

The Management and Review of Life-Sentence Prisoners in England and Wales

The management of life-sentence prisoners in England and Wales presents some interesting challenges. The handling and release of lifers are never far from the public gaze as the number of life-sentence prisoners rises faster than the number of prisoners in general. At the end of 1957, there were 122 lifers - today, there are almost 3,000. In 1965, the year capital punishment was finally abolished, 78 individuals were given life sentences. By 1990, that figure had risen to 229. The lifer population has almost doubled in the past 12 years, from 1,376 in June 1978 to 2,795 in 1990. It is often said that there are more lifers in England and Wales than in the whole of the rest of Europe.

*In contrast with prisoners serving a determinate sentence, there is no obligation to release a lifer after a certain period of time in custody. However, legislation provides for the possibility of release, and the overall objective in the management of lifers is **their safe release into society once they have served a sufficient period in custody to mark the seriousness of their offence**. The real challenge that faces the Prison Service is the twin tasks of assisting lifers to prepare themselves for release and providing reports to assess their suitability for release. This article describes the evolving life-sentence strategy in England and Wales (different arrangements apply in Scotland and Northern Ireland).*

Legislative Framework

There are two types of life sentences: **mandatory** and **discretionary**. Conviction for murder carries a mandatory life sentence. A life sentence is also the maximum penalty for some other serious offences, for example, manslaughter, armed robbery, arson, rape and kidnapping. In these cases, a life sentence is given at the discretion of the judge. Mandatory lifers currently account for 80% of the total lifer population.

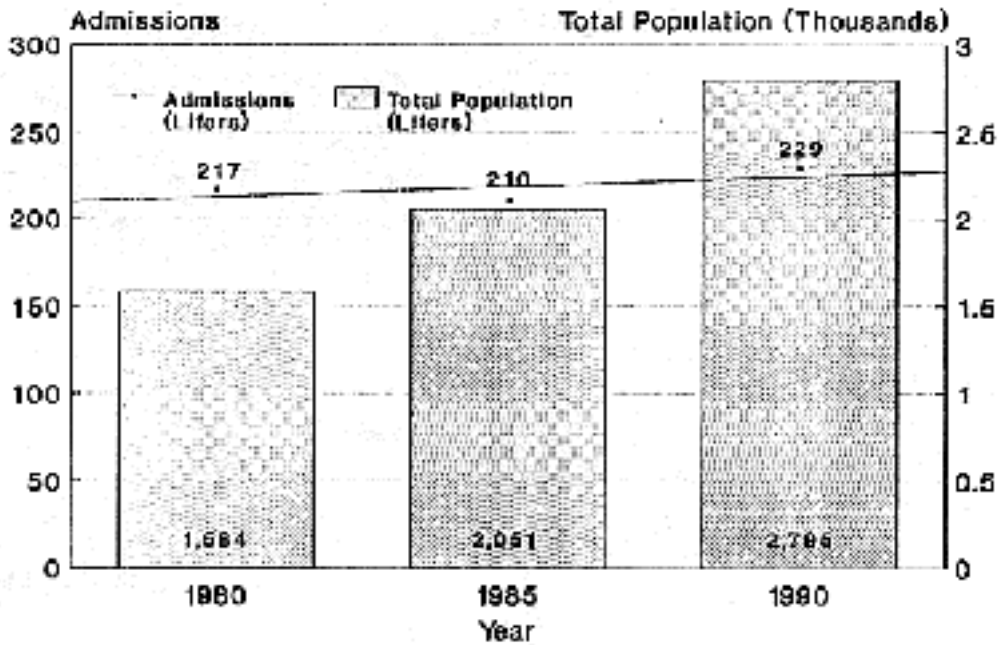
The law governing the release of lifers has changed recently to make a clear distinction between mandatory and discretionary prisoners. A new system for the review and release of discretionary life-sentence prisoners, coming into effect on 1 October 1992, allows a court-like body to hear the discretionary lifer's case at the prison after a set "punishment" period has been served.

This article examines the current management arrangements for mandatory lifers.

