A life sentence in instalments: A qualitative analysis of repeat offending among short sentenced offenders

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Abstract

Short sentenced (less than 12 months) offenders in the UK consistently account for the greatest number of discharges from prison and demonstrate the highest risk and rate of reoffending. Moreover, until recent changes in UK legislation in 2015, individuals serving short sentences were released into the community with little support post-release. The current study presents an exploration of (re)offending in individuals who have already served multiple short sentences in custody and aims to understand their experiences, perceptions and insight into their offending. Is there anything apropos short sentences specifically, or those who continually serve them, that can explain the high rates of reoffending in this population? Semi-structured interviews were conducted with eight prisoners currently serving short custodial sentences. Interpretative Phenomenological Analysis was implemented deriving three superordinate themes from the rich dataset: (i) Living short sentences, (ii) You'd do the same if you were me; and (iii) Negotiating an identity.

Key words: short-sentence, offenders, reoffending, qualitative, Interpretative Phenomenological Analysis

Introduction

Each year, more than 60,000 adults in the UK receive a short custodial sentence (less than 12 months), accounting for approximately 65% of adults sentenced to immediate imprisonment each year (Ministry of Justice (MoJ), 2014a). Reconviction rates demonstrate that almost half (46%) of adults released from prison will have reoffended and been reconvicted within one year of release, increasing to 58% for those serving short sentences (MoJ, 2014b). Furthermore, research has indicated that many short sentenced offenders have numerous previous convictions, with only 7% of those serving short sentences in 2012 having had no previous convictions and as many as 47% having 15 or more convictions (MoJ, 2013a).

One responsibility of prison establishments is to reduce the likelihood of an individual reoffending after release; in the case of those serving short sentences, prison appears to be having the opposite effect (see, for example, Cullen, Jonson & Nagin, 2011). Consequently, reducing reoffending by ex-prisoners has been a priority for over a decade with a central focus on resettlement providing support before, during and after the transition from custody to the community (Maguire & Raynor, 2006). The Social Exclusion Unit (SEU; 2002) report was pivotal in this process, highlighting areas of offender need that had previously been regarded as low priority. The recommendations put forward by the SEU were subsequently translated into policy with the introduction of the 'Reducing Reoffending National Action Plan' which attempted to divert individuals from reoffending by providing services to address seven resettlement pathways: accommodation; education, training and employment; mental and physical health; drugs and alcohol; finance; benefits and debt; children and families; attitudes, thinking and behaviour.

The relationship between these factors and reoffending are well established within the literature: one third of offenders are homeless either before or after imprisonment (Gojkovic,

Mills & Meek, 2012). Ex-prisoners are more likely to experience mental health problems than the general population (Anderson & Cairns, 2011), whilst many commit acquisitive crime in order to fund substance use (Boorman & Hopkins, 2012).

Stewart (2008) reported a higher level of need amongst ex-prisoners who have served short sentences compared to those on longer term sentences; short sentenced offenders were more likely to be homeless, unemployed, have no qualifications and higher levels of alcohol and substance misuse. Thus, short sentenced offenders face multiple difficulties upon release from custody and consequently have the highest level of resettlement needs (Maguire & Raynor 2006; Morgan 2008). Despite this, under the Criminal Justice Act (1991) in the UK, those serving custodial sentences of less than 12 months were no longer eligible for post-release supervision (unless aged under 21), which contributed to a decline in work with, and support for, this group post release (Maguire & Raynor, 2006). Despite the apparent shift in policy towards the need for resettlement to reduce reoffending, the initiatives that were available were not initially offered to short sentenced offenders.

In light of this, a number of reports (e.g. MoJ, 2013b; National Audit Office, 2010; SEU, 2002) were published highlighting this gap in services. It was recognised that short sentenced offenders accounted for the greatest number of discharges from prison per year and demonstrated the highest risk of reoffending – yet they were released in an unmanaged fashion with no responsible agency and little preparation for their release. Furthermore, owing to the short period of time in custody, access to appropriate services during this time was restricted. As a result, there was a fundamental gap in provisions for this group of offenders, with many noting that those requiring the most in terms of need, often receive the least (e.g. Parkinson, 2010). This resulted in a continuous cycle of offending behaviour and repeated movement between custody and the community as the needs of this group were left unmet. The consequences of such a lack of provision for this group of individuals were

acknowledged in 2013 and 2014 (see MoJ, 2013b). In 2014, the Offender Rehabilitation Act was established and came into effect in the UK in 2015. One outcome of this Act was a new compulsory requirement for a minimum of 12 months' supervision for all prisoners post release, including those serving short sentences. Rehabilitation services and the management of short sentenced offenders specifically is now provided by Community Rehabilitation Companies (CRCs), with an additional focus on providing support during the transition from prison into the community (MoJ, 2015). This change in legislation has been brought about to manage and support the multiple and complex needs of short sentenced offenders. Notwithstanding this additional support and supervision, the higher offending rate by such individuals makes them worthy of study with a qualitative research methodology in which the experience and perceptions of these individuals can help CRCs understand the potential challenges they face in working with this client group. It should be noted that this legislation was not yet in place when the interviews for this research was conducted.

