



Review of veterans within the criminal justice system

Submission from The Royal British Legion

About The Royal British Legion

1. The Royal British Legion was created as a unifying force for the military charity sector at the end of WWI, and still remains one of the UK's largest membership organisations. We are the largest welfare provider in the Armed Forces charity sector, providing financial, social and emotional support, information, advice, advocacy and comradeship to hundreds of thousands of Service personnel, veterans and their dependants every year. In 2013, we provided services and grants to over 200,000 Service personnel, veterans and dependants – more than ever before – and spent £10k per hour on welfare support. For further information, please visit www.britishlegion.org.uk.
2. The Legion works with politicians across the political spectrum to improve the lives of the Armed Forces community. We have been campaigning to further the cause of serving personnel, ex-Service men and women and their families since 1921. In recent years, our campaigning work has resulted in a number of significant changes to public policy, including the enshrinement of the principles of the Armed Forces Covenant into statute; the introduction of the post of Chief Coroner to oversee the military inquest process; and substantial improvements to military compensation and welfare benefits for veterans.
3. The Legion works closely with veterans in the criminal justice system, as outlined in further detail below. Our Area Offices, volunteer 'prison-in-reach' caseworkers and specialist Outreach Service all work directly with veterans throughout the offender pathway, and we also provide external grants to a number of organisations working in this field, including the Prisoners' Education Trust and Veterans' Aid. In 2010, we produced a literature review on UK veterans in the Criminal Justice System.¹

Introduction

4. We welcome this opportunity to feed into Rory Stewart MP's review of veterans in the criminal justice system. This is an area which has received extensive media coverage, not all of it entirely representative of the true picture. It must first be noted that, for the vast majority of individuals who serve in the UK military, the experience is a positive and rewarding one which has an overall beneficial effect on their lives. Likewise, the majority of veterans thrive in 'civvy street', and will be assets to any community and career they choose to enter after leaving the Armed Forces. The Legion aims to be at the forefront of challenging negative public misconceptions of Service leavers, to ensure that all ex-Service personnel are able to fulfil their potential without unnecessary barriers.
5. Nevertheless, an awareness of the overall picture for ex-Service personnel does not prevent us from assisting those who fare worse than average; whether that is due to factors associated with military Service or as a result of other problems. Every occupational group is likely to be represented in the criminal justice system, and military veterans are no exception. In addition, the unique nature of military Service may create distinct difficulties for veterans, which we outline in further detail below.
6. When examining this important issue, we also urge the review team (and the Government) not to lose sight of the victims of crime. Undoubtedly, *some* individuals offend as a direct

consequence of mental health problems relating to their military Service, but the majority of veterans' offending behaviour is unlikely to be linked *directly* to their Service in the Armed Forces. Either way, interventions targeted specifically at ex-Service personnel should not enable them to avoid responsibility for their crimes, nor to suggest that they are less 'guilty' than other offenders. This would do a disservice both to those offenders' hopes of rehabilitation and to the future welfare of their victims.

Assessment of the current situation

Ex-service personnel in the criminal justice system: numbers and offending behaviours

