



INDETERMINATE SENTENCING AND RELATIONAL CONFINEMENT: EXPLORING EXPERIENCES OF THE PRISON-TO-COMMUNITY PROGRESSION ON THE ORDER FOR LIFELONG RESTRICTION (OLR) IN SCOTLAND

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Abstract

In 2000, the MacLean Committee recommended the creation of the Risk Management Authority (RMA) in Scotland which came into existence in 2005 to reduce the risk of serious harm posed by 'seriously violent and sexual offenders' (Scottish Executive, 2000:82). By extension, legislative provisions for the indeterminate Order for Lifelong Restriction (OLR) sentence were introduced (see Ferguson, 2021). Individuals convicted of violent or sexual offences have previously reported problems establishing positive peer relationships and employment opportunities (Woodall et al., 2013; Edgar et al., 2020); however, the role of indeterminate sentencing may pose unique perceived challenges for individuals (Crewe, 2024) and remains relatively unexplored in a Scottish context (e.g., Barnett et al., 2022; Ahmet & McBride, 2025). This article draws upon in-depth interviews with eight individuals subject to an OLR with experience of community release. The analysis of findings demonstrates experiences of professional practices in prison as being interpreted as inhibiting progression through to release. However, experiences of community supervision were described as supportive, despite the challenges associated with community release, departing from other experiences of indeterminate sentencing in England & Wales (Edgar et al., 2020). Social and employment challenges following release were perceived as consequential to the indefinite and serious nature of the OLR alongside the associated offending behaviour. In this article, I explore the importance of developing positive professional relationships prior to and following release to support effective integration for similar populations, while critically examining the interactive effect of restrictions imposed through preventive detention on experiences of professional relationships and developing personal and social identities.

Keywords

Indeterminate sentence; preventive detention; Order for Lifelong Restriction; OLR, relational desistance; compliance

Introduction

Feeley and Simon's (1992) theoretical discourse on the 'new penology' reflected on generational changes on the strategies employed by justice systems and authorities in response to people who have offended. This shift, occurring most widely toward the late 20th century, narrated a structural transition from narrowly fixating on clinical typologies, moral indignation and fault, and societal retribution (i.e., rehabilitation and punishment) produced by and at the level of the individual, to instead target the identification, classification, and subsequent systemic management of groups of people who are deemed to pose an ongoing risk of harm to wider society (i.e., risk assessment and management). This is achieved through structural intervention such as incapacitation of individual liberties and preventive detention of would-be offending behaviour (Feeley & Simon, 1992; see also Ferguson, 2021). Concurring with this progression, the Order for Lifelong Restriction (OLR) became available as a sentencing option to the Scottish High Court in 2006 and is designed to mitigate the risk of future serious violent or sexual harm, which is demonstrated either through an individual's conviction¹ or following an evidenced pattern of behaviour, through lifelong risk management measures as outlined in their Risk Management Plan (RMP) (Ferguson, 2021; RMA, 2023). The OLR is comprised of risk assessment and management processes from the court reporting stage (through a Risk Assessment Order), through to sentencing and the issuing of a punishment part (the minimum period of time an individual spends in prison), and throughout an individual's time in prison before being considered for parole. Individuals may only be eligible for community release if: 1) the punishment part of their OLR has expired, and 2) any risk of serious harm is deemed manageable in the community, where a direction to release is only made when the Scottish Parole Board is satisfied that remaining in prison is no longer required for public protection (RMA, 2025a).

Following the recommendations of the MacLean Committee in 2000, sentencing provisions were introduced to ensure the risk posed by individuals who have committed serious harm in the form of violent or sexual offences could be safely managed by justice agencies in Scotland (Scottish Executive, 2000). The Committee recommended the establishment of the Risk Management Authority (RMA) in 2005, in addition to new procedures to facilitate the active assessment and management of individuals who are assessed as posing a risk of future serious harm (see Darjee & Crichton, 2002). These procedures include the appraisal of RMPs for individuals subject to an OLR (RMA, 2025b). RMPs are developed by case managers, who are qualified forensic psychologists (including trainee psychologists under supervision) within a prison setting, or justice social workers in the community. RMPs can be approved, rejected, or receive guidance by the RMA to improve the plan following revision and resubmission, where each plan is evaluated against the Standards and Guidelines for Risk Management (RMA, 2025b). In addition, the RMA evaluates the implementation of RMPs on an annual basis to ensure that individuals subject to an OLR are

¹ With the exception of Murder, where a life sentence is automatically imposed in Scotland. Notably, a life sentence additionally consists of a mandatory period of time in prison, but is not informed by the same risk management requirements as the OLR (RMA, 2025a; see also Ferguson, 2021).

being managed in accordance with their approved RMP (see RMA, 2025c, for further details).