There have been several studies conducted on short sentenced offenders from a quantitative perspective to identify areas of need and factors linked to offending. However, the literature lacks accounts and first person perspectives of those with experience of serving short sentences. While the desistance literature provides us with first person accounts (e.g. Maruna, 2001) of individuals who may well have served short sentences or have similar criminal histories, there is currently a paucity of literature focusing specifically on short sentenced offenders, as defined by their sentence, to explore their experience, motivation or understanding of their (re)offending. Most importantly, what it is about short sentences or those who continually serve them that can explain the high rates or repetitive nature of reoffending in this population. The current research therefore aims to bridge this gap in knowledge and provide in depth first person accounts through exploring the perspectives and experiences of those with a history of serving short sentences. Considering the current

changes in provision for this population, furthering our knowledge in this area may inform rehabilitation and resettlement strategies. Furthermore, adopting a qualitative method allows us to approach the phenomenon from an empirical perspective rather than through established theories (Taylor, Bogdan & DeVault, 2015). This is useful in fields where key models are orientated on convergent positions. For example, the Risk Need Responsivity Model (Andrews, Bonta & Hoge, 1990) postulates that offenders should be assessed based on the risk of reoffending they present, their criminogenic needs (what factors increase their likelihood of offending) together with aspects of their own functioning or their environment. This model is primarily risk-focused. An almost polemical position is taken up by the Good Lives Model (Ward, 2002), which promulgates a strength-based approach to desistance; both theories are prominent in the reoffending and desistance literature. Qualitative research can bring explanatory depth and fertility to existing theories, which is important for helping to understand the building blocks of theoretical models, improving the opportunity for targeted empirical testing (Ward, Polaschek & Beech, 2006).

The current study uses IPA to understand individuals' experiences; this study focuses on short sentenced offenders, exploring their experiences of receiving this type of sentence, multiple times, reoffending and returning to prison. This sample is not only similar in their sentence length, they share other factors which makes this group homogenous, for example, the nature and severity of crimes committed. Typical crimes are theft, motoring offences, burglary and violence against the person (Brunton-Smith & Hopkins, 2013; National Audit Office, 2010) and these offences are reflected in the current sample. The literature also indicates that short sentenced offenders share similar histories; for example being taken into care, experiencing abuse and witnessing violence within the home as a child (Williams, Papadopoulou & Booth, 2012).

Method

Participants

The participant sample comprised eight convicted adult male offenders, serving a sentence of less than 12 months at a UK (East Midlands) prison establishment. Participants were all male, White British, with a mean age of 30 (24 - 37, SD = 4.6) and an average of 9 previous custodial sentences. See table 1 for further participant information. Participant names were replaced with pseudonyms to maintain anonymity.

[INSERT TABLE 1 HERE]

Data Collection

Participant access was granted by the prison establishment following ethical approval from Her Majesty's Prison Service (HMPS) and a UK University. Potential participants were initially identified by the offender management unit and included all those who (i) were currently (at the time of data collection) convicted and imprisoned at the establishment; (ii) were serving a sentence of less than 12 months; (iii) had served at least one previous sentence of less than 12 months. Information was sent out to all potential participants detailing the nature and purpose of the research and asking their permission to discuss the research with them. It was made clear that participating (or declining to participate) in the research would not impact (positively or negatively) upon access to services within the prison or community. All those that responded (n=11) were met by the first author to outline further information regarding the research and provide the opportunity for individuals to ask questions. Of the

eleven potential participants, three declined to participate and written consent was obtained from the eight that agreed to participate.

Data were collected through semi-structured interviews, each lasting an average of 1.5 hours (range of 0.5 - 2) and were conducted in 2014. The interview schedule was developed through consultation with colleagues at the university and prison establishment to ensure it was fit for purpose and structured into three broad sections: personal information; offending history and (re)offending behaviour; interventions, support and future plans. All participants were interviewed on a one-to-one basis by the first author. Following each interview, participants were debriefed. All interviews were recorded and transcribed verbatim.

Analysis

This research implemented the qualitative method of Interpretative Phenomenological Analysis (IPA) due to its ability to explore participants' lived experiences. The final sample (n=8) was appropriate for IPA (Smith, Flowers & Larkin, 2009). IPA is a hermeneutic approach, informed by the theory of interpretation at two levels; the first level is the participants' attempt to make sense of their experiences, and the second is the researcher's interpretation of the participants' account and sense making (Smith, Flowers & Larkin, 2009). Essentially, IPA views the participants as experts who provide the researcher with a first-hand perspective in order to gain insight and knowledge on the phenomenon in question (Larkin, Watts & Clifton, 2006).

