) having mental health problems following release.

While it was difficult to quantify the level and standard of probation supervision before and after release from custody, the analysis suggested that lifers who received extensive contact during the custodial period were less likely to be recalled, although this was not statistically significant.

One problem with analyses of this kind is that many of the variables are intercorrelated, whereas for the purpose of this study it is more useful to know which risk factors were associated with recall once all the other relevant factors had been controlled for. Further analysis was therefore needed to determine whether any of these variables had an *independent* effect on recall, holding other relevant variables constant. A logistic regression was used to model factors predictive of recall when controlling for other variables and these were found to be:

- alcohol misuse following the first DLP release;
- showing hostility towards the home probation officer during custody;
- evidence of sexual motivation for the index offence; and
- experiencing abuse during childhood.

The full model correctly predicted 79 per cent of recall decisions.

4. Implications for policy

It is important always to be cautious in drawing policy implications from research findings and to bear in mind how far one can generalise from one set of findings generated in a particular time and place to other settings where the context may have changed or be very different. However, developments that are informed by the findings reported here are more likely to be beneficial than those based on intuition or speculation about 'what works'. With these points in mind, this concluding section addresses some of the practical and policy implications of this research for the promotion of good practice in the supervision and resettlement of discretionary life-sentenced offenders.

1. Missing cases should be traced.

The whereabouts of a minority of offenders (9%) in the original sample provided by the Parole Board could not be traced. Given that these offenders have committed grave offences and received life sentences, this is an issue that requires further investigation. A lifer database which holds up to date and accurate information on the whereabouts of all life-sentenced offenders and their current supervising officers should be prioritised.

2. A common set of national guidelines for lifer work focusing on the period before sentence, during custody, and before and after release is required.

Although probation staff were largely successful in adhering to the guidance set out for supervising discretionary lifers (HM Prison Service, 2002) there was a notable lack of co-ordination and consistency across and within probation areas. Furthermore, the Lifer Manual was seen as inadequately detailed with regard to the complex nature of lifer supervision and a number of probation areas had produced their own guidance. Pre-existing guidance should therefore be collated and built upon in order to develop a common framework for the supervision of lifers. The guidance should describe the life sentence system in detail and clarify the roles of prison, probation staff and MAPPA. In addition, a small number of lifers had progressed through the system without having accepted full responsibility for their offending behaviour and guidance was required on how supervising probation officers should respond to life-sentenced offenders who continue to deny their offences.

3. Sufficient opportunity should be provided for both practitioners and managers to gain the necessary skills and knowledge of the lifer system.

Management oversight of the work of probation staff supervising discretionary lifers was variable and ranged from 'close and supportive' to 'distant and dismissive'. Given the gravity of the offences and the indeterminate nature of supervision and risk assessment, practitioners should be able to expect a high level of managerial support for front-line work with life-sentenced offenders. The research also indicated a need for training and development opportunities in lifer supervision for both managers and supervisors due to the challenging nature of the work which demands specialist knowledge, skills and training.

4. Back-up officer arrangements should be in place across probation areas.

As previously noted, the Lifer Manual recommends that arrangements must be made for contact with a back-up officer familiar with the case

'whom the supervising officer can consult whenever difficulties arise and, particularly, to take over supervision of the licensee during the absence of the designated supervising officer' (para.13.15).

The existence of a 'back up officer' policy was identified by many officers as a key aspect of good practice. However, due to limited resources and large caseloads, there was little evidence of this policy in practice across most probation areas and there was scope for clearer support structures to be implemented. This was seen as especially important when difficulties arose during the resettlement period. In such cases additional support and guidance from line managers in handling these difficult cases would also have been beneficial to staff.

5. The continuity of probation officer should be prioritised and supervised.

A Quality and Effectiveness Inspection Report on the work of one probation area makes the point that supervising life-sentenced offenders requires particularly skilled supervision because officers are required

'to foster a professional relationship based on trust, openness and respect yet remain sufficiently detached to be alert to signs that the offender might pose a risk to others' (HM Inspectorate of Probation, 1996: 55).