The OLR differs substantially from other indeterminate sentences, such as the Imprisonment for Public Protection (IPP) sentence in England & Wales (Edgar et al., 2020) and the Compulsion Order and Restriction Order (CORO) sentence in Scotland (Barnett et al., 2022), in relation to risk assessment and management processes embedded from sentencing through to community release. This includes the development, approval, application, and annual review of each individual's RMP (RMA, 2025a) which outlines individual strategies aimed at promoting and evidencing change within prison (e.g., structured interventions targeting criminogenic needs) and strategies to mitigate risk following community release (e.g., licence conditions, such as electronic monitoring, and engagement with justice social work professionals). However, indeterminate sentences are situated through the structural lens of preventive detention and constraint-based mitigation of future risk of harm (Feeley & Simon, 1992; see also Ferguson, 2021), which may draw distinct considerations for the impact of indeterminacy on factors relating to compliance (Weaver et al., 2021), perceptions of procedural fairness (Tyler, 2006; Murphy & Tyler, 2008; Digard, 2010), and relationships with professionals including relational identity narratives prior to and following release from prison (LeBel et al., 2008; King, 2013).

Indeterminate and preventive sentencing measures have been perceived as possessing greater structural impediments to enabling prosocial identity shifts relative to determinate prison and community-based sentences, such as challenges with positive professional engagement across justice contexts and wider community engagement post-release (see RMA, 2023; see also Edgar et al., 2020). By extension, the manner in which restrictions imposed through preventive detention and indeterminacy interact with an individual's social identity at the various levels described by Nugent and Schinkel (2016, see also McNeill, 2016)² merits further exploration. Indeed, research into people's lived experiences of indeterminate sentencing reveal perceptions of stigma and being negatively appraised by both professionals and wider society (Merola, 2015; Edgar et al., 2020; Warr, 2020; Barnett et al., 2022; RMA, 2023). In a recent contribution, McNeill and Schinkel (2024) summarise existing literature reviewing the role of relational desistance and a sense of belonging in the wider community. The authors reflect on various dimensions of tertiary desistance, including trusting micro-level relationships between individuals in prison and professionals, as a promoter of primary and secondary desistance processes (Ugelvik, 2022, in McNeill & Schinkel, 2024:55). They additionally attend to the benefits of micro- and meso-level co-produced community support structures to enable societal inclusion in populations experiencing perceptions of stigma following release from prison (Fox, 2015, in McNeill & Schinkel, 2024:58; see also McCulloch, 2020). Broadly, components of relational desistance,

² Nugent and Schinkel (2016) delineate between micro-, meso-, and macro- relational desistance: the micro-level relates to the immediate social setting of the individual (including close or personal relationships), the meso-level to the wider community (including, for example, professionals and external family members), and the macro-level to social structures and systems (including structural institutions, such as prisons, or society as a whole).

including the development of social identities across spatial settings and the way this interacts with indeterminacy and preventive detention, may serve a distinct role during the transition from prison through to the community.

Findings from research exploring lived experiences of indeterminacy suggest being subject to different forms of indefinite and long-term risk management processes may lead to distinctive ‘maloptical’ representations of individuals subject to the order (Merola, 2015; Edgar et al., 2020; Warr, 2020; Barnett et al., 2022; RMA, 2023), where individuals are stigmatised, if not marginalised, by others (including professionals and/or wider society) as a perceived consequence of their sentence and/or license conditions (see McNeill, 2019). This may be parallel to, but distinct from, the stigmatic nature of their offending behaviour in which such conditions are imposed, which is commonplace for serious offences such as those that are sexual in nature (e.g., Blagden et al., 2016; Perrin et al., 2018; Schaefer, 2019). Notably, how individual and social identities interact with external entities, including systems which impose preventive sentencing measures, requires consideration when factoring the distinct yet interwoven role of indeterminacy on lived experiences across spatial settings and social contexts.

The current study

The RMA's (2023) report highlighted that individuals sentenced to an OLR with experience of community release perceived it to involve a never-ending, hopeless, and stagnant journey to progress through prison, from closed conditions through to National Top End and Open Estate³ (see Parole Board for Scotland, 2024:5), and finally through to the community. Experiences of transitioning from prison through to the community may thus pose unique challenges for individuals on an OLR sentence. This article therefore seeks to expand upon the 2023 report by exploring previously established themes and the interactive dimensions of indeterminacy on lived experiences of progression from prison through to community release (RMA, 2023). The principal research objectives of the project were as follows:

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

³ National Top End is a closed prison setting that allows for ‘the opportunity for life sentence offenders to prepare for release ... in order that they are better prepared for transfer and succeed within open conditions’ (Parole Board for Scotland, 2024:5) through incremental community access, including work placements and special escorted leave. Open Estate provides the opportunity for additional responsibilities and greater agency to evidence reduction in risk and suitability for community release for those assigned a low supervision level eligible for temporary release, having met the standard criteria for progression. For more information, see RMA (2025b).