7. There are currently no standardised data collection processes, at any stage of the criminal justice system in England and Wales, on incoming ex-Service personnel. This reflects the UK's wider lack of understanding of veterans in our society. We cannot say for sure how many ex-Service personnel are currently living in England and Wales – nor where in the country they are distributed – because there are no questions on prior military Service on the national census. The Legion has been working to try to ensure that such questions are included on a number of national household surveys, including the Health Survey for England and the Family Resources Survey. We are also in the process of producing a second household survey of the ex-Service community (due for publication later this year), to update our 2005 research and provide up-to-date comparisons with the general population.
8. Different research projects on the numbers of veterans in prison have produced varied results.² In summary:
 - Home Office research in 2001, 2003 and 2004 found that veterans made up six, four and five per cent (respectively) of 2,000 prisoners surveyed at the point of release.
 - Small scale surveys by Napo, published in 2008, found that around nine per cent of the UK prison population and around six per cent of those under supervision by probation services had an ex-Service background (based on self-reporting, with no verification of Service history).
 - Reports by DASA (defence statistics) in 2009 and 2010 matched existing data on prisoners and UK veterans, concluding that veterans are likely to account for around 3.5 per cent of all prisoners. Male veterans aged 18-54 were less likely than the general population to be in prison, but more likely to be in prison for sexual offences.³
 - More recently, HM Inspectorate of Prisons published findings from a 2012 survey of 4,731 adult male prisoners, and found that seven per cent of prisoners identified themselves as having an ex-Service background (also based on self-reporting, with no verification of Service history). Within high security prisons and category B training prisons, thirteen per cent of prisoners identified themselves as veterans. Across all surveyed prisons, veterans were more likely than other prisoners to be serving longer sentences.⁴
9. Self-report data on veterans in prison should be handled carefully. In a conference speech in April 2014, Professor Edgar Jones of King's College London noted that asking for a 'show of hands' from prisoners on prior military Service might result in over-reporting, because some individuals may falsely report veteran status in the hope that it might result in special treatment.
10. To put the statistics on veterans in prison into context, we need to compare them with what we know about veterans in the general population. Legion research in 2005 forecast that the UK veteran population would be 4.2m in 2010 and 3.6m in 2015. The ONS estimated that the UK population in mid-2012 was 63.7m, so veterans represented approximately 6.2 per cent of the UK population in 2012. It should be noted, however, that the prison data covers only

England and Wales, and not the whole of the UK. The age profile of veterans also differs from that of offenders.

11. Researchers from the King's Centre for Military Health Research (KCMHR) last year linked data from serving personnel and veterans with national criminal records, and found that male serving and ex-Service personnel were much less likely than men in the general population in England and Wales to have a criminal conviction (17 per cent versus 28.3 per cent).⁵ They suggest that this may be partly attributed to the fact that the peak age for offending in males is the same as the peak age for enlisting in the military (19 years), and that time spent in Service (a median of 12.2 years) will reduce the risk of offending during that period. However, the study only followed up ex-Service personnel who had left the Armed Forces since KCMHR first recruited its military cohort in 2003, so those at the greatest risk of offending represented a limited sample of respondents.
12. The same research found striking differences in violent offending between the military sample and the general population. Acquisitive crime (such as theft) is more common than violent offending in the general population. In contrast, within the serving and ex-serving group, violent offences were the most common type of offence. The military group were also significantly more likely (11 per cent) than males in the general population (8.7 per cent) to have committed a violent offence during their lifetime.
13. Taking account of the evidence outlined above, it seems likely that ex-Service personnel are *less likely* than the general population to commit offences and go to prison. Whilst only small minority of veterans do offend, they are *more likely* to commit violent and sexual offences, and to be in prison for sexual offences, than the general population.

The needs of ex-service personnel in the criminal justice system: statistical data

14. The Howard League for Penal Reform noted that, whilst veterans appear to represent a similar proportion of the total prison population as women do (at around five per cent of all incarcerated offenders), we know next to nothing about the needs profiles of veterans in prison.⁶ In contrast, in part due to the use of separate prisons for women, there is a large amount of data on female prisoners, including on mental health needs, suicide attempts and experiences of victimisation.
15. KCMHR data⁷ indicates that UK Service personnel, in general, are:
 - Not substantially more likely to suffer from probable PTSD than the general population (with rates of four per cent and three per cent respectively), regardless of whether or not they have been deployed to Iraq or Afghanistan;
 - Significantly more likely than other Service personnel to suffer from probable PTSD if they are Reservists or combat troops (around five per cent and seven per cent respectively);
 - Significantly more likely to misuse alcohol, and are more likely to be dependent on alcohol (six per cent in males) than the general population (three per cent);
 - More like to misuse alcohol after they return from deployment to Iraq or Afghanistan, and at a substantially higher rate if they are combat troops;
 - No more likely than the general population to suffer from common mental disorders such as depression and anxiety (again, regardless of deployment status); and
 - Unlikely to seek help for stress, emotional or alcohol problems.
16. A proportion of the initial cohort recruited by KCMHR has since left the Armed Forces, so the second phase of data collection encompassed both serving personnel and veterans. Those

veterans demonstrated continued high rates of alcohol misuse (13 per cent, compared to six per cent in the general population) and higher rates of probable PTSD than those still serving (around seven per cent).⁸