The analysis was guided by previous precedents (see, for example, Smith, 2015; Smith, Flowers & Larkin, 2009; Smith & Osborn, 2008) involving detailed reading and re-reading of the transcripts to ensure the researcher is immersed in the data and the production of notes relating to particular points of interest, thoughts or ideas. Further reading of the transcripts and notes then allowed the identification of initial subordinate themes. Due to the

iterative nature of IPA, these initial themes were altered, removed and added. When refined, links between these subordinate themes were established and clustered together into super-ordinate themes. Finally, inter-rater reliability was undertaken with the analysis being checked for credibility by the co-authors to assess the validity of the interpretations (Willig, 2008). Analysis was undertaken by the first author, with the co-authors analysing sections of the data in order to compare interpretations and provide credibility checks. Similar interpretations and themes were identified by all researchers.

Results and discussion

Three superordinate themes were derived from analyses of the narratives provided by participants. Each is discussed in depth (see table 2 for delineation of themes).

[INSERT TABLE 2 HERE]

1. Living short sentences

1.1 A life sentence in instalments

One clear theme within all participant narratives was regarding the frequency and repetitiveness of their imprisonment and how this interacted with their view of the purpose of prison. Of the sample, all had been in prison at least four times previous to their current sentence (the inclusion criteria only required one previous custodial sentence), with over half having served more than 10 previous custodial sentences:

> Erm, think this is me, this is 18th [prison sentence], or someat like that, so many I dunno, all little ones though (Keith)

> Been in [prison] about 14 times, 12 month me first one then 3 year and the rest have been like 4 months, a few 3 months, 6 7 months little little ones (Lloyd)

As can be seen from the above extracts, neither Lloyd or Keith are confident regarding the number of prison sentences they have served and this is discussed rather casually, both describing them as 'little' suggesting that they are insignificant. However, the way in which participants discussed the repetition of going 'in and out' of prison highlighted just how significant an aspect of their lives prison is, with difficulty distinguishing between their different sentences as their experience across all of them had amalgamated.

In discussing their sentencing, it became clear that participants felt some level of unfairness regarding this, with a view that it was given based on their previous criminal record rather than a reflection of their offence:

> If you've already bin to prison then 9 times out of 10 your goin back (Anthony)

> Once you bin in a couple of times they send you back every time, dunt matter what ya done they just see ya record ' oh he's bin in prison 5 times before lets just send him back' don't mek sense to me, it dint work all them times so why wud it now (Jake)

Here Anthony raises a point that resonates throughout all the participant narratives - that prison does not 'work' and leads participants to question the purpose of prison:

> All I do is come in an out in an out, they may aswell av give me a life sentence if they not gonna help cus this just makes ya worser an I'll always be back in, it pretty much is a life sentence (Keith)

> They say it's meant to be rehab rehabilitate you and stop you doin it but I don't know how when they do nofing with you and it definitely dunt do that, it just gets you off the streets, that's how they stop you doin it, just gets you off the streets but back to square one when those 3 months are over (Anthony)

Both of these extracts powerfully encapsulate the views and narratives of the participants; the purpose of prison is not clear, it does not provide rehabilitation but actually worsens the problem, and without help or support, reoffending and returning to prison is inevitable. According to the Criminal Justice Act (2003), sentencing of offenders has a number of functions: punishment; the reduction of crime; reform and rehabilitation of offenders; protection of the public, and reparation. However, it is clear from the narratives here, as well as the reoffending rates of this sample, that the outlined purposes of sentencing are not being achieved. For some, such as Keith, this leaves them feeling hopeless and unable to change or take control (which again resonates with Maruna's (2001) 'doomed to deviance' narratives) with the realisation that they are essentially serving a life sentence in instalments.

1.2 Set up to fail

There was a general consensus amongst participants regarding the lack of support within prison and upon release. For some, this is portrayed as a lack of progress throughout the prison sentence:

> I applied to see somebody about housing, I've applied to see er a job centre plus, I've applied to see if there doing any courses, I've not heard back yet still sat in pad 24 hours a day (Jake)

> It's just so boring I suppose being locked behind your cell door all day with nothing but four walls to stare at, just so boring, nothing to do (Daniel)

Participants discussed the monotonous routine of prison, with the majority of time spent in their cell and the boredom broken up with meals and recreational time, or for some, attending work or education:

> I was in workshops for a while but just workshops are nothing to do with rehabilitating you to be honest, it's just somewhere you go to earn money erm they just stick you in a shop and tell you to sew (Lloyd)

> Been going to education, got my level 1 english last time and now working on maths, I don't really need em makes no difference really but just fills time in here (Keith)

While some may view these as positive activities for prisoners to be engaging in to develop skills and enhance their CV (MoJ, 2011), in the context of perpetual prison

sentences, such skills are viewed as pointless and from the narratives, it seems that participants view such activities as a method of filling time in what is otherwise a void sentence.