The primary research questions were:

1. What are the experiences of transitioning from prison to the community, while on an OLR?
2. For those who have been subject to recall to custody, how do individuals describe this experience?⁴
3. What does the OLR mean for individuals' perceptions of the future?

In addition, while the primary focus of the research was to explore experiences of progression through custody, community release, and recall on an OLR, the researchers sought to explore participants' perceptions of key aspects of their journey through the sentence, in order to determine which aspects of the sentence were perceived as most impactful and meaningful, in addition to experiences of professional supports. As such, the following secondary research questions were incorporated:

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

Methodology⁵

Research design

The research design adopted a phenomenological approach to explore complex lived experiences. Hermeneutic phenomenology relates to the interpretative analysis of lived experiences, at both the level of the participant and the researcher, through active reflexivity throughout interviews and analysis (see Sloan & Bowe, 2014:11).

Sample

To participate in the research, individuals had to be actively subject to an OLR and have experience of community release, which includes individuals who were later recalled into

⁴ Insufficient data was acquired following interviews and analysis to provide a response to this research question. Only three of the eight individuals who took part in the research had experience of being recalled into custody, and these participants chose not to explore this in-depth.

⁵ For further details on the research methods, including relevant appendices of project materials, see RMA (2023).

prison. Participants needed to be over the age of 18, reside in Scotland, and be fluent in English. Individuals with neurological conditions (e.g., dementia), cognitive impairment (e.g., learning difficulty or brain injury), and/or significant communication difficulties were excluded if it was not possible to support them to provide informed consent and engage throughout the interview. A total of nine individuals were eligible to participate, and eight agreed to participate in the research. All eight participants were men and had previously committed serious offending behaviour leading to their OLR sentence⁶.

Methods

Semi-structured interviews were conducted in either prison settings or social work community-based premises. The three researchers involved in the project utilised a topic guide to inform interviews in a non-prescriptive manner which ensured participants covered topics they perceived to be most meaningful to their progression on the OLR (see Braun & Clarke, 2019). The majority of interviews were conducted on a two-to-one basis (two researchers, and one interviewee), where researchers were able to support one another throughout the interviews and provide suitable avenues for experiential exploration in line with the research positioning and established research questions. This approach ensured participants explored experiences that were most important to them.

Individuals' case managers (forensic psychologists / trainee forensic psychologists under supervision in prison, or justice social workers in the community) were contacted in the first instance to establish each individual's current stability, and whether additional supports would be required. Providing an individual was eligible and able to participate, a one-page flyer containing key information on the research was relayed to them. Those who wished to participate were able to communicate this to the researchers via their case manager. Following this, individuals took part in an initial discussion to review the purpose of the research and provide the opportunity to ask questions. In addition, a Participant Information Sheet and Consent Form were provided to participants, and they were given a minimum of one week to reflect on the information provided before confirming whether they wished to participate. If an individual expressed interest in participation, a second meeting to conduct the interview was organised via their case manager. Interviews were recorded using Dictaphone devices. Following conclusion of interviews, participants were debriefed and thanked for their time, and provided contact details of the researchers and appropriate support resources should they require access. Verbatim transcripts were produced by the researchers for subsequent analysis.

Analysis

The research adopted an inductive reflexive thematic analytical strategy in line with the hermeneutic phenomenological focus of the research (Braun & Clarke, 2019). Reflexive thematic analysis includes data familiarisation, initial coding, generating initial themes, review of initial themes, defining themes, and writing up. Each of the three researchers

⁶ For reasons of anonymity, we have not explicitly disclosed either the index offence or broader offence category of the men who participated in the study, unless individuals chose to discuss this during their interview (see quote from Alasdair, p.52).

reviewed the transcripts and were independently involved in initial coding with suggestions for initial themes produced. Throughout and following this, the researchers shared and explored their thoughts, perspectives, and initial views on themes before reviewing and defining the themes collectively. Pseudonyms were employed to refer to participants in order to protect their identities.

Ethical approval for the research was attained from the RMA Research and Ethics Committee, the Scottish Prison Service (SPS) Research and Ethics Committee, and each local authority managing an individual participating in the research.

In what follows, I will explore lived experiences of the journey through the OLR from prison through to the community. Specifically, emphasis will be placed on the experiences of professional relationships and social interactions in both prison and the community, respectively, with a view to understand how the indeterminate nature of the OLR shapes personal and social identities through the associated restrictions imposed through experiences of heightened and enduring perceptions of risk.

Findings

Experiences of progression through custody – a never-ending journey

Participants identified a number of key challenges, particularly in relation to progression in custody and in their transitions through to the community. There were several areas of perceived systemic inefficacy and obstruction to progress that led to their portrayal of the OLR sentence as being problematic to achieving release from prison. Within this section, I explore the inter-relational dimensions between our participants and their perceptions of the imposition of indeterminacy in the form of macro-level OLR processes they describe and explore, while further attending to both micro- and meso- level interactions with professionals in custody.

