

Literature review: UK veterans and the criminal justice system



Executive Summary

In comparison to the United States (US) there has been a lack of reliable research on the subject of the United Kingdom's (UK) veterans and the criminal justice system. However, Defence Analytical Services and Advice (DASA) have recently provided some useful evidence and there is a promising study, from Kings Centre for Military Health Research (KCMHR), in the pipeline. Despite this, our understanding of this subject matter is quite poor and there is a need to explore veterans' pathways to offending. This might be best achieved through a qualitative study of the experiences of veterans in UK prisons.

There is some debate about the presence of veterans in the prisons of England and Wales but the most reliable evidence suggests there are 2,820 individuals making up 3.5% of the total prison population.

Using these figures, veterans are 30% less likely to be in prison in England and Wales than non-veterans. Comparatively, veterans in the US are also less likely to be in prison than non-veterans.

Veterans in English and Welsh prisons are sentenced for a wide range of offences but the most common are violence against the person, sexual offences and drugs. This is broadly similar to the situation in the US. UK veterans are less likely to be in prison than non-veterans for all offence types except for sexual offences.

There is little evidence to support the common assumption that experience of conflict increases the likelihood of violent behaviour post-Service, although there is some proof that it leads to increased levels of risk taking behaviour.

Literature review:

UK veterans and the criminal justice system

As a result of the conflicts in Iraq and Afghanistan, there has been a focus from politicians, the media and the public on the experiences of the Armed Forces members involved. There has been increased concern that military Service, and combat experience in particular, can have a negative impact on health and wellbeing. There has been a debate about whether UK veterans are increasingly and disproportionately involved with the criminal justice system in significantly higher numbers. This paper aims to review the available evidence on the subject, suggest where further studies might increase understanding of the issue and inform the Legion's service and strategy development.

The numbers

Napo, the trade union for family court and probation staff, published a briefing in 2008 which included findings from a self-reporting survey, undertaken by the organisation Veterans in Prison, of the population of 10 UK prisons. They extrapolated the figures to estimate that 9.1% of the UK prison population had a Service history, equating to 8,500 individuals. The following year Napo undertook a further survey of probation staff and again extrapolated the results to estimate that 12,000 veterans were under the supervision of the Probation Service in England and Wales on either community sentences or on parole. This accounted for 6% of all those under supervision. While these surveys provide some insight into the situation, it must be noted that they are small scale, involved no confirmation of veteran status, nor did they account for the higher concentration of veterans in certain areas of the country.

Previous studies have found incarceration levels of veterans to be both above and below the Veterans in Prison figure. The highest rate to date, 16.75%, was produced by a pilot survey of inmates in just one prison, HMP Dartmoor (Prison In-Reach Project). The Home Office has conducted surveys of 2,000 prisoners at the

point of release in 2001, 2003 and 2004 and found that veteran presence was 6%, 4% and 5% respectively.

In response to the Napo figures, Kent Police instigated a pilot monitoring project of veterans arrested and taken into custody. Their initial results for a seven week period between mid-April and early June 2010 reported 232 veterans among a total of 7,200 individuals arrested. Veterans, on a self reporting basis, made up 3.2% of the total of those arrested.

The most comprehensive and robust study undertaken in the UK produced the two reports in 2009 and 2010 from a collaboration between the DASA and the Ministry of Justice (MoJ). This work matched a database of all prisoners in England and Wales on 6 November 2009 with another holding records of Regular UK veterans. A total of 2,207 matches, constituting 2.7% of the total prison population, were made. The database did not, however, include those that left Service before 1979, 1972 and 1968 for the Navy, Army and Royal Air Force respectively.

In 2010 DASA released a second report that both addressed this incompleteness and provided further analysis of the veteran population in the prisons of England and Wales.

The researchers used the available data to estimate that an additional 613 prisoners will be older veterans. This updated the estimated total number of veterans to 2,820 or 3.5% of all prisoners.

The key finding from the second stage of DASA's research is the finding that Regular veterans are less likely to be in prison than the non-veteran population. The number of male non-veterans in prison was found to be 496.3 per 100,000 compared to 298.4 for Regular veterans. These figures were adjusted for age ratio to provide a finding that Regular veterans are 30% less likely to be in prison than non-veterans.

Research on this subject in the US allows for a comparison over time, as well as providing a wider analysis. The US Department of Justice has used a series of wider surveys of inmates in state and federal prisons, and a further survey of those in local jails, to provide estimates of the numbers of veterans in prison and to compare them on a range of issues against the non-veteran prison population.

In regard to the presence of veterans as a proportion of those in prison, this has been found to have fallen in state prisons since 1986 from 20% to 12% in 1997 and 10% in 2004. Figures for federal prisons starting from 1991



recorded the same decline. It must be noted, however, that between 1985 and 2000 the total number of veterans in prison actually grew by 50,000, or 53%. However, the overall growth in prisoners was three times greater. Since 2000, the general growth in prisoners slowed considerably and the number of veterans in prison fell by 13,100 or 9%. This reflects the declining numbers of veterans in the US, down by 3.5 million between 1985 and 2004 and constituting 16% and 11% of the adult population respectively.