Some participants discussed how the lack of support they had experienced following previous imprisonment had directly impacted upon their need to reoffend as there was no alternative, in essence they felt they were set up to fail:

> Coming to prison and getting out homeless I think it's ridiculous cus you get kicked out with less than £50 in your pocket and if you've lost everything while you've been in prison as well, you're getting out with just the clothes on your back and then you don't get no money for about 5 weeks and plus you're homeless there's no wonder crime happens y'know what I mean…they set us up to fail (Lloyd)

Lloyd highlights a point raised by all participants – that, after their sentence, they are released into essentially the same or similarly difficult conditions that initially led to their previous offence. Moreover, this extract identifies that for some, the conditions in which they are released may be worse than prior to their sentence since they may lose their house or job for being sent to prison. This 'cycle' of disadvantage across multiple areas has previously been identified in the literature (Corden, 1983). The term 'kicked out' within the above extract, used to refer to release from prison, suggests that this process is violent. Coupled with the idea of being set up to fail, this implies a sinister nature of the criminal justice system and supports the recognised failings in the reintegration or re-entry of individuals post release (Maruna, 2011). Lloyd goes on to highlight the struggles faced after release in setting up benefits and having no possessions, money or accommodation, difficulties that are widely

accepted within the literature (see Williams, Poyser & Hopkins, 2012). The ‘finance gap’ between release from custody and receiving benefits has long been a concern, leaving many ex-prisoners with a minimum period of two weeks with only the discharge grant (£46) which is considered by many as insufficient (see Citizens Advice Bureau, 2007; SEU, 2002). This has since been addressed as prisoners are now able to apply for benefits before their release, although this is not always successful at bridging the ‘gap’ (HMIP, 2016) and this was not applicable to the current participants as the interviews were conducted prior to the changes coming into effect. Such circumstances left individuals feeling that they were incapable of change:

> I’ve always knew I’d be coming back cus I, like all other times I’ve had nowhere to live and things would of probably been different if I had somewhere to live or if I had help wi me drugs I think it would have bin different (Levi)

There is a powerful finality in this narrative from Levi’s recognition that future prison sentences were always certain and his reflection on the difference that support may have had on his ability to stop offending. While some participants acknowledge that support is available for some, the short nature of their sentences excludes them from participating:

> They come round and offered me courses and that to do but cus me sentence is so short they said it won’t be a possibility and that I won’t get round to doing em but I don’t mind to be honest I just wanna get me head down and stay on me bed until I get out (Peter)

Support with housing and drug addiction were the highest areas of need within the sample, however, participants also discussed the need for more practical support, for example, with applications for benefits, access to healthcare and general moral support upon release. This pattern of need is in line with previous findings (e.g. Lewis et al., 2007). It must also be considered that while the participants here report a lack of services and support being available, it is a possibility that actually they are unaware of them or chose to not engage. Within the above extract, Peter demonstrates a lack of motivation or desire to engage and so it is unlikely that he would have engaged with support even it was available and instead would rather wait out his sentence doing nothing. This perspective was also shared with other participants and is one of great importance since desistance literature supports the notion that individuals need to be ready and willing to change, as well as having the required support and options to make the change to a non-offending lifestyle achievable - an alignment between both internal and external variables (Serin & Lloyd, 2009).

1.3. Prison paradox

There was a clear ambivalence regarding prison as participants told their stories and this resonates throughout the narratives – prison was easy, effortless and short lived but it was also difficult and challenging in numerous ways. Participants wrestled with this throughout the interviews, reflecting on both the negative and positive aspects of their imprisonment.

> I'm glad actually I've come to prison this time, cus I've detoxed, I've done me detox (Robert)

> 80% of people who come to prison come to get off the drugs, there's no help out there so what's next best place? Prison (Peter)

The relationship between prison and drugs was a complex one that all participants discussed – for some it was the cause of their offending, for others it was a consequence, for some prison offered a drug free haven and a way to detox whereas for others prison escalated their drug use. Here Robert clearly recognises the benefits of his current sentence as he has had the opportunity to detox off drugs and demonstrates a positive way of making the most out of a bad situation and actually gaining something as a result of his imprisonment. However, Peter suggests that coming to prison is a conscious choice that people make due to a lack of substance misuse support in the community, suggesting that they only commit crime as a means to gain the support that prison offers. This raises an interesting point that for some, prison may provide access to services or opportunities that they may not otherwise feel are available to them:

> I do mind coming to jail but I don't mind as well cus I know I'll be alright and I'll get a good job, I think that's a lot of it as well I get a trust worthy job and cus I can't get a job out there I feel more, I don't know it makes me feel better in myself cus I've got a job (Jake)