To begin, Lewis and Charlie elucidate the macro-level systemic impact of the OLR on their attempts to progress through custody, describing the never-ending and repetitious process of conditional progression while subject to indeterminate sentencing measures:

this process you are “aw no we’re no(t) happy with that, send it back, send it back” this game of tennis that you are playing, is affecting my life, like- you are writing plans to- to, minimise my risk, but- you are actual creating a risk by, putting all these, like- putting all this pressure on somebody, and all this uncertainty (Lewis)

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

Both Lewis and Charlie emphasise the distinctive self-appraised consequence of being subject to the OLR on both experiences of imprisonment and relationships with

professionals within prison. For example, Lewis describes the process involved with professionals evaluating his RMP, including communication between the RMA and the SPS, as being arduous and poorly relayed, primarily as a perceived consequence of the time associated with amendments and approval of the embedded risk management strategies to meet the Standards and Guidelines for Risk Management (RMA, 2025b). While Charlie recognises his view of being imprisoned as a just consequence of his past actions, he was unable to reconcile the enduring and indeterminate nature of contingent and conditional – and thus seemingly unattainable – progression through custody as experienced on the OLR. Such indefinite conditionality generates temporal dissonance between the prospective goal of progression through the justice system and their perceived capacity to achieve this (see, for e.g., McNeill, 2020). Liam expands on this narrative with the perception of non-progression relating to stigmatic engagements with professionals in prison, relative to other sentence holders, due to perceptions of heightened and enduring risk associated with being ‘an OLR’:

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

One key finding relating to an interaction between participants’ perceptions of their ‘temporal readiness’, or capacity to progress, and the assessment of professionals who may determine progression, was that ‘*narrative time*’ did not match ‘*system time*’ (see McNeill et al., 2022), forming a disconnect between capacity to progress and perceived internal loci of control (Crewe, 2024). Notably, this experience is not unique to indeterminate sentence holders and has been explored in relation to themes of procedural [un]fairness associated with progression, release, and recall of those serving determinate or extended sentences (see Armstrong, 2020). However, lived experiences of other indeterminate sentence holders (e.g., Edgar et al., 2020) identify perceived appraisals of heightened and enduring risk by professionals as a consequence of the indefinite nature of the respective order. This may contribute to feeling stigmatised and suppressed by systemic intervention perceived as unfair and unjust:

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

Lack of clarity in relation to why participants felt to be characterised differently by professionals relative to other individuals convicted of similar and/or more serious offences, in addition to their perceived incapacity to progress in line with timescales they perceive as fair, were common characteristics described by individuals. Here, the consequence of this perception is a lack of fairness associated with enduring, long-term conditions and remaining in prison indefinitely, causing both personal strain and uncertainty associated with risk-averse appraisals by professionals (Crewe, 2011). Broadly, a perceived lack of

understanding surrounding what the OLR is achieving manifested as a consistent experience:

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

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

Overall, progression through custody on an OLR was described as a challenging experience. Perceptions of systemic delays and lack of clarity in relation to existing processes led to individuals feeling temporally fixed with little understanding of the rationale behind perceived and experienced stagnancy. Furthermore, individuals viewed their relationships with professionals in prison to be poor, stigmatising, and unproductive to progression, which notably contrasts with experiences of professional relationships in the community.

Experiences of community integration – A challenging, but supportive experience

Following release from prison, individuals on an OLR described a variety of experiences they perceived to be connected to their sentence. Community supports and relationships with justice social workers and third sector professionals were reported positively, despite some of the challenges associated with release including difficulties integrating effectively within the community and attaining employment. Notably, remaining in prison indefinitely posed unique challenges for participants following release:

you've been in here, six months, 12 months, two years, three years, four years, while you've been in here your family is moving on and your family is, is, is doing what they need to do and you canny (cannot) think when you go back there you're gonny (going to) slot right in where you were before you came into prison because that's not gonny (going to) happen (Owen)

Being subject to lifelong risk management both in prison and in the community is perceived to create conditions which are counterintuitive to establishing and developing prosocial connections. Owen further describes the impact of his electronic monitoring device, or 'tag', as being problematic to engaging and functioning as a regular person in the community, and draws specific emphasis on how being subject to such measures for a prolonged *and* indefinite period of time creates distinct challenges to integration:

I'm sitting here now XX years out and I've still got a tag; now that's a wee bit contentious from my point of view because, em my curfew is from 11 at night til six in the morning ... over XX years there's never been any difficulty with that at all and ... and maybe that sounds like, alright it's a bit of plastic round about you - I go to the gym three or four times a week, it's kinda when you're

in the changing rooms and going in for a shower you goty (got to) be ... you realise that there's other things you've got to do so nobody will ever see it (Owen)

Owen highlighted practical challenges associated with being in the community while subject to an electronic monitoring device for an indeterminate period of time, including forming new prosocial relationships. He recognised that being subject to such license conditions creates the opportunity for stigma across social contexts in the community. However, this experience of perceived stigma and unfairness is further exemplified by having been subject to these measures for a prolonged period, without a set or clear prospect of being free from them. Therefore, conditions which are already stigma-provoking are perceived to be compounded by the prospect of being subject to them indefinitely, further advancing a subtracted sense of autonomy associated with community release after a long-term prison sentence (Nugent & Schinkel, 2016) and exponentiated by the experience and interactive role of indeterminate contingency. Owen demonstrates the impact of standard macro-level processes, and their interaction with being subject to them on an indeterminate basis, on day-to-day functioning when attempting to engage with others in the community following release from prison.

