



Ex-Service Personnel and the Justice System

Research Summary

November 2023

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■ Background and purpose



The FiMT Research Centre is committed to ensuring that ‘evidence is at the heart of decision making for the benefit of ex-Service personnel and their families’. One mechanism for achieving this objective is to produce research and policy summaries for each of the nine transition themes which organise the Centre.¹ These summaries aim to provide an accessible and robust synthesis of up-to-date research evidence, policy, and practice relevant to the specified theme of focus. It is intended that they be used by researchers, policy makers, and service providers to inform their work, thereby placing evidence at the heart of decision making for the benefit of ex-Service personnel and their families.

This research summary synthesises existing research evidence about United Kingdom (UK) ex-Service personnel's engagement with the justice system (JS) and identifies potential areas for further enquiry. Drawing on existing academic and grey literature, it reflects critically on the following topics:

- The number and demographic profile ex-Service personnel within the JS
- The risks and vulnerabilities associated with ex-Service personnel's involvement in the JS
- Experiencing the JS as an ex-Service person
- The support needs of ex-Service personnel within the JS

This document does not address current policy concerning the points above, nor does it comment on service provision to ex-Service personnel within the JS. These subjects are addressed in a separate Policy Summary (see Bryan & Keeling, 2023).

A robust methodology was used to produce this summary, helping to ensure that its findings are both valid and credible (see Annexes A and B).

This summary has been subject to peer-review by two independent parties.

¹ For details of the nine transition themes, see: <https://www.fimt-rc.org/themes>

Key Findings



The **number of ex-Service personnel involved in the JS across the UK remains unknown**, with considerable conjecture surrounding the size of this group.



Evidence indicates that **ex-Service personnel within the JS are overwhelmingly male, as well as older** on average and more likely to serve longer sentences than the wider offender population.



Sexual and violent crimes have been reported as the most common offence types among ex-Service personnel involved in the JS.



Factors associated with an increased risk of ex-Service personnel coming into contact with the JS have been identified as: **pre-Service anti-social behaviour, adverse childhood experiences, military deployment, military cultures of violence and alcohol consumption, short Service length, and experiencing mental health difficulties** (post-traumatic stress disorder (PTSD), alcohol misuse).



Ex-Service personnel may experience the JS in a manner which is distinct from the wider public, especially the prison environment. Notably, they have been found to be more critical about their general safety and access to support while in prison as well as being more positive about their relationships with staff and day-to-day life.



There is evidence to suggest that ex-Service personnel involved in the JS are **more likely to experience an anxiety disorder such as PTSD as well as co-occurring mental health conditions** than the wider population.



Research notes that **ex-Service personnel may be less likely to access support services in the JS** due to the retention of a military mindset which emphasises the need to excel and display resistance in the face of adversity.



There is widespread agreement that ex-Service personnel within the JS are **less likely to report drug misuse** than the general offender population.

The number and demographic profile of ex-Service personnel within the JS



The number of ex-Service personnel within the JS throughout the UK continues to be surrounded by a high degree of conjecture. While a survey conducted by the National Association of Probation Officers in 2008 suggested that just under ten per cent of English and Welsh prisoners had served in the UK Armed Forces, other more recent studies have indicated that the figure is closer to three per cent (OVA, 2023; MoJ, 2021; RBL, 2014; Howard League, 2011). This difference reflects, in part, the fact that existing research has tended to be restricted to particular junctures of the JS and geographical regions, as well as been based on different methodological approaches (e.g., self-reporting, data linkage). Efforts to establish a definitive figure have been further hindered by issues surrounding the identification of ex-Service personnel within the JS (DASA, 2011). As such, ***additional research is required to map both the number of ex-Service personnel at each stage of the JS and the distribution of this cohort across the UK*** (Short et al., 2018a; Kelly, 2014).

Despite these limitations, attempts have been made to determine the demographic profile of ex-Service personnel involved in the JS. A 2011 study revealed that, of the 2,820 ex-Service personnel identified as completing a UK prison sentence, 77 per cent had served in the Army, 15 per cent in the Royal Navy, and 8 per cent in the Royal Air Force (DASA, 2011). The study additionally found that members of this group tend to be overwhelmingly male and older on average than the rest of the prison population (DASA, 2011). ***While research data has shown that ex-Service personnel are no more likely to be convicted for non-violent crime than civilians, studies nevertheless indicate that they are more likely to be charged with violent and sexual offences*** (Short et al., 2018a, 2018b; MacManus et al., 2013). In keeping with this finding, ***current evidence suggests that ex-Service personnel are more likely to serve longer prison sentences than the wider offender population*** (HMIP, 2014).

