

The pains of indeterminate imprisonment for families of IPP prisoners

**ASSESSING HARMS AND
FINDING SOLUTIONS**

Dr Harry Annison and Dr Rachel Condry¹

The indeterminate IPP sentence has rightly been described as one of the ‘least carefully planned and implemented pieces of legislation in the history of British sentencing.’² Our research project ‘Exploring the Secondary Pains of Indeterminate Imprisonment: The case of Imprisonment for Public Protection (IPP) families’ provides the first empirical exploration of this important issue. It comprised in-depth interviews with family members; an online survey of families; and interviews with policy participants.

The findings make clear that a pervasive sense of injustice and uncertainty underpins and permeates more specific concerns relating to efforts to

progress towards release, and managing the stresses of life beyond release. Families report significant material effects, which appear to be heavily gendered in their distribution. Family relationships – both with the prisoner and more widely – are often heavily disrupted. Respondents reported significant negative health effects caused by the stress and anxiety. All of this is likely to undermine efforts to rehabilitate individuals who have served an IPP sentence.

The recommendations set out in this policy briefing point to practical ways in which the issues highlighted by the research findings can be addressed or ameliorated.

FINDINGS

Injustice, Uncertainty; Hope and Hopelessness

The incongruence of strident assertions for abolishing the IPP in 2010-12 by government representatives coupled with a refusal to pursue this to its logical conclusion caused families anger and confusion:

I feel bitter towards the justice system knowing worse crimes are committed with much lesser sentences.³

One respondent spoke of the injustice of the law ‘eating away at you’.³

The overarching ‘not knowing when it will ever end’³ led families to report substantial emotional challenges posed by the open-ended sentence:

The not knowing is the hardest part, we have no end date, no light at the end of the tunnel, no hope.³

We serve this sentence too because our lives are spent waiting for something that right now to me personally feels like it may never come.³

Many families of IPP prisoners find themselves in a liminal state, hopeless but unable to fully abandon hope; hopeful but worn down by constant setbacks.

Towards Release

Prisoners’ distance from home, and unexpected movements to another prison, was a common source of strain:

He has been moved two times in two weeks....

both times we had no warning and both times were to different counties.³

Reports of inefficiencies, poor communication and ever-changing staff were common: ‘The whole process of dealing with the prison service has been very inefficient and frustrating’.³

Similarly, reports of long delays in communication with probation were commonplace. Others reported concerns about the nature and quality of probation supervision and support towards release, being ‘detrimental to him getting out’⁴:

[My partner] hasn’t even got a progression plan⁴

Delays in parole hearings were reported as causing considerable strain; as were last-minute cancellations of planned hearings. This was one particularly acute example:

There was a huge delay, he was put in a prison where he didn’t do any of the courses he was required to do. Then the Parole Board, at less than 24 hours’ notice, cancelled his parole hearing.⁴

The ‘constant waiting and not knowing’⁴ placed significant emotional burdens on family members; it was a ‘really hard emotional journey’ for both the prisoner and the family⁴. Some respondents also reported being uninformed about, and unprepared for, the parole process – an example given being the ability potentially to attend hearings and the rules and procedures relating to this. There were concerns that parole panels continued often to be unduly risk-averse.

Beyond Release

Families whose relative had been released reported ongoing stress and anxiety regarding the constant risk of recall: 'It's like living on the edge'³; 'I cry as often [as when he was in prison]'⁴.

Families worried in particular about licence requirements imposed, and the potential for technical breaches that might lead to recall to prison. The restrictions imposed could also place heavy burdens on family members:

He cannot use a mobile phone, a computer, or travel without notifying the police – meaning a huge amount of continuing stress for me as I shall have to be his constant 'helper'³

Further, some families reported not understanding the recall process when it did occur:

My partner is an IPP in recall, we don't know where we stand. I don't know what really happens when an IPP is recalled.³

The Farmer report has recognised the important role of families as the 'golden thread' that can run through efforts to help prisoners achieve rehabilitation.⁶ The experiences reported here, and particularly the ongoing uncertainty, are all likely to undermine rehabilitative efforts.

RECOMMENDATIONS

Our findings make clear the extent to which many family members feel isolated and unsupported in trying to support their relative through their IPP sentence. As the issues relating to IPPs increasingly 'bunch' around release – be that prisoners seeking to achieve that goal, or released IPPs seeking to avoid recall – the central contribution families can make is clear. The families we spoke to were keen to be seen as part of the solution and to have their role in the support and rehabilitation of the prisoner recognized.⁵

1. Criminal justice organizations that work with IPP prisoners and their families are urged to develop guidance materials for working with families. These materials should:
 - a) Acknowledge the particular pains of indeterminacy and related uncertainties for families
 - b) Recognize the central role that families can often play in prisoners achieving rehabilitation, and their need for support
 - c) Set out principles for communicating with family members throughout the relevant processes
2. Organizations that support prisoners' families are advised to develop guidance for staff and volunteers on the specific pains of IPP for families
3. These important organizational responses can only go so far. Further beneficial outcomes would be considerably advanced by changes to the underlying legislative framework:
 - a) Conversion of IPP sentences from indeterminate to fixed length sentences, starting with the shortest tariff lengths
 - a) Replacement of the automatic life licence on release with a specified licence period

In responding to these recommendations, organizations are urged to involve affected families in the development of guidance. A collaborative process that draws on a range of relevant perspectives will ensure that materials developed are both appropriate and effective.⁶

Methodological note

In total 119 people responded to the online survey, with an average of 70-80 responses to each individual question. In-depth interviews were conducted with 15 family members of indeterminate-sentenced prisoners. Interviews were also conducted with eight 'policy participants'. The research received ethical approval by the University of Southampton ethics committee (Ethics ID:28613). Some identifying information has been redacted from quotes in order to ensure anonymity.

-
- 1 Associate Professor, Southampton Law School, Southampton University; Associate Professor, Centre for Criminology, Oxford University. Invaluable research assistance was provided by Anna Leatham and Katie Hunt Supported by Southampton Law School impact fund award 2017-18.
 - 2 Jacobson and Hough (2010) 'Unjust Deserts' London: Prison Reform Trust. Page vii
 - 3 Survey
 - 4 Interview
 - 5 There will of course be certain situations in which the family-prisoner relationship is more complex or potentially problematic.
 - 6 See further Annison (2017) 'Interpreting Influence: Towards reflexivity in penal policymaking?' in Armstrong et al (eds, 2017) *Reflexivity and Criminal Justice*, Basingstoke: Palgrave Macmillan. Free download at: <https://eprints.soton.ac.uk/399532/>