In addition to the challenges associated with establishing and developing prosocial connections in the community, employment was also a noteworthy challenge highlighted by Ross and Alasdair:

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

I think it's incredibly difficult for anybody with a conviction ... I think it's a bit more difficult than that for guys with- whose convictions are sexual in nature. I think it's fucking right next door to impossible for guys whose convictions are sexual in nature and they've got an OLR on their head. You know what I mean it's just adding an extra barrier to everything (Alasdair)

Both Ross and Alasdair highlight the perceived overwhelming difficulty associated with attaining employment post-release, which can be attributed to stigma associated with their previous offending behaviour, but may further be amplified by stigma associated with the OLR and its impact across different spatial settings and social contexts. Notably, Alasdair attributes an increasing level of difficulty to secure a job for those with general offences; sex offences; and finally, sex offences with an OLR. His description depicts a hierarchy of stigma and impact, alongside his perception of its potentially adverse role on the development of relationships with prospective employers.

Despite the challenges associated with community release, participants described the support they received in the community as being largely positive, and contrasted significantly with experiences of support while progressing through custody:

I had social workers here supporting me, I had police saying "as far as we're concerned, we think you can be released". Em, 'cause I get on- again I get on

well with <name of individual> who's my OMU (Offender Management Unit)⁷ worker. Em, and that might also be another reason why some of the other OLRs don't do as well- 'cause I don't think some of them get on quite- quite as well, with the people that are supporting them (Charlie)

Owen, Graeme, and Josh also report positive experiences engaging with professionals in the community:

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

went through three social workers in the space of 18 month(s) fae (from) my time fae (from) <closed prison> to <NTE>, you know? Good social workers, got on- I think I got on good with them (Graeme)

I had all the help and support in the community ... a great support network out there, (social workers) were great guys to work with, you know. You know you hear all this in the jail ... but they're there to help us (Josh)

Community integration was largely supported by social workers in the community. Previously, we observed that relationships in prison were negatively impacted as a result of perceived stigma associated with the OLR; however, this trend is not observed in the community, where despite notable challenges with integration, community supports contrasted significantly with those within prison.

Discussion

This article has expanded upon the previous analysis of the RMA (2023) study by examining the role of indeterminacy and the experiences of professional relationships, relational interactions, and social identities across prison and community settings. Here, I critically examine key findings while contextualising conceptual issues to elucidate and reflect upon the perceived role of the OLR on narratives of prison-to-community progression alongside the development of personal and social identities.

Perceptions surrounding the stigmatising impact of indeterminacy and preventive detention across spatial settings and social contexts were a key experiential finding of the present study exploring the lives of those progressing through sentence conditions on an OLR, and is consistent with previous findings of research into both the OLR in prison (Ahmet & McBride, 2025) and other indeterminate sentences (Merola, 2015; Edgar et al., 2020;

⁷ OMU refers to Offender Management Unit, now referred to as Sex Offender Policing Units (SOPU), which are the Policing element of the Multi-Agency Public Protection Arrangements (MAPPA). SOPU focus on the protection of those at risk of harm through prevention and early intervention. Teams of specialist officers work in partnership with other authorities to manage and reduce the risk posed to the wider community.

Warr, 2020; Barnett et al., 2022). McNeill (2019) termed the 'malopticon' as a negative representation of how the penal subject is viewed by others (e.g., justice professionals, the wider community, or society as a whole, at micro-, meso-, and macro- levels, respectively), through maladaptive personal and social identity-construction following, and as a consequence of, the 'persistence' of the penal structure imposing risk-informed sentencing conditions (McNeill, 2019:18). Here, I explore the temporal and social impact of indeterminacy across spatial settings, and how maloptical micro- and meso- level appraisals of professionals and the wider community respectively shape lived experiences of lifelong - and indeterminately - sentenced individuals. I observe that participants perceived a continued period of *relational confinement* beyond their time spent in prison, including their punishment part. That is, the perceived stigma and restrictions imposed through the OLR and associated indeterminacy, expressed through micro-level professional interactions in prison and meso-level community engagement, may attenuate the capacity for social integration following release, including long-term personal and social identity development (see also Warr, 2020).