There is uncertainty within this narrative as, although Jake recognises that prison is not ideal, he also recognises the benefits. His reference to 'I know I'll be alright' appears to be based on his previous experience of prison and as such he knows what to expect. This reassuring knowledge is provided as reasoning for his blasé, 'I don't mind attitude' towards going to prison. For him, prison offers an environment in which he can construct a meaningful identity in terms of gaining employment and having a trusted position which he is proud of, making him feel more worthwhile. In contrast, Jake discusses being unable to achieve these things in

the community which leaves him with feelings of worthlessness and being unable to provide for his family. Jake clearly feels positive about this and while research suggests that developing meaning and purpose in prison could promote positive identity change that could be useful post release (Blagden & Perrin, 2016; Perrin & Blagden, 2014), if the environment outside of prison does not provide opportunities to maintain this, as Jake has described, then individuals may again, unintentionally, be set up to fail with evidence to suggest that unrealistic post release expectations can be detrimental (Bucklen & Zajac, 2009).

Participants also acknowledged the benefit of having access to healthcare services, the dentist or an environment that is simply safer or better than being homeless '…that's why I I want that bothered about coming back to prison cus its like it's a roof over your head in it' (Lloyd). A number of consequences of imprisonment, for example, financial costs, debt or the impact upon family were also realised:

> I nearly lost everything like family, house, everything…It's like er, me first son, I missed him getting born cus I were in jail (Robert)

> I can't say I've done much really in me life, not like what you say what you'd do you know, I ant really lived a life (Daniel)

> She's [sister] got 2 kids now husband, well she's getting married next year and she's got her own house and that and I've got fuck all (Levi)

It was apparent from the participants' stories that imprisonment impacts negatively upon 'everything' – relationships, stability, opportunities and significant life events. For both Daniel and Levi, the comparison to others highlights the missed achievements and

experiences that they feel, echoing a sense of regret and mourning for a life they could have had. As apparent within these extracts, this typically leaves participants feeling that they have nothing.

For the majority of the participants it appears that there is an ongoing battle between the benefits and consequences that prison offers. One sentence taken in isolation is manageable, effortless and short lived however in the context of repeated imprisonment, in which the consequences build and accumulate, prison becomes much more difficult.

2. You'd do the same if you were me

2.1 A way of life

Participants discussed their offending lives as something that was inevitable, simply a way of life or all they had ever known. A lifestyle pattern emerged among the participant narratives, starting with problematic behavior, offending from a young age, dropping out or being excluded from school, substance use and a life of crime.

> I dint really like primary school either to be honest, I was a bit of a off the rails there as well, always in trouble but yeah it got worse when I got to secondary school…fighting, stealing, anything, just generally misbehaving (Daniel)

> I hated it [school], I wish I could go back now but from a younger age I just used to be a rebel, I always used to get suspended and always in trouble, got locked up first when I was 16 just before I left school, and just bin a rebel ever since (Levi)

The majority of participants held negative views of school, and it was usually within school years when the problematic behaviour became apparent. The use of ‘always’ within both extracts emphasises the constant nature of their behaviour and being reprimanded because of it, with Daniel also highlighting the non-specific / broad nature of their actions by engaging in any form of misbehaviour. This is discussed in a very casual manner suggesting that this is not unusual. For Levi, when describing his former self, the use of ‘I just used to be a rebel’ suggests that being a rebel was part of his make-up, part of him and therefore the connotations that accompany this label in terms of resisting authority and in this case, suspension, offending and imprisonment were all inevitable. The continuation of this throughout his life is then supported in the present tense stating he has been that way ‘ever since’. Daniel demonstrates some recognition that his behaviour was not following a ‘normal’ course, describing himself as ‘off the rails’, a metaphor which indicates a lack of control.

Participants attribute their offending to a number of different factors, for Lloyd this was ‘hanging around with the wrong people’. Here, his use of ‘wrong’ implies the people he is referring to are bad or criminal and he uses this to attempt to refute some responsibility for his actions and place blame on others. Levi suggests that his offending behaviour is due to the environment in which he lived and his upbringing:

> Always in and out of trouble…where I lived people like it’s a bit of a rough area and it were like everybody had someat to prove…cus I’ve always lived there, I got brought up doing it, if anybody say owt you hit em that’s how I got brought up (Levi)

In the above extract, Levi presents the area in which he was raised as ‘rough’ in order to explain his actions; it was something he had to do or all he knew. His response to a verbal

threat with violence reflects his need to be the strongest or as he suggests ‘prove’ himself and this behaviour continues throughout his life, accumulating numerous convictions for violence. The extract has a sense of being trapped in a life a deviance with no hope of escape, a concept Maruna (2001) termed ‘doomed to deviance’ from the narratives of persistent offenders, and presents a standpoint that is incongruent to potential change due to feeling that it is permanent or out of their control (Maruna & Copes, 2005). To some degree, the arguments presented by participants are supported within the literature, consistently demonstrating that deprived urban areas have disproportionately higher levels of victimisation and known offenders (London Criminal Justice Partnership, 2011). Furthermore, growing up in disadvantaged neighbourhoods (neglected, higher levels of crime or availability of drugs), having low education attainment or antisocial peers that are involved in crime or drug misuse, are all recognised risk factors towards becoming criminally active (Crow, France, Hacking & Hart, 2004; Farrington, 2005).