Some Lifer Statistics

Figure 1 shows the lifer population and the number of admissions into establishments from 1980 to 1990. On 30 June 1990, the total lifer population was just less than 2,800; 2,700 were men. Each year, about 250 people are sentenced to life imprisonment. After appeal, about 200 remain. About 60 lifers are released each year on life licence which outlines the release conditions applicable to each lifer.

Figure 1
Admissions and Population of Lifers
1980-1990

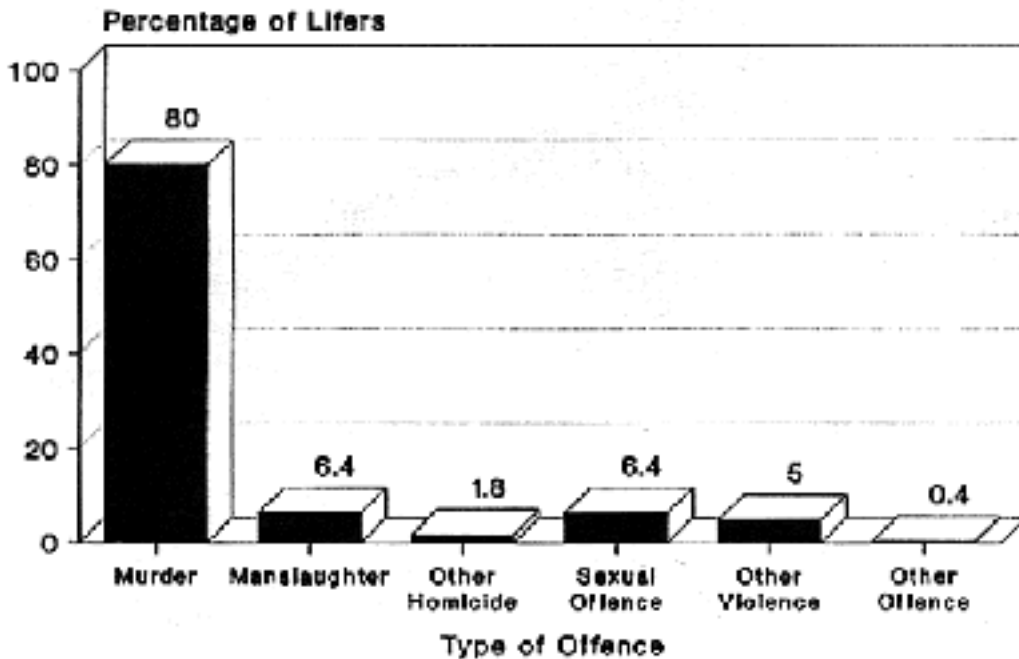


Source: Prison Statistics, England and Wales, 1990.

Figure 2 breaks down the lifer population by principal offence. Of all lifers, 80% are serving mandatory life sentences for murder and just less than 10% for some other form of homicide. Another 5% are serving sentences for rape and the remaining 5% for such offences as robbery, arson and other violence against the person.

Figure 2

Figure 2
Principal Offences of Incarcerated
Lifers - 30 June 1990



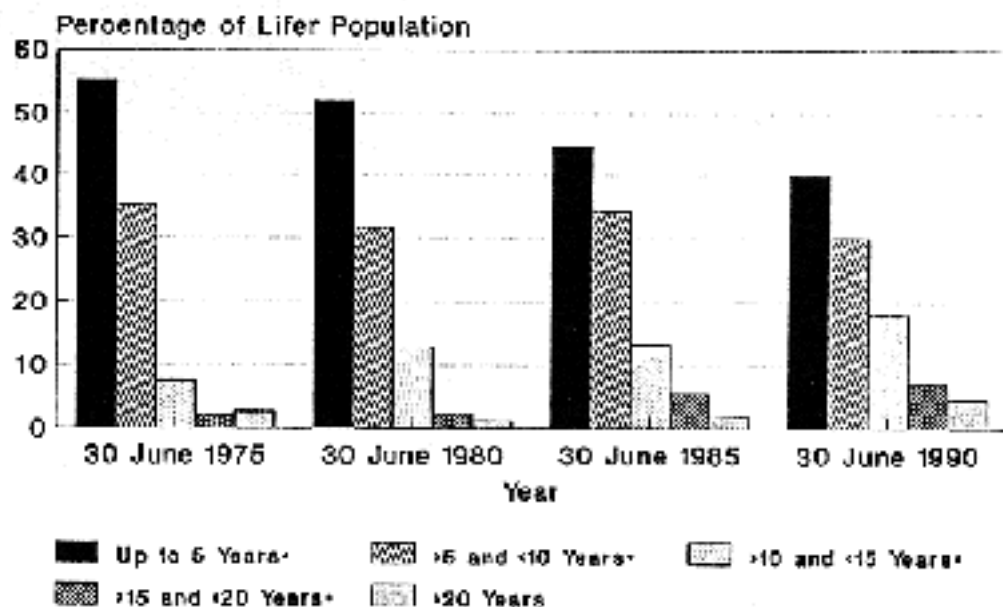
Source: Prison Statistics, England and Wales, 1990.