Weegels and colleagues (2020) proposed an analytical framework recognising the 'porous' nature of traversing through systems (Weegels et al., 2020:5), including from prison through to the community, in that a divisive or binary lens of said structures may fail to capture the commonalities of how confinement is experienced. This article extends the functional claim of how both prison and community-based confinement share similar considerations when exploring the perceived effects of indeterminacy, preventive detention, and/or sentence 'tightness' (i.e., tensions generated by uncertainty, see Crewe, 2011:522) on lived experiences, which includes perceptions associated with progression through the justice system. Notably, challenges relating to and engaging effectively with professionals and/or wider social circles may be perceived to cross the structural boundaries of prison and the community. The precarity of individuals' journeys through systems interacts with perceptions of sentence 'tightness', thus generating and extending experiences of relational confinement across spatial settings. While this fundamental perception of stigma - viewed to be influenced by external perceptions of both enduring and high risk associated with lifelong restriction - is maintained across structures, it poses differential effects on relational desistance at the micro-, meso-, and macro- levels (Nugent & Schinkel, 2016) and will be explored in the following sub-section. These findings draw key considerations for how the social and structural roles of indeterminacy explored by participants may influence appraisals of procedural fairness (Tyler, 2006; Murphy & Tyler, 2008).

The perceived role of the OLR on experiences of professional and wider social engagement differs across spatial settings and social contexts. There was clear disparity in how individuals experience prison and community professional relationships, contrasting with previous findings of those on other indeterminate sentences such as the IPP sentence in England & Wales (Edgar et al., 2020). Following interviews with 31 individuals with experience of progression from prison through to the community and later recall, Edgar and colleagues (2020) identified key issues in relation to professional relationships on an IPP in both prison and community settings, including a perceived lack of support to attain opportunities for community release and poor relationships with probation staff post-release (Edgar et al., 2020). This analysis has demonstrated that individuals' relationships with the macro-level structural/systemic components of the OLR (i.e., how they perceive

the preventive function of the OLR in relation to their identities) impacted the micro-level interactions with immediate social relationships in prison (e.g., the role of the RMP and the relevant professionals involved, alongside their perceived capacity to progress through custody), but this did not appear to be the case in the community. As opposed to impacting micro-level systemic impositions, the OLR appeared to be perceived to adversely influence meso-level community engagement following release from custody, including prospective employment and wider interactions within the community. Such experiences could also be the consequence of associated stigma of those who have been labelled high risk or dangerous, thus curtailing the potential for prosocial identity development (Kay, 2016) which may consequently have negative outcomes in relation to long-term compliance post-release (Weaver et al., 2021).

A recent HM Inspectorate of Prisons for Scotland (HMIPS) report highlighted that experiences of professional supports across prison sites in Scotland were perceived as unsupportive and detrimental to effective progression (HMIPS, 2024), which may point to a consistent systemic issue in relation to available support networks within this setting that may not be unique to progression on an OLR. Notably, differences in training, traditions, and role profiles between professionals in prison (e.g., forensic psychologists; prison officers) and in the community (e.g., justice social workers; third sector support workers) may play a role in the quality of professional relationships described here, and draw important implications for issues of desistance and compliance within a Scottish justice context. Future research could explore this phenomenon in greater depth to establish the differential effects of structural impediments and varying perceptions of professional aptitude across spatial settings and social contexts, as well perceived stigmatic beliefs and associated interactions, on micro-, meso-, and macro- relational processes, and how these may shape desistance narratives and pathways to integration post-release.

Conclusion

In 2023, the RMA (2023:32-33) drew a series of recommendations following the conclusion of the original analysis. These include: greater engagement with community plans; developing knowledge of professionals and prisoners on the OLR sentence; greater preparation for community release; future research directly comparing experiences of progression through the OLR with that of other indeterminate sentences; a future follow-up with participants of the current study to establish any further insights into barriers and facilitators of community integration on an OLR; and a review of the implementation of the OLR, which will involve a full examination of the sentence, identifying facilitators and barriers of progression for individuals (including the wider population without experience of community release) in order to make recommendations to ministers to improve its implementation across both prison and community settings. The analysis advanced here suggests that early opportunities to integrate a past offending identity with a new prosocial self should be available in both prison and community settings (King, 2013; Kemshall, 2021). The imposition of the OLR as a lifelong sentence on individual and social identities may pose difficulties in attaining narrative shifts when considering the interaction of perceived issues of stigma with the prospect of meso-level interactions within the community (see also Crewe, 2024). However, the distinct impact of indeterminacy and preventive detention, and perhaps the broader spectrum of sentence 'tightness' (Crewe, 2011), on desistance

narratives and their interactive effects on wider social engagement remain largely unknown.