In line with that reported for England and Wales by DASA, US veterans, in comparison to other men, have lower incarceration rates – with the gap growing since 1985. In 1985, veterans were imprisoned at a rate of 368 per 100,000 against male non-veterans at 646 per 100,000. The latest research from 2004 shows that while the rate for veterans had risen to 630 per 100,000, they were at this later date less than half as likely to be in prison as male non-veterans at 1,390 per 100,000.

This difference can, however, be largely explained by age as, similarly to the UK, veterans are older than other men in the US and older men have lower imprisonment rates overall. Importantly the 2004 research found that if veteran men had the same age distribution as non-veteran men the imprisonment rates would be similar at 1,253 per 100,000 and 1,390 per 100,000.

Profile

The only research that provides any information on the profile of UK veterans in prison is the second DASA report. According to this, veterans in the prisons of England and Wales have a wide spread of ages. Just under half are aged between the years of 18-44, with the remainder being 45 years plus. Within these two groups there is no particular concentration although only 1% are aged 75 plus.

In terms of rank, DASA found only 1% of veterans in prison were recorded as Officers, with 7% unknown and the remainder being Other Ranks. This is an under-representation of Officers, who accounted for 14% in 1975 and 17% in 2009 of the Regular Armed Forces.

The DASA research also provides some information on the length of time between discharge and the start of the current sentence being served. This ranged from zero to 41 years, with 6% of veterans beginning their current prison sentence within one year of being discharged, 22% within five years and 41% within 10 years.

Types of offences

The US Department of Justice research also compares the types of offences veterans and non-veterans commit. The 2004 work found that 57% of veterans in State prisons were serving time for a violent offence, including 15% for murder and 23% for sexual assault including rape. Among non-veterans, 47% had committed a violent offence including 12% serving time for murder and 9% for sexual assault. One in four veterans in State prisons were sex offenders compared to one in ten non-veterans.

The research found that when veterans reported they had committed a violent crime it was more likely to be against females only, at 60%, compared to 40% for non-veteran violent offenders. Veteran violent offenders were also more likely to have known their victim and for victims to be aged 17 or less.

The 2004 US Department of Defence figures for personnel held in US military prison also show high rates of violent and/or sexual offences. Rape or sexual assault at 29% was the most common offence. Violent offences in total (which includes sexual assault) accounted for nearly half of all offences followed by drugs at 22% and military offences at 14%.

While not as comprehensive as its US equivalent, there is some data available on offence type in the UK. The 2010 DASA report found the most common offence type among veterans in prison to be violence against the person at 33%, followed by sexual offences at 25%, and drug offences at 11%. Unfortunately, these offence types are not broken down into sub-groups, so limiting the understanding that can be gained from them.

Violent and sexual offences combined account for 58% of all veterans' offences in England and Wales. This is a very near match to the figure provided above for 2004 in the US, where 57% of veterans had committed violent offences (including sexual offences). However, this comparison must be treated with caution as it only looks at headline figures and there are likely to be some differences in definition and categorisation.

The DASA report also provides a comparison by offence type of the general population against that of the Regular male veteran population aged 18-54. In almost every offence group, including violence against the person, the general population has a higher offending rate than the Regular veteran population.



However, the one exception is with sexual offences where, adjusted for age, the latter has a 13% higher rate of imprisonment.

There are some smaller and less robust studies that show some similarity with both the DASA and US findings. The Kent Police pilot study of veteran arrestees provides some figures for the reasons for arrest, with violence at one-third being the most common. Beyond this, the most common category is an undefined 'other' with drunkenness, shoplifting, criminal damage, sexual offences, burglary and drugs each accounting for between 6% and 8% of arrests. It is not possible, from the evidence published to date by this small-scale pilot, to compare the reasons for veterans' arrests with the same for non-veterans.

The 2009 Napo report provides a breakdown of types of offences of 90 case studies gathered for the research. The case studies are, however, a non-randomised sample so any figures have to be treated with caution. Of 90 case studies, the most common conviction was for violence in a domestic setting, featuring 39 times, with 'other' violence accounting for a further 18 cases. Approximately 11% involved an offence against a child and in most cases this was sexual.

Napo reported five of the veterans were serving time as a result of serious driving offences. Interestingly, KCMHR found an increased rate of reporting of risky driving behaviour amongst those returning from Iraq. It is thought that this might be reflective of a general tendency for sensation seeking after the stimulation of deployment.