2.2 Basic needs

Participants discuss their offending as being driven by a basic need for something in order to survive, whether it be food, money or drugs:

> I used to get £38 a week of of benefits, of which I had to pay twenty four of it to stay at the hostel so I used to end up with about £14 a week, of which doesn’t give a week’s worth of food or owt so I used to go out and try and get money, so yeah I got caught with the burglary (Anthony)

Within the above extract, Anthony explains and almost validates his burglary offence as being a result of his low income due to unemployment which inevitably resulted in the need to accrue money, which is discussed as a regular requirement. The way in which Anthony casually describes the resultant burglary and the fact that he got 'caught', indicates his nonchalant attitude towards the offence.

While Anthony prioritises and funds his accommodation, and consequently commits crime to sustain this, a number of other participants who had no accommodation have numerous offences linked to criminal damage and breaking and entering in order to overcome being homeless. However, this straightforward association with accommodation and crime is not apparent among all participants. For those that remain homeless, this brings with it different needs:

> Definitely definitely 100% being homeless being homeless you're going back on drugs whether you like it or not cus you need the drugs to survive (Peter)

Here, Peter introduces the idea that drugs are pertinent to survival when you are homeless, rather than them simply being a choice ('whether you like it or not'), again echoing a sense of hopelessness and lack of control or autonomy. This appears to be generalised to anyone that is homeless rather than just his own experience. This interaction between different issues (e.g. homelessness and substance use) is accepted within the literature, with the problems faced by short sentenced offenders often being inter-related (Anderson & Cairns, 2011).

While these participants present a more complex means of drug use for survival, other participants simply discuss their offending, as a method to obtain money to fund an addiction: 'just nickin to feed habit for heroin and crack basically' (Daniel). Prior research has also

identified similar findings with over half (55%) of prisoners reporting their offending to be drug related, most commonly to fund their drug use (Prison Reform Trust, 2012).

3. Negotiating an identity

3.1 A role that fits

For some participants, their offending behaviour is focussed around fitting in. For Robert, getting into trouble meant that he struggled to fit in with his 'well to do' family, describing himself as the 'black sheep' and the 'bad one' to emphasise how different he felt. Additionally, being clever at school also made him different to his friends and as such, he used crime as a method of fitting in:

> Cus like all my family is pretty well to do, I'm the black sheep, I'm the only bad one in my family, no one else has been in trouble or anything… it was, drunken fighting and trying to make a name for me self in town more than anything else… at school I was like, a bit of a like a goody two shoes really, and like, all me mates were in like lower, lower ranked classes kind of things and I were, well I were a bit cleverer at school so it were opposite way round there. So I, I started shop lifting. It were football shirts and things like that. And I was selling them at school, to, to me mates and just tried to fit in like that (Robert)

Here Robert describes being the odd one out at school, due to the fact that he was a higher achiever than his friends. He explains that he resorted to shoplifting to fit in and counteract this 'goody two shoes' label, with the desire to impress peers being recognised as an influential factor contributing to delinquency (Moffitt, 1993). After getting into trouble,

Robert accepted that he would not fit in with his family and therefore sought out other methods of fitting in with different people, committing numerous crime and serving prison sentences to ‘make a name for meself’ and gain respect in his local area. The labelling theory can be used to explain such a response, arguing that the deviant label and reaction from society can encourage individuals into deviant social groups in which their criminal activities are accepted (Becker, 1963). These behaviours may also contribute to offenders establishing and maintaining high criminal self-efficacy, despite numerous arrests and prison sentences, thus likely decreasing their motivation to desist from crime (Brezina & Topalli, 2012). For another participant, his offending behaviour was about living up to a role or status he had achieved:

> My group of friends we was the main people in the school...there were about 7 or 8 of us, I was the nutty daft one, the one that had a laugh and that who’s fighting all the time and getting into trouble all time wiv another lad, one lad used to get all the girls and it were like that, we all had us set like a set role sort of thing and used to go out and I just used to pick a fight with anybody (Levi)

Here the way Levi introduces his group of friends as well as his particular role within the group echoes a sense of pride, being recognised by others as being good at something. As such, this has become part of his identity, providing meaning and purpose to his role within the group and life generally. His behaviour (‘I just used to pick a fight’) is his method of living up to his role and his discussion of everyone having a ‘set role’ indicates that if he did not behave in this way he would lose his status and potentially his place within the group. However, this is not a process of simply living up to a role, instead, the role creates self-definition, with self-referent labels and roles being the ones we tend to live up to and that

contribute to our core identity (Burkitt, 2008; Horley, 2008) with offence narratives shaping criminal behaviours and actions (Youngs and Canter, 2011). Furthermore, it is recognised that crime supportive values and attitudes as well as criminal embeddedness, as displayed to some extent here, are key to criminal persistence (Bernburg, Krohn & Rivera, 2006) and that commitment to criminal roles is significant in developing and maintaining a criminal identity (Matsueda & Heimer, 1997).