17. KCMHR researchers have also examined self-reported incidences of violence by serving personnel, and found that 12.6 per cent of regular personnel who had deployed to Iraq reported perpetrating violence in the weeks after they returned.⁹ This was the first piece of research to link mental health problems and experiences on deployment with violent behaviour in UK military personnel. Individuals who were over-represented in the group reporting violent behaviour included those who:

- Held a combat role on deployment;
- Experienced multiple traumatic experiences on deployment;
- Reported symptoms indicating probable PTSD or a common mental disorder; or
- Reported heavy drinking.

18. In the data-linked study outlined at paragraph 11, violent offending in Service personnel and veterans was associated with holding a combat role on deployment, PTSD symptoms, alcohol misuse and self-reported aggressive behaviour. Deploying to Iraq or Afghanistan *per se* was not a risk factor, other than for those holding combat roles or exposed to numerous traumatic events.

The needs of ex-service personnel in the criminal justice system: observations

19. As outlined below, Legion staff members work closely with veterans in the criminal justice system; both victims and offenders. The following observations are based on those who seek help from the Legion, or are referred to us by other professionals, so are not necessarily representative of all ex-Service offenders.

20. One such observation is that a small sub-section of veterans find transition from military to civilian life enormously difficult. Some had joined the military at a young age to escape from a difficult family life, or from the care system. Military life provided them with a 'family' in the form of their fellow soldiers, sailors or airmen; a structured, regimented lifestyle; and meaningful (and sustained) employment. They lost all of this when they left the military, and found it hard to adapt to 'civvy street'. Their offending may not be directly related to their Service, but may be linked to the frustration that they experience when confronted with the realities of their new life.

21. Legion staff members have also worked with a number of veterans who they describe as offending on a 'one-off' basis, which was often followed by remorse and a desire to reform. This could be as a result of a violent altercation in which they felt physically capable as a result of their military training, but had failed to control their aggression. This aggression was linked to triggers such as 'goading' and perceived disrespect, frequently coupled with excessive consumption of alcohol. This is well illustrated by a quote from a participant in the Howard League's research on former Armed Service Personnel in prison:

"...But all of my trouble has been since I left the Army, it's all been drinking and violence, it is all alcohol related basically, I lose control when I get pissed. I get in fights when I drink and I am not just saying this but if someone wants to fight me, I know what to do about it."¹⁰

Rehabilitation support provided by the Legion

22. The Legion works closely with veterans in the criminal justice system via our sixteen Area Offices, volunteer 'prison-in-reach' caseworkers and our specialist Outreach Service. In October 2004, we launched the prison-in-reach initiative in partnership with SSAFA and the MOD. The purpose of the initiative was to ensure that all veterans in prison or on probation, as well as their families and those working with resettlement services, are fully aware of the support available from the Service Personnel and Veterans Agency and the Service charities.
23. When requested (either by self-referral or through professionals working within the system), ex-Service offenders and their dependants can access the wider portfolio of support services delivered by the Legion. The Legion's Outreach Service supports beneficiaries who are hard to engage and vulnerable and/or marginalised (or at risk of becoming so) as a result of complex or multiple needs. Issues affecting Outreach clients, some of whom have offended and are close to release, or have been released from prison, include homelessness, substance misuse and domestic violence. Outreach Officers take on a client caseload and provide advice, advocacy and ongoing support to veterans and their dependants. This includes identifying local support services and referring them to specialist interventions, such as treatment for mental illness and addiction.
24. The Legion's Area Offices and, in particular, our Regional Outreach Officers, engage collaboratively with the police, prison officers and probation officers, to ensure that ex-Service personnel can access the support that they need at the right time. For example, Outreach Officers and Area Office staff members attend local and regional Veterans in Custody groups, such as those held in Norfolk and in the North West and North East of England. In addition, our prison-in-reach volunteers often visit prisoners in the last two to three months leading up to their release.
25. The Ministry of Justice retains primary responsibility for meeting the needs of offenders, but the Legion adds value to the support provided by statutory and third sector specialist agencies delivering services across the offender pathway. This might include skills training and employment support (including 'Civvy Street' employment support grants within the last 24 months of a prison sentence and on release), comradeship, tenancy sustainment support on release, and support for families (e.g. benefits and money advice) to reduce stress and conflict while the prisoner is still incarcerated.
26. The Legion also runs an external grants programme which provides funding to organisations supporting Service personnel, veterans and their families. Current funding themes are employment and training, family support and homelessness and outreach. At present, our funding partners include Alabare, which offers supported housing for veterans in Weymouth and Devon; The Matthew Project ('Outside the Wire'), a veteran-specific drug and alcohol programme in Norfolk and Suffolk; and Finchale College, a veterans' training and support service in Durham. We also provide funding to the Prisoners' Education Trust for distance learning courses for ex-Service personnel in prison, and fund Veterans Aid to employ a Substance Misuse Worker to support veterans in crisis.