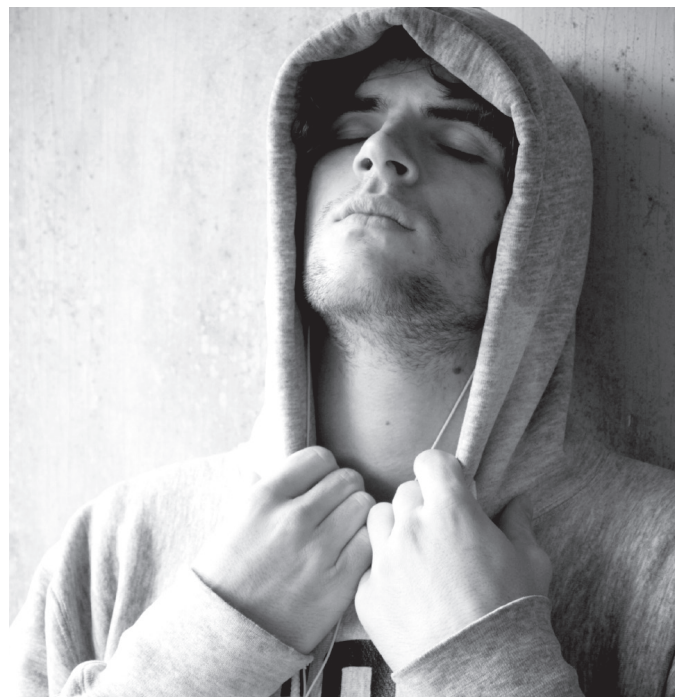
Combat and conflicts

There is sometimes an assumption that experience of combat increases the likelihood of violent behaviour post-Service. The available research on this provides little support for the assertion. There is currently no published

research on UK veterans, although KCMHR are currently exploring the impact of deployment on aggression and criminality.

The 2000 version of the US Department of Justice research found that veterans in prison with combat experience were no more likely to be violent offenders than other veterans. There was, overall, little difference in the offence types between combat and non-combat veterans.

The same research did find that Vietnam War-era veterans (not necessarily with experience of combat) in prison were more likely than veterans of other conflicts to have committed a violent offence. There was a noticeable difference in the Vietnam veterans' conviction rate for murder at 20% compared to veterans of other conflicts at 14%. Studies of Vietnam veterans have suggested that increased combat exposure predisposes individuals to later criminal behaviour (Yagar). KCMHR has cast doubt on these studies as they were based on retrospective self-reporting, creating a risk of selective recall.



Substance abuse

The DASA research found that 10% of Regular veterans were imprisoned for a drug offence compared to 22% in the US. Male veterans in England and Wales are imprisoned for drugs offences, proportionally, at less than half the rate of the general population.

The Kent Police pilot study found that drunkenness accounted for 8% of the veterans arrested, with 6% being the figure for drug possession. As with the other figures from this study, there is no way to compare them with those for arrested non-veterans. Amongst the 90 case studies for the 2009 Napo survey, 39 involved use of alcohol as a problem factor although not necessarily the direct reason for imprisonment. In 13 cases, drug use was seen as a major issue.

There have been other studies that have found alcohol use to be an issue amongst Serving personnel. Studies of homeless veterans have found they are more likely to report alcohol-related problems than their non-veteran peers (Randell and Brown, Johnson et al), although these same veterans were less likely to report misuse of illegal drugs. This is thought to be at least partly explained by the older average age of homeless veterans.



Some of the homeless participants of these studies have reported links between an Armed Forces drinking culture and their alcohol problems (Johnson et al, Milroy, Gunner and Knott). Other studies have found that, amongst still Serving personnel, the prevalence of heavy drinking is higher than in the general population (Fear).

Further research

While the picture has improved considerably in recent times, with the publication of the DASA research it is clear that in comparison with the US there is a lack of understanding of the involvement of veterans with the UK criminal justice system.

The KCMHR research on the influence of combat on aggression and criminality amongst UK military personnel should also provide a clearer analysis of an often assumed relationship. This later research should hopefully provide a greater understanding of any associations between risk factors including military experiences, sociodemographics, pre-Service vulnerabilities and aggressive behaviour/violent convictions.

However, there will remain a lack of deeper knowledge of the experiences of veterans involved with the criminal justice system. In comparison, there are a number of qualitative studies of the experiences of homeless veterans in the UK (Milroy, Gunner and Knott). These provide a deeper exploration of the pathways to homelessness and allow for a greater understanding of the impact of the military experience and pre- and post-Service factors on it. These studies have enabled both the Ministry of Defence and ex-Service charities to tailor their services and provision to assist and help reduce the number of veterans found on the streets.

A similar qualitative study of veterans in UK prisons and the wider criminal justice system might provide an improved understanding

of routes to offending behaviour and imprisonment. It may be particularly useful to try to explore why Regular veterans have a higher imprisonment rate for sexual offences than the general public.

A wider understanding of offending in general might enable Service charities and the MOD to shape support and provision accordingly. An understanding of pre-Service vulnerability risk factors may even prove useful for the development of military recruitment policies.

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