Almost all interviewees reported that the continuity of officer should be one of the key characteristics of lifer supervision in order to develop effective working relationships based on trust, openness and an in-depth knowledge of the lifer. However, in areas where it was policy for probation officers to retain lifer cases, close supervisory networks were essential in order to avoid complacency or collusive relationships.

6. There is a need for reduced caseloads and the promotion of defensible decision-making in the supervision of life-sentenced offenders.

While supervisors were fully aware of the importance of risk assessment and risk reduction in the resettlement of discretionary lifers, it was noted that at times "risk assessments are risky" due to large caseloads which "do not take into account the type of people we're supervising". As acknowledged by practitioners, one of the central characteristics of the supervision and risk management of discretionary lifers should be the promotion of defensible decision-making. Such an approach 'offers the best chance of simultaneously providing effective protection to the public, safeguarding the rights of offenders, and protecting decision-makers from unfair recriminations when new crimes are committed despite their best efforts' (Maguire *et al.*, 2001: 51). On the whole, the introduction of MAPPPs was seen to be beneficial to the process of supervision and there was a confidence expressed among practitioners that these strategies provided a good opportunity to ensure that sexual or violent offenders can be managed through a co-ordinated, multi-agency approach to risk assessment, within which "defensible decisions can be reached".⁹

7. Closer liaison is needed between prison and probation staff.

There was little evidence of a 'seamless sentence' in the resettlement of discretionary lifers (see Home Office, 2001). While some optimism was expressed by staff about the anticipated impact of OASys as an integrated model for risk assessment and management to inform sentence planning, closer liaison between prison and probation staff is required in order to increase the prospect of purposeful planning in preparing offenders for release. However, in response to a review of the Prison and Probation Services (Carter, 2003), dramatic changes have since taken place within the criminal justice system and it remains to be seen whether the development of the National Offender Management Service (NOMS) will indeed begin to 'join up rehabilitation efforts in prison and the community' (Home Office, 2004).

8. The LRRS should provide more detailed feedback on the information in routine reports and ensure that reasons are given for refusing an application to suspend supervision.

Liaison with the LRRS of the Home Office was seen by supervisors as valuable and effective in a crisis situation but limited in terms of routine reporting. Probation areas and staff would benefit from feedback regarding the quality of their reports and guidance on the information required by the LRRS. There may be scope for developing a national reporting template for all lifer cases. Furthermore, the LRRS should ensure that detailed reasons are given for refusing an application for the suspension of supervision. Interviewees accepted that the LRRS needs to 'err on the side of caution' with a presumption in favour of public protection, but this should be balanced with a presumption in favour of release from supervision when suspension of supervision is assessed to be safe.

9. A holistic approach to resettlement is essential.

Given the cumulative nature of social problems discretionary lifers faced on release from custody, attention to the 'basics of resettlement' such as mental health, personal relationships, employment and accommodation is vital if resettlement is to be achieved successfully. Furthermore, the resettlement of life-sentenced offenders demands the engagement of a large number of agencies. Creating a holistic approach and ensuring agencies give sufficient priority at a local level is essential. As Lewis *et al.* (2003) suggest, effective delivery of resettlement work is likely to be improved through greater access to community services. Indeed, where a structured, joined-up approach to addressing problem areas was in place, practitioners felt better able to make accurate risk assessments and were

9. It should be noted that the higher levels of MAPPA management (levels 2 and 3) focus multi-agency commitment and resources on a 'critical few', i.e. those offenders who need 'active' risk management of serious harm (who may or may not be lifers). On release, discretionary lifers fall within the remit of the MAPPA framework at the lowest 'nominal' level where information may be shared with selected agencies due to the serious nature of the index offence (see Home Office, 2003).

more confident that resettlement difficulties were being addressed. Fundamental to the success of resettlement and 'joined-up thinking' is active communities being willing and prepared to accept members of the community who have been socially excluded through their actions (Senior, 2003).