Future ideas

Reducing and preventing offending in veterans

27. In many cases, the causes of offending in veterans will be the same as those identified in the general population. Childhood physical and sexual abuse, financial deprivation, poor educational attainment, housing problems, substance misuse and unemployment are all likely to be associated with a higher likelihood of any veteran offending, regardless of their

experiences within the Armed Forces. Nevertheless, some of the issues outlined above point to areas of particular vulnerability for ex-Service personnel, which may lend themselves to preventative interventions.

28. For some veterans, a more successful transition into civilian life might reduce the likelihood that they will offend later on in life. [The Legion's formal response to Lord Ashcroft's Review on Veterans' Transition](#) outlines our views on transition in detail. As stated in that response, we believe that the MOD should do more to encourage Service personnel to sit for vocational qualifications and GCSE, AS and A-Level examinations, and their equivalent examinations in Scotland, in a wide range of subjects, which will stand them in better stead for future employment. As recommended by Lord Ashcroft, and in recognition of the poor employment outcomes for early Service leavers, we also believe that the full resettlement package should be made available to all Service leavers who complete basic training. At present, those most at risk of encountering difficulties after leaving Service receive the least support with their transition.
29. The last twelve months of Service in the Armed Forces can be a crucial period when it comes to securing future employment, education or training opportunities. Legion staff members have voiced concern that some of our beneficiaries are unable to take up such opportunities, due their remaining Service commitments. Whilst we appreciate the difficulties involved in balancing the operational requirements of the Armed Forces with the welfare needs of transitioning personnel, we suggest that the move to civvy street might be made easier if there was greater flexibility in the system, including around the enforcement of leaving dates and the take-up of civilian work experience.
30. Given the links between alcohol and violent offending in Service personnel and veterans, we would argue that any attempt to prevent offending in this group will need to tackle alcohol misuse. We suggest that the MOD should take a cross-Governmental approach to this issue, by aligning its policies with the Government's 2012 Alcohol Strategy and the Scottish Government's 2009 strategy, and working collaboratively with the Department of Health, the NHS, Public Health England, the Scottish Government's Health and Social Care Directorate and other relevant devolved bodies, with the aim of bringing rates of alcohol dependency amongst Service personnel down to the levels found amongst civilians of the same age.
31. Similarly, the links between PTSD and violent offending in serving and ex-Service personnel suggest that improvements in the provision of mental health treatment may reduce the risk of offending for some individuals. The ten National Veterans Mental Health Networks (NVMHN) in England are a positive step towards achieving cohesion and clarity in this area, ensuring that the NHS, military charities and other agencies are working together to achieve the best outcomes for veterans and Reservists with mental health problems. There has indeed been significant investment by local NHS commissioners in some parts of England, enabling the Networks to employ their own clinical staff and ensure a smooth and efficient patient journey from assessment to treatment. In other areas, however, funding is limited, and waiting lists for psychotherapy services can be up to two years long. In Wales, investment in Veterans NHS Wales (formerly the All Wales Veterans' Health and Wellbeing Service) has remained static since its inception in 2010, and we believe that improved promotion and funding is required in order to increase awareness and capacity of the service across Wales. In summary, veterans and Reservists will experience a postcode lottery when accessing NHS mental health services across England and Wales.
32. Reservists, who are at a greater risk than Regulars of developing mental health problems as a result of deployment, are able to access the Reserves Mental Health Programme at Chilwell, but the numbers attending are very low; perhaps because individuals in need of help would rather receive it in their local community. We recommend that the Government and