3.2 Labelled

A number of participants acknowledged that their criminal record would remain with them and discussed the negative impact that this, and the ex-offender label that accompanies it, has. Research also supports this, as the negative effect that labeling has on offenders is well documented (e.g. Chiricos et al, 2007). Four participants explicitly reported discrimination or prejudice when seeking employment due to their offending history. For Jake, his offending and criminal record are a heavy burden which will impact upon the rest of his life. He discusses the difficulty securing employment as employers prefer applicants without a criminal record leaving him at an immediate disadvantage:

> It's hard to get a job, people don't don't wanna employ ya if you've got a criminal record they're a bit more wanting to go with people that's got a clean slate than if you've got a criminal record (Jake)

Similarly, Peter's commitment to finding employment while awaiting trial for his current offence was futile and he describes a hostile response to his circumstances:

> I've been down job centre every week trying to find work, obviously having to declare that I'm wanted in court and then most of the time people don't want to know when you let when you tell em that (Peter)

Exclusion of those with a criminal record by employers is recognised as an ongoing problem, with more than 60% deliberately excluding individuals on this basis (Prison Reform Trust, 2012). In this respect, opportunities and options for individuals to lead conventional lives and thus desist from crime are 'knifed off' or blocked by their criminal record and accompanying offender label (Caspi & Moffitt, 1993; Sampson & Laub, 1997; Maruna & Roy, 2007). Additionally, participants report other forms of rejection in response to a label assigned to them by their previous actions, for example, as a drug user, recognising that it is not only the offender label that has negative connotations. Daniel reports the difficulties with this as 'once you've been a heroin addict it's hard to get back in with them friends who haven't touched it'. This emphasises a point raised by Goffman (1963), that when someone is labelled as a deviant one of the biggest challenges they encounter is how they manage their identity when interacting with others, which for Daniel was to avoid and lose contact with the people who knew him, despite this not being the outcome he desired. He differentiates between himself as an addict and 'them', the friends who are not addicts.

> All me real friends I used to have was a bit like me, they'd find out they had a friend who was a smack head and not want owt to do wiv him anymore, so I lost contact wiv all me old friends (Anthony)

Here Anthony compares his friends' reactions of not wanting contact with him to how he would have responded prior to his drug use suggesting that he understands. However, the way

in which Anthony describes his own circumstances that led to this in the third person with reference to ‘a friend’, may provide a method of distancing himself from these circumstances. This could be due to embarrassment or shame around his actions and only reverts back to the first person and use of ‘I’ when discussing the apparent consequences. The reference to ‘real friends’ is linked to the realisation that numerous participants have discussed, that the friends that they currently have are ‘all associates they’re not friends’ (Levi). This echoes the isolation that Anthony feels in the understanding that he no longer has any real friends as a result of his drug use. Maruna, LeBel, Naples and Mitchell (2009) highlighted the importance of Pygmalion and Golem effects in offender rehabilitation, with the Golem effect (low expectations of people leads to poor outcomes) being linked to recidivism while the Pygmalion effect (higher expectations leads to more positive outcomes) has been linked to improved offender reintegration. As such, the negative response and low expectations from others, as noted here, can be detrimental, causing individuals to internalise the views of others and thus continue deviant behaviour.

Conclusion

In adopting a phenomenological approach, this research aimed to develop a rich understanding of the perspectives and experiences of those with a history of serving short sentences. The overarching aim was to attempt to illuminate, through analysing participant narratives, what it is about short sentences or those individuals who frequently serve them that can explain the high rates or repetitive nature of reoffending in this population.

The superordinate theme of ‘You’d do the same if you were me’ echoes a sense of hopelessness from the participants, with a belief that offending was inevitable based on circumstances. This portrayal of themselves as ‘powerless to overcome their problems and therefore doomed to deviance’ (Maruna, 2001, pg.74) is likely to maintain criminality and

prevent individuals from considering or attempting to desist from crime. However, we know that some persistent offenders do eventually desist from crime, and so research exploring how this change occurs within a short sentence population would be useful to inform the interventions for those still stuck in the cycle of offending.

The findings highlight a process of participants 'negotiating an identity' through committing crime and dealing with the detrimental effect of the labels assigned to them because of their offending history. This is particularly important when considering that the findings also identify some positive aspects of prison, including contributing to a meaningful identity, which participants are then unable to maintain in the community. This clearly has implications for those being released and identifies the need for more opportunities to promote engagement in activities that will help develop and maintain a sense of meaning and purpose, which can contribute to a positive identity change.