The shift towards 'actuarial' justice over recent decades (Feeley & Simon, 1992:466) has led to distinctive measures enacted in Scottish legislation designed to protect the public from a set of risks of serious harm (Scottish Executive, 2000). This article aims to provide preliminary insight into the perceived impact of indeterminate and preventive detention measures on individuals' experiences of developing relationships and their social identities throughout progression from prison through to the community, drawing key implications for how this interaction can influence experiences of current or prospective support mechanisms which may moderate effective compliance and engagement across spatial settings and social contexts. In addition, it highlights the importance of exploratory and inclusive research with individuals with lived experience to identify and critically examine facilitators and barriers of transitioning from offending- to prosocial- identities and lifestyles.

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References

- Ahmet, A. and McBride, H. (2025). 'The psychological impact of the Order for Lifelong Restriction (OLR): An exploration of prisoners' experiences of the sentence.' *The Journal of Forensic Practice* [preprint].
- Armstrong, S. (2020) 'At risk of rights: Rehabilitation, sentence management and the structural violence of prison.' *Critical Criminology*, 28(1) pp. 85-105.
- Barnett, V., MacMahon, K., Allan, K., Quayle, E. and O'Rourke, S. (2022) "'Without limit of time" living as a restricted patient in Scotland: An interpretative phenomenological analysis.' *Journal of Theoretical & Philosophical Criminology*, 14(1) pp. 1-32.
- Blagden, N., Winder, B. and Hames, C. (2016) "'They treat us like human beings"- Experiencing a therapeutic sex offenders prison: Impact on prisoners and staff and implications for treatment.' *International Journal of Offender Therapy and Comparative Criminology*, 60(4) pp. 371-396.

- Braun, V. and Clarke, V. (2019) 'Reflecting on reflexive thematic analysis.' *Qualitative Research in Sport, Exercise and Health*, 11(4) pp. 589-597.
- Crewe, B. (2011) 'Depth, weight, tightness: Revisiting the pains of imprisonment.' *Punishment & Society*, 13(5) pp. 509-529.
- Crewe, B. (2024) "Sedative coping', contextual maturity and institutionalization among prisoners serving life sentences in England and Wales.' *The British Journal of Criminology*, 64(5) pp. 1080-1097.
- Darjee, R. and Crichton, J. H. M. (2002) 'The MacLean Committee: Scotland's answer to the 'dangerous people with severe personality disorder' proposals?' *Psychiatric Bulletin*, 26(1) pp. 6-8.
- Digard, L. (2010) 'When legitimacy is denied: Offender perceptions of the prison recall system.' *Probation Journal*, 57(1) pp. 43-61.
- Edgar, K., Harris, M. and Webster, R. (2020) 'No life, no freedom, no future. The experiences of prisoners recalled under the sentence of Imprisonment for Public Protection.' [Online] [Accessed on 6th September 2024] Available at: [\(12\) \(PDF\) "No life, no freedom, no future" The experiences of prisoners recalled under the sentence of Imprisonment for Public Protection \(researchgate.net\)](#)
- Feeley, M. M. and Simon, J. (1992). 'The new penology: Notes on the emerging strategy of corrections and its implications.' *Criminology*, 30(4) pp. 449-474.
- Ferguson, E. (2021) "A sentence of last resort': The Order for Lifelong Restriction and the sentencing of dangerous offenders in Scotland' [Online] [Accessed on 6th September 2024] ['A Sentence of Last Resort': the order for lifelong restriction and the sentencing of dangerous offenders in Scotland - Enlighten Theses \(gla.ac.uk\)](#)
- Fox, K. J. (2015) 'Theorizing community integration as desistance-promotion.' *Criminal Justice and Behavior*, 42(1) pp. 82-94.
- HMIPS. (2024) 'A thematic review of prisoner progression in Scottish prisons' [Online] [Accessed on 6th September 2024] [A Thematic Review of Prisoner Progression in Scottish Prisons_0.pdf \(prisonsinspectoratescotland.gov.uk\)](#)
- Kay, C. (2016) 'Good cop, bad cop, both? Examining the implications of risk-based allocation on the desistance narratives of intensive probationers.' *Probation Journal*, 63(2) pp. 62-8.
- Kemshall, H., Burroughs, T., Mayes, S. and Thorogood, C. (2021) 'Making desistance real: Implementing a desistance focused approach in a community rehabilitation company (CRC).' *Probation Journal*, 68(3) pp. 347-364.