It is difficult to give meaningful statistics about the average length of time lifers actually serve in institutions. This can only be calculated after lifers have been released, and any figure is distorted by excluding those who remain in custody. In 1980, the average length of time served by those convicted of murder who were released on life licence was 10.6 years; by 1990, this had increased to 12.4 years. Similarly, the average time served by other lifers who were released on life licence increased from 9.7 years in 1980 to 14.7 years in 1990. This confirms that lifers are spending more time in custody.

The length of time lifers have served since admission has also increased over time (see Figure 3). In 1990, about 30% of the lifer population had been in custody for more than 10 years. Comparable figures for 1975, 1980 and 1985 are 10%, 16% and 21%.

Figure 3

Figure 3
Number of Years Served
Since Admission - Lifers



* Includes maximum year shown, e.g., includes those serving 5 years.

Source: Prison Statistics, England and Wales, 1990.

Life-Sentence Strategy The Framework

Before the Home Secretary may release a lifer, a positive recommendation must be received from an independent Parole Board which considers the risks associated with release. The Home Secretary must also consult the trial judge (if still alive) and the present Lord Chief Justice. These requirements one considering release risk and the other considering sufficiency of punishment - provide the framework governing the management of life-sentence prisoners.

The final release decision rests with the Home Secretary, who may reject advice from the Parole Board and the judiciary based on the risk the lifer still poses or on the judgment that the time is not yet right (if the offence was particularly heinous or such that release would undermine public confidence).

The life-sentence system is designed to work toward the possibility of release at a time when the punishment aspect of the sentence is likely to be satisfied, the risk of serious reoffending is sufficiently small and the prospects of reintegration and resettlement into society are good.

The Punishment Period

Immediately after the trial, the judge writes to the Home Secretary through the Lord Chief Justice (who adds his views) on the suggested minimum period the individual must spend in custody to reflect on the seriousness of the crime. This figure is known as the "tariff". By fixing a tariff, however, the Home Secretary is not obliged to consider only risk aspects when making a release decision after the tariff expires.

The first formal review of aspects of risk by the Parole Board is fixed at either 17 years or three years prior to expiry of the tariff, whichever is earlier.

Tackling the Risk

The duration of the tariff sets the timetable by which Prison Service staff works with lifers in confronting and tackling their offending behaviour and preparing for review by the Parole Board. Since most lifers are adult males, this paper describes the arrangements for managing these lifers. Women and children have slightly different schemes.

Lifers are managed centrally. Their allocations (placements), transfers, resettlement arrangements and other matters are all handled by a small team at Prison Service Headquarters. This team works closely with staff at the prisons and directly with the Home Secretary and the Prisons Minister, who both take a close interest in lifers.

Lifers are subject to careful assessment throughout their detention in accordance with a number of basic principles:

1. Initial Main Centre Allocation

Except for top-security category prisoners, every lifer is thoroughly assessed during an initial period in a Main Centre, each staffed by a team of specialists and prison officers who are trained in interviewing and assessing lifers.