devolved administrations review the geographical distribution of the provision of mental health care for Reservists and veterans across the UK, and consider what additional support they could provide for Reservists experiencing Service-related mental health problems, to ensure that this is at least as good as the support provided for their full time equivalents. This may involve better links between Reservists' units, Service charities and NHS services (e.g. the National Veterans Mental Health Networks in England). It may also require additional investment in community mental health services more generally.

33. KCMHR's research on aggressive behaviour and violent offending in serving and ex-Service personnel suggests that some form of highly targeted anger management-related support could be provided to those most at risk of committing violent offences after they leave the Armed Forces. This could be trialled, for example, with combat troops who have reported higher levels of drinking *and* exposure to numerous traumatic experiences on deployment. If effective, for at-risk groups it could become a compulsory or voluntary aspect of their final 12 months of Service. In relation both to serving personnel and those who have left the Armed Forces, this may be an opportunity for partnership working between Government, Service charities and organisations working with those at risk of entering the criminal justice system.
34. A core aspect of the US veterans courts' approach, and one which many credit with its success, is the use of veteran-to-veteran mentoring support.¹¹ UK research on mentoring has produced promising results in preventative and rehabilitative settings.¹² The Legion recommends that the Government explores the feasibility of introducing a targeted mentoring programme for at-risk individuals in transition, such as those who identify themselves as in need of support when they receive their letter or email from the Veterans Information Service (one year after discharge from the Armed Forces). Support from a veteran from a similar Service background may reduce the risk of offending linked to certain risk factors, such as unemployment or alcohol misuse. Again, this should be trialled and properly evaluated prior to a national roll-out.

Reducing reoffending

35. Interventions aimed at ex-Service offenders could be far better targeted if more was known about the profile of veterans in the criminal justice system. We urge the Government to work to improve data collection procedures in this area. Enhanced information-gathering would better enable statutory and voluntary agencies to provide focused support for veterans throughout the offender pathway, and assist the Government with meeting its commitments under the Armed Forces Covenant. Resources could also be targeted where they are needed most (for example, a high rate of ex-Service personnel entering police custody for, say, drug offences could justify investment in a specialist diversion scheme at that police station).
36. There are numerous examples of 'good practice' within organisations working with ex-Service personnel throughout the criminal justice system. Unfortunately, however, these are largely dependent on the goodwill of individuals working within the system, including prison governors, probation staff, police officers and Police and Crime Commissioners, many of whom have served in the Armed Forces. Whilst we appreciate the benefits of promoting local solutions to local problems, we would welcome greater consistency in this area, including national roll-outs of beneficial initiatives.
37. To this end, we recommend, at a minimum, the following reforms to the way in which ex-Service personnel are processed through the criminal justice system:
 - All individuals who enter into police custody should be asked if they have served in the UK Armed Forces, as part of the standard data-collection process. This is now one of the 'prisoner vulnerability questions' asked by Police Scotland, as part of a new process for

supporting veterans which could form an appropriate model for England and Wales. This information should be verified via their Service number, recorded and collated, both locally and nationally, to produce a clearer picture of patterns of offending and associated factors. This would also increase referrals to Service charities and other relevant sources of support.

- On reception into prison, all individuals (whether on remand or on sentence) should be asked if they have served in the UK Armed Forces. Again, this information should be verified and the data collated locally and nationally, and should result in automatic referral to that prison's Veterans in Custody Support (VICS) officer/champion. We appreciate that many prisons are now 'asking the question', but its application is inconsistent.
- All prisons should be under a statutory duty (and should receive funding) to appoint a VICS officer/champion. This should be a permanently filled, advertised role, rather than a responsibility taken on by existing prison staff alongside their other duties. Legion staff members report that many VICS officers are unable to devote as much time as they would like to the VICS role, due to conflicting responsibilities.
- Many probation trusts have appointed Veterans Champions or Veterans Liaison Officers to work with ex-Service offenders (including signposting them to Service charities). This should be rolled out on a compulsory, statutory basis nationwide. Ideally, it should also be a permanent, advertised role, rather than a voluntary post taken on by existing probation staff. We appreciate that probation trusts are currently in transition as a result of the Transforming Rehabilitation agenda, but argue that this potentially provides an opportunity to embed new ways of working with ex-Service offenders.