- King, S. (2013) 'Early desistance narratives: A qualitative analysis of probationers' transitions towards desistance.' *Punishment & Society*, 15(2) pp. 147-165.
- LeBel, T. P., Burnett, R., Maruna, S. and Bushway, S. (2008) 'The 'chicken and egg' of subjective and social factors in desistance from crime.' *European Journal of Criminology*, 5(2) pp. 131-159.
- McCulloch, T. (2020) 'Co-producing desistance: The role of peer support.' In Loeffler, E. and Bovaird, T. (eds.) *Palgrave Handbook on Co-production of Public Services and Outcomes*. Palgrave Macmillan, pp. 409-426.
- McNeill, F. and Schinkel, M. (2024) 'Tertiary or relational desistance: Contested belonging.' *International Journal of Criminal Justice*, 6(1) pp. 47-74.
- McNeill, F. (2016) 'Desistance and criminal justice in Scotland.' In Croall, H., Mooney, G., and Munro, R. (eds.) *Crime, Justice and Society in Scotland*. London: Routledge, pp. 200-216.
- McNeill, F. (2019) 'Mass supervision, misrecognition and the 'Malopticon'.' *Punishment and Society*, 21(2) pp. 207-230.
- McNeill, F. (2020) 'Penal and welfare conditionality: Discipline or degradation?' *Social Policy and Administration*, 54(2) pp. 295-310.
- McNeill, F., Thomas, P. C., Frödén, L. C., Scott, J. C., Escobar, O. and Urie, A. (2022) 'Time after time: Imprisonment, re-entry and enduring temporariness.' In Carr, N. and Robinson, G. (eds.) *Time and Punishment. Palgrave Studies in Prisons and Penology*. Palgrave Macmillan Cham, pp. 171-201.
- Merola, M. (2015) 'Young offenders' experiences of an indeterminate sentence.' *The Journal of Forensic Practice*, 17(1) pp. 55-68.
- Murphy, K. and Tyler, T. (2008) 'Procedural justice and compliance behaviour: The mediating role of emotions.' *European Journal of Social Psychology*, 38(4) pp. 652-668.
- Nugent, B. and Schinkel, M. (2016) 'The pains of desistance.' *Criminology & Criminal Justice*, 16(5) pp. 568-584.
- Parole Board for Scotland. (2024) 'Glossary of commonly used terms.' [Online] [Accessed on 6th September 2024] [GlossaryOfCommonlyUsedTerms.pdf \(scottishparoleboard.scot\)](https://www.scottishparoleboard.scot/GlossaryOfCommonlyUsedTerms.pdf)
- Perrin, C., Blagden, N., Winder, B. and Dillon, G. (2018) "'It's sort of reaffirmed to me that I'm not a monster, I'm not a terrible person": Sex offenders' movements toward desistance via peer-support roles in prison.' *Sexual Abuse*, 30(7) pp. 759-780.

- RMA. (2025a) 'About the OLR.' [Online] [Accessed on 31st January 2025] [About the OLR - RMA - Risk Management Authority](#)
- RMA. (2025b) 'Standards & guidelines.' [Online] [Accessed on 31st January 2025] [Standards & Guidelines - RMA - Risk Management Authority](#)
- RMA. (2025c) 'About the RMA.' [Online] [Accessed on 31st January 2025] [About RMA - Risk Management Authority - Reducing Serious Harm](#)
- RMA. (2023) 'Initial insights into experiences of release, community integration and recall for individuals on the order for lifelong restriction.' [Online] [Accessed on 6th September 2024] [Initial Insights into Experiences of Release, Community Reintegration and Recall for Individuals on the Order for Lifelong Restriction \(rma.scot\)](#)
- Schaefer, R. L. (2019) 'Understanding sex offender community supervision: A mixed methods approach.' *International Journal of Offender Therapy and Comparative Criminology*, 63(7) pp. 1038-1065.
- Scottish Executive. (2000) 'Report of the committee on serious violent and sexual offenders.' [Online] [Accessed on 6th September 2024] [lt4_risk2.pdf \(iriss.org.uk\)](#)
- Sloan, A. and Bowe, B. (2014) 'Phenomenology and hermeneutic phenomenology: The philosophy, the methodologies, and using hermeneutic phenomenology to investigate lecturers' experiences of curriculum design.' *Quality & Quantity: International Journal of Methodology*, 48(3) pp. 1291-1303.
- Tyler, T. R. (2006) 'Psychological perspectives on legitimacy and legitimation.' *Annual Review of Psychology*, 57(1) pp. 375-400.
- Ugelvik, T. (2022) 'The transformative power of trust: Exploring tertiary desistance in reinventive prisons.' *The British Journal of Criminology*, 62(3) pp. 623-638.
- Warr, J. (2020) "Always gotta be two mans': Lifers, risk, rehabilitation, and narrative labour.' *Punishment & Society*, 22(1) pp. 28-47.
- Weaver, B., Piacentini, L., Moodie, K. and Barry, M. (2021) 'Exploring and explaining non-compliance with community supervision.' *The British Journal of Criminology*, 61(2) pp. 434-455.
- Weegels, J., Jefferson, A. M. and Martin, T. M. (2020) 'Confinement beyond site: Connecting urban and prison ethnographies.' *Cambridge Anthropology*, 38(1) pp. 1-14.
- Woodall, J., Dixey, R. and South, J. (2013) 'Prisoners' perspectives on the transition from the prison to the community: Implications for settings-based health promotion.' *Critical Public Health*, 23(2) pp. 188-200.