2. Preparing a Life-Sentence Plan

The key challenge of work with lifers is the confronting and tackling of offending behaviour. We believe this is the starting point for work on risk. At a very early stage in the sentence, the specialists at the main centre prepare the groundwork for the life-sentence plan. This is based on a thorough analysis of the lifer's behaviour in prison (using risk appraisal techniques developed and tested at the Wakefield Main Centre) together with details of the offence, previous criminal record, presentence reports prepared by the Probation Service and reports from a wide range of staff at the main centre.

The life-sentence plan is shared with the lifer. It identifies key areas of concern and treatment and training needs which have to be addressed before the first Parole Board review. The life-sentence plan provides the detailed framework for managing a lifer through his sentence. As the lifer moves through the prison system, short-term objectives are established each year, and regular internal review boards assess his performance against these objectives.

3. Varied Prison Experience

During a sentence, the lifer is assessed by different groups of staff in different prisons. Subject to these

assessments and the progress made in confronting and tackling offending behaviour, the lifer should move to conditions of progressively lower security where more opportunities for greater trust and responsibility exist. There are five broad categories of prison establishments: dispersals (top security), Category B (high security), Category C (medium security), Category D (open) and prerelease hostels (which are similar to halfway houses).

4. Integration with Other Prisoners

With one exception - a small establishment that takes only lifers, the majority of whom were convicted of domestic offences - lifers are dispersed within the general inmate population. Some small concessions are made (i.e., lifers are allocated single cells whenever possible), but otherwise lifers receive no particular privileges. For some privileges, such as home leave, the rules are more stringent for lifers. Similarly, escorted absences from prisons or other temporary absence arrangements are different for lifers than for determinate-sentence prisoners.

Progression Through the Sentence First Allocation after Main Centre

After three years in the Main Centre, a lifer's life-sentence plan will have been prepared. The lifer will know its contents, having participated in defining short-term objectives. At that time, full reports are obtained on the lifer. These are the first in a series of interim reviews which take place before the first formal Parole Board review (which, in turn, takes place three years before expiry of the tariff). These interim reviews, held at least every three years, build a picture of the prisoner's development and progress. Interim reviews are supplemented with annual reviews, when progress toward short-term objectives is measured and new objectives are established.

At the end of the first three-year period (or possibly sooner depending on the length of the tariff), Prison Service Headquarters reviews the lifesentence plan and all available reports and decides on the next allocation for the prisoner. This allocation takes into account the inmate's needs as identified in the plan.

The first allocation after the Main Centre is generally to a Category B prison. Each institution offers different opportunities and atmospheres: some have a wide range of educational courses available, while others have specialized facilities for assisting those with sexual problems. Each establishment offers opportunities to work with probation and psychology staff. Inmates are encouraged to form lifers' groups, which provide support and encouragement to lifers and the staff who work with them. There are national and local gatherings for prison staff working with lifers to exchange information and develop ways of helping lifers progress.

Second and Subsequent Allocations

Lifers are generally considered for transfer when the interim reviews are received (at least every three years). Significant progress is required in confronting and tackling offending behaviour before a lifer is considered for a Category C prison. These prisons range from specializing in lifers who have difficulty settling into ordinary prisons (usually those convicted of sexual offences) to offering a very open regime

(albeit in closed conditions). Many lifers will go to two or more Category C prisons during their sentence.

As the date of the first formal Parole Board review draws near, lifers may be allowed out of the prison for resettlement activities. This provides further opportunities for assessing risk - in a more realistic environment - and for the lifer to take the first tentative steps toward resettlement.

Move to Open Conditions

A move to Category D or open conditions (where there are no fences, and many of the inmates work on a daily basis outside the prison on community projects or occasionally on educational courses) requires a positive recommendation by the Parole Board together with personal approval by the Prisons Minister. A move to an open establishment is a clear signal to the lifer that release is a realistic prospect.

Once they have settled into open conditions - an experience that many lifers find daunting and difficult - lifers are eligible for home leaves and participation in a wide range of community activities.

Preparation for Release

At least two formal reviews by the Parole Board are generally required before most lifers are recommended for release. When a lifer is recommended for release from open conditions by the Parole Board and this recommendation is accepted by the Home Secretary, a provisional release date is then fixed. This generally allows for a further short period in open conditions, followed by a six- to nine-month period in a prerelease hostel. The hostels, attached to ordinary prisons but outside the prison walls, serve as a key transitional stage from custody to release on life licence.