38. Although identifying more ex-Service offenders may increase referrals to the Legion and other military charities working in this area, we believe that the primary benefit would be that it would better enable the Government to monitor its own progress against Covenant commitments with respect to this specific group of ex-Service personnel. Whilst Service charities can add value to statutory services, charitable funds should not be used to plug gaps that should be filled by the state (including by charities commissioned by the Ministry of Justice to provide services for offenders). Unreasonable requests have been made of the Legion in the past, including for the payment of rental deposits for prisoners facing release. Securing accommodation immediately post-release is a statutory duty, and not one which should be subsidised by charitable funds.

39. Alcohol addiction represents a significant unmet need in prison. As outlined above, evidence suggests that higher rates of violent offending by veterans may, in part, be mediated by heavy drinking. Whilst the MOD has a role to play in tackling alcohol dependency in Service personnel, greater investment in prison-based alcohol services is also essential. Intensive alcohol interventions in prison are proven to reduce reoffending significantly, and veterans will not be exempt from these effects.¹³ The MOJ should also consider tapping into existing initiatives to assist veterans with identifying mental health problems in themselves and others, such as Mental Health Aid for the Armed Forces Community, which has been established (with LIBOR funding) by the Legion and SSAFA.

40. As outlined above, volunteer mentoring programmes have achieved promising results amongst various groups of individuals, including offenders. HMP & YOI Doncaster is running one such programme for veterans, with Catch 22 training VIC mentors (with an Armed Forces background) from the community to work with veteran offenders. Mentors attend fortnightly meetings inside the prison and support veterans both before and after their release back into the community.¹⁴ The Legion recommends that this scheme should be evaluated and, if effective, should be rolled out across prisons in England and Wales.

The US Veterans Courts

41. The Legion has no direct experience of the US Veterans Court system, so we will limit our brief observations to a level of understanding gained from written evaluations of its effectiveness in rehabilitating ex-Service offenders, and to its theoretical application to the UK.
42. The US system arose from observations that many veterans entering the criminal justice system were affected by mental illnesses arising from their Service in the Armed Forces.¹⁵ The first Veterans Court – in Buffalo, New York State – achieved an extraordinary zero per cent rate of recidivism in the 90 per cent of participants who successfully completed the programme (up to October 2010).¹⁶ Other courts have reportedly achieved similar results.¹⁷
43. The programme aims to rehabilitate veteran offenders by diverting them away from custody and monitoring them closely as they complete treatment for mental health problems or substance misuse. Ex-Service mentors provide support throughout the process. Most Veterans Courts will only accept those who have been charged with non-violent crimes of which they have admitted guilt, and who have been diagnosed with a mental health or substance misuse problem deemed to have arisen from their military Service.¹⁸
44. The process has undeniably achieved impressive results. On balance, however, we would argue that the funding that would be required in order to set up Veterans Courts in England and Wales would be better spent within the existing criminal justice system. Investment could, in our view, be more effectively directed towards improved data collection processes; statutory, full time positions aimed at supporting (and, if appropriate, diverting) veterans throughout the offender pathway; and veteran-to-veteran peer mentoring programmes, aimed both at preventing offending by at-risk Service leavers and reducing recidivism in ex-Service offenders.
45. In light of the evidence that UK (and US) veterans are *less* likely than non-veterans to commit non-violent offences; we would also find it difficult to justify investment in any intervention aimed only at individuals who have committed non-violent crimes. Research suggests that approximately 65 per cent of Service personnel and veterans with a criminal offence have been convicted of a violent crime.¹⁹ We would, therefore, suggest that initiatives targeted at Service personnel and veterans would be better focused on issues linked to violence, including anger management, alcohol misuse and mental illness.

April 2014

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