The findings also highlight how taken in isolation, one short sentence is easy, manageable and short lived. However for those individuals who regularly serve short sentences and for whom the repeated movement between prison and community is a significant part of their lives, the negative effects and consequences of repeat sentences accumulate. It is clear from the findings that the participants here did not understand the purpose of their sentence, as prison did not provide rehabilitation. Instead it exacerbated their problems, with participants sharing a view that they were 'set up to fail', due to a lack of support, treatment and opportunities. This is important and urges us to question what short custodial sentences actually achieve and whether alternative sentencing sanctions may be more appropriate for some. This lack of hope is also reflected in staff now responsible for the supervision and support of these individuals (HMIP, 2016), who demonstrate an acceptance of the likelihood of failure among short sentenced prisoners. It is likely these views of both

staff and prisoners feed into and worsen an already hopeless attitude to the future of these participants.

For some offences (e.g. some sexual or violent crimes), we require that offenders demonstrate a reduction in risk of reoffending prior to release. Yet for this population, who incidentally demonstrate the highest reoffending rates, we identify their areas of risk or need, but did not (until recently), consistently monitor or address these prior to release, an approach which this research highlights was ineffective. As previously mentioned, since completing data collection for this research, the Offender Rehabilitation Act (2014) came into effect, providing a minimum 12 months statutory supervision post release for all offenders sentenced to more than one day in prison. Alongside this, Transforming Rehabilitation saw the introduction of Community Rehabilitation Companies (CRCs) to provide 'Through The Gate' resettlement services to manage the needs of individuals and provide support during the transition from prison to community for all short sentenced offenders. Considering that some of the key roles of CRCs were identifying and addressing needs related to accommodation, substance misuse, employment, finance and debt (NOMS, 2015), it was hoped that these changes would more effectively address some of the needs of this population, as highlighted by this research. However, it appears that to date this has not been the case, with a recent inspection identifying that many short sentenced prisoners are still being released without their needs being met and often unidentified (HMIP, 2016), resulting in continued problems post release in these key areas. Furthermore, the inspection identified still problematic rates of reoffending as well as recall to prison as a result of the unattainable requirements of statutory licensing and supervision (HMIP, 2016). In addition to the basic needs already discussed such as accommodation and employment, it is clear that the needs described by participants here go far beyond the basic level of need that the new legislation are attempting to address, albeit unsuccessfully at present. Given the poignant description of participants'

need for a sense of meaning and purpose that is difficult for them to find in the community, there is a need for activities that provide this and thus support the creation of a new identity. As such, despite the new legislation and changes coming into effect to attempt to support and address some of the needs of short sentenced prisoners, it is clear that the problems identified by this research are ongoing and much more needs to be done.

Finally, although the current research has highlighted some important findings, it is not without its limitations. Considering that the lowest number of previous custodial sentences in the current sample was 4, it is a possibility that the volunteer sample is biased towards those with a higher number of previous sentences. While these individuals have the most experience of the Criminal Justice System, this does have implications for the application and generalisability of the findings, reflecting more the experiences of those with higher rates of recidivism and incarceration, rather than, for example, those with only one previous sentence. In addition, all participants were sampled from one prison establishment within the East Midlands. As such, their experiences of the Criminal Justice System and more specifically short sentences, may differ to those in a different prison establishment or within a different geographical region. Future research could look to address this by sampling from a number of different establishments. Lastly, as with all qualitative research, the small sample size means that the extent to which the findings can be generalised is limited. However, this is not strictly considered a limitation as research of this nature is not intended to be generalised but instead aims to provide richness and depth.

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Table 1: Participant Information

Pseudonym	Index offence	Sentence length	No. of previous custodial sentences
Anthony	Common assault x1 Breach of a restraining order x1	6 months	11
Daniel	Shop theft x5 Failing to surrender to custody x2 Breach of community order x3	8 months	6
Jake	Shop theft x1 Breach of a community order x1	8 months, 2 days	13
Keith	Driving when drunk x1 Failing to surrender to custody x2	4 months	17
Levi	Burglary (not dwelling) x1 Theft (pedal cycle) x2	7 months, 7 days	16
Lloyd	Burglary (not dwelling) x1	10 months	14
Peter	Common assault x1	4 months	4
Robert	Breach of a community order x1	5 months, 14 days	7

Table 2: Breakdown of themes

Superordinate Themes	**Subordinate Themes**
1. Living short sentences	1.1 A life sentence in instalments
	1.2 Set up to fail
	1.3 Prison Paradox
2. You'd do the same if you were me	2.1 A way of life
	2.2 Basic needs
3. Negotiating an identity	3.1 A role that fits
	3.2 Labelled