At the hostel, lifers are expected to obtain a job and begin reintegrating into society. This is a key testing period, for although a provisional release date has already been granted, final release is subject to the satisfactory completion of this period in the hostel and satisfactory resettlement arrangements.

When the provisional release date arrives, the lifer is handed a copy of the licence which sets out the standard release conditions which apply to every lifer. There may also be special conditions such as the requirement of a lifer to continue to address a substance-abuse problem after release. The licence remains in force indefinitely although supervision may be cancelled.

Once released, the Probation Service is responsible for the lifer and must report on a regular basis to the Home Secretary on the lifer's progress in reintegrating into society. After a minimum of four years, and subject to the recommendation of the Probation Service, the Home Secretary may consider cancelling the conditions of the licence. If this happens, the lifer is essentially free of further supervision, but may be recalled to continue serving his sentence if he does anything to cause concern.

Future Developments to the Lifer System

Because the first formal Parole Board review generally takes place no earlier than three years prior to expiry of the tariff, this can mean that many years are spent in category B and C establishments even when there may be no need for that level of security. We are considering whether, in addition to the formal Parole Board review, we should establish an informal Parole Board review geared specifically to the possibility of moving to open conditions. The possibility of this type of move within a reasonable period of time could also help lifers maintain momentum in dealing with their risk factors.

The current review and release procedures have been criticized for being too bureaucratic and secret. We are in the midst of making them more open (e.g., sharing the life-sentence plan). At present, lifers are told the gist of their reports in most cases, but they do not yet have access to written copies of the formal reports for the Parole Board. Nor are they given any reasons for Parole Board recommendations or Home Secretary decisions.

The *Criminal Justice Act 1991* provides for new review procedures for discretionary life-sentence prisoners and a new parole scheme for determinate-sentence prisoners, both of which will sweep away the secrecy.

The parole scheme for the remaining mandatory life-sentence prisoners cannot be immune to these changes, but there is no statutory requirement for similar openness. We are running pilot studies at five establishments representing different security categories and, subject to ministerial approval, hope to open up the system in October 1992 when the new release arrangements in the *Criminal Justice Act 1991* come into force.

Evaluation

Does the lifer management and review system work? Setting aside the punishment aspect of the life sentence, our objective in the Prison Service is to help lifers be safely released into society. We judge our success by the number of reconvictions for life licensees (lifers on release). Reconvictions fall into two broad categories: grave offences (violent crimes) and standard offences (all indictable offences including grave offences).

The latest available statistics show that the two-year reconviction rate of life licensees remains relatively stable at 2% for a grave offence and 10% for standard offences. This is much lower than the rate for all adult male ex-prisoners (about 50% for a standard offence within two years).

However, because differences in the characteristics of lifers and those given other types of custodial sentences are likely, a more meaningful comparison can be made between life licensees and all persons released from prison after serving a sentence for violence against the person. The reconviction rate for the latter group is about 40% (which is lower than for all adult males released from imprisonment). This is still much higher than the 10% of life licensees convicted of a standard offence within two years.

Five years after release, the life licensees were still making good progress. Only 4% were convicted of a grave offence and about 22% of a standard offence. In many cases, the standard offences were relatively minor.

The reconviction rates do not tell the whole story. We also look at the frequency with which life licensees are recalled to prison. Recall may follow conviction for a serious offence, or it may occur if the life licensee breaches his release conditions and in the judgment of the Home Secretary or Parole Board (supported by the supervising officer) presents a risk to the public if still at liberty. The average rate of recall within two years for those life licensees first released between 1972 and 1987 was 8%. For these same licensees, the average rate of recall within five years was 16%. It is not possible to compare these recall rates with those sentenced to determinate sentences since, in most cases, the period under supervision is far less than two years.

The recall indicators give the clearest picture of our success in helping lifers to be safely released into the community. More than 80% remain at liberty after five years. This is an encouraging picture, but we are not complacent and are now looking to improve this statistic - our target is 100%.