10. There is a need for supervisors to monitor closely high risk factors and to be trained in the relevant areas.

Thirteen key factors were found to be significantly associated with the risk of recall and therefore being trained in how to monitor and manage high risk areas is essential. For example, one of the most significant factors associated with being recalled was the misuse of alcohol by lifers following release. Where a structured joined-up approach to addressing alcohol had been implemented, probation staff were more confident that the problem area was being addressed. For example, one officer stated: "He was released to a dry hostel where he was continuously monitored and breathalysed and he also went to AA meetings for the first 18 months. This helped a lot, backed up with one-to-one relapse prevention work. I felt that all the controls were in place for his resettlement". Furthermore, a large proportion of the sample were rated as scoring high in terms of psychopathic traits and these offenders were significantly more likely to be recalled. Understanding and managing personality-disordered offenders was a key issue highlighted by many interviewees in the supervision of discretionary lifers and supervisors indicated a need for specific training and support in this area.

11. Research is needed to obtain lifers' perspectives on the success and failure of resettlement.

One of the limitations of this piece of research is the lack of information from the offenders themselves. Coker and Martin (1985) provide the most detailed if somewhat dated account available of the realities and experience of the life licence for the offenders. The interviewees in this research were asked whether they thought it would be important to gain the perspective of the offender in an investigation of the supervision process and were unanimous in the view that it should be a fundamental part of the evaluation. The researchers therefore argue that if policy makers are to understand how life-sentenced offenders themselves interpret and respond to the various attempts to help them, and how these have impacted on their success and failure, then further research focusing on the offenders' perspectives is vital and will contribute towards the development of the National Offender Management System.

References

- Burnett, R. (2004) One-to-one Ways of Promoting Desistance: In search of an evidence base, in Burnett R. and Roberts C. (eds.) *What Works in Probation and Youth Justice: Developing Evidence-based Practice*. Cullompton, Devon: Willan Publishing.
- Burnett, R. and McNeill, F. (2005, in press) The Place of the Officer-Offender Relationship in Assisting Offenders to Desist from Crime, *Probation Journal*.
- Carter, P. (2003) *Managing Offenders, Reducing Crime: A New Approach*. London: Home Office.
- Coker, J. and Martin, J. (1985) *Licensed to Live*. Oxford: Basil Blackwell.
- Cooke, D. and Michie, C. (1999) Psychopathy across Cultures: North America and Scotland compared, *Journal of Abnormal Psychology*, 108: 55-68.
- Hare, R. (1991) *The Hare Psychopathy Checklist – Revised*. Toronto, Ontario: Multi-Health Systems.
- HM Inspectorate of Probation (1996) *Suffolk Probation Service: Quality and Effectiveness Inspection Report No. 18*. London: Home Office.
- HM Inspectorates of Prisons and Probation (1999) *Lifers: A Joint Thematic Review*. London: Home Office.
- HM Inspectorates of Prisons and Probation (2001) *Through the Prison Gate*. London: Home Office.
- HM Prison Service (2002) *Lifer Manual*. London: HM Prison Service.
- Hollis, V. and Goodman, M. (2003) *Prison Population Brief England and Wales*. London: Home Office.
- Home Office (2001) *Making Punishments Work: Report of a Review of the Sentencing Framework for England and Wales*. London: Home Office.
- Home Office (2003) *The MAPPA Guidance: Probation Circular 25/2003*. London: Home Office.
- Kemshall, H. (2001) *Risk Assessment and Management of Known Sexual and Violent Offenders: A Review of Current Issues*. Police Research Series Paper 140. London: Home Office.
- Lewis, S., Maguire, M., Raynor, P., Vanstone, M. and Vennard, J. (2003) *The Resettlement of Short-term Prisoners: An Evaluation of Seven Pathfinders*. RDS Occasional Paper No.83. London: Home Office.
- Maguire, M., Kemshall, H., Noaks, L., Wincup, E. and Sharpe, K. (2001) *Risk Management of Sexual and Violent Offenders: the Work of Public Protection Panels*. Police Research Series Paper 139. London: Home Office.
- Padfield, N. and Liebling, A. with Arnold H. (2000) *An Exploration of Decision-making at Discretionary Lifer Panels*. Home Office Research Study 213. London: Home Office.
- Senior, P. (2003) Resettlement and Tackling Social Exclusion, *British Journal of Community Justice*, 1(3): 1-7.
- Social Exclusion Unit (2002) *Reducing Reoffending by Ex-prisoners*. London: Social Exclusion Unit.
- Williams, B. (1991) Probation Contact with Long-term Prisoners, *Probation Journal*, 38(1): 4-9.

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