The risks and vulnerabilities associated with ex-Service personnel's involvement in the JS

Pre-Service anti-social behaviour and adverse childhood experiences have been identified as some of the strongest predictors of later involvement in the JS amongst ex-Service personnel and the general public (Murray et al., 2022; Williamson et al., 2022; Wainwright et al., 2017a, 2016a; MacManus et al., 2019, 2013, 2012b). In a study of 10,272 UK military personnel, 18.1 per cent were found to have displayed pre-enlistment anti-social behaviours such as fighting in school and playing truant – actions which were linked to a range of adverse outcomes later in life, including assaultive behaviours and heightened risk-taking (MacManus et al., 2012b, see also Banks & Albertson, 2018; Murray, 2016). Meanwhile, a 2023 study based on a sample of ex-Service personnel from Northern Ireland found that experiencing two or more childhood adversities was associated with a significantly increased likelihood of post-Service incarceration (McGlinchey & Armour, 2023). But although this work controlled for both age and alcohol use, it did not include other potentially influential variables (e.g., income, education level). ***Existing studies have also focused almost exclusively on the impact of anti-social behaviours and/or adverse childhood experiences amongst male ex-Service personnel. As a result, additional research is required to explore the impact of these factors amongst female and non-binary ex-Service persons, as well as those belonging to ethnic minority groups.***

It has been proposed that a UK Armed Forces career can deter criminal behaviour by removing at-risk individuals from their immediate socio-economic environment (Howard League, 2011). And yet, ***research has found that certain elements of military Service may actually increase the risk of offending*** (Murray et al., 2022; Wainwright et al., 2016a; Murray, 2016). Arguably the most compelling evidence of this association stems from a cohort study of UK Armed Forces personnel who

served during the Iraq War (see MacManus et al., 2013, 2012a, 2012b; MacManus & Wood, 2017). Based on the data available, a clear link between military deployment and subsequent displays of violent behaviour was found. Crucially, experiences such as serving in a combat role, being exposed to multiple traumatic events, and having thoughts that one might be killed were noted as being strongly associated with violence upon homecoming (MacManus et al., 2012a). In a follow-up study which examined the criminal records of those belonging to this group, it was observed that violent offences were the most common offence type and overall rates of offending were higher during the post-deployment period than either pre-deployment or pre-enlistment (MacManus et al., 2013).

Evidence suggests that certain aspects of military culture can further increase the likelihood of ex-Service personnel becoming involved in the JS.

Of particular note is the 'spectrum of legitimacy' which reportedly surrounds the use of violence in the Armed Forces (Moorhead, 2021). From combat training to confrontations when socialising, testimonies by ex-Service personnel suggest that violence is not only framed institutionally as a necessary part of one's military career but also a vital medium through which feelings of camaraderie are formed (Murray et al., 2022; Banks & Albertson, 2018; Murray, 2016). Such an attitude has, in turn, been reported as serving to normalise violence and establish behavioural tendencies which are often at odds with those deemed acceptable in civilian society (Murray et al., 2022; Moorhead, 2021, 2019; Wainwright et al., 2016a).

Consideration has similarly been given to whether drinking practices developed in the Armed Forces render ex-Service personnel vulnerable to involvement in the JS. In addition to enhancing what are thought to be key aspects of military service (e.g., camaraderie, loyalty, bonding), there is



evidence to suggest that alcohol is viewed by some as a culturally approved coping mechanism (Murray *et al.*, 2022; Moorhead, 2021; Jones & Fear, 2011). Drawing on the experiences of ex-Service personnel within the JS, these elements of the so-called Armed Forces ‘macrosystem’ have been recorded as having an enduring legacy amongst Service leavers and contributing to behaviours which could potentially lead to their involvement in the JS (Moorhead, 2021).

Involuntary or early departure from the Armed Forces has been identified as an additional risk factor (MacManus & Wood, 2017; Van Staden *et al.*, 2007). Encompassing Early Service Leavers (ESL) alongside those subject to medical or administrative discharge, evidence suggests that those who leave the Armed Forces prematurely are more at risk of becoming involved in the JS for a range of reasons, including being inadequately prepared for the emotional demands of entering civilian society (Van Staden *et al.*, 2007).

Such a finding has sparked wider interest in the relationship between the quality of an individual’s military-to-civilian transition and later engagement with the JS (Unwin & Winder, 2021; Cooper, 2020; Albertson, 2019; Fossey *et al.*, 2017). Critically, ***studies have shown that ex-Service personnel who struggle to find a sense of purpose and belonging within civilian society can be vulnerable to low self-***

esteem, confidence issues, social alienation, and a hostility towards those who have not experienced military Service (Cooper, 2020). Taken together, these feelings have been recorded contributing to many ex-Service personnel’s involvement in the JS and prompted calls for greater consideration to be given to how community support initiatives might be leveraged to facilitate desistance from criminal behaviour (Albertson, 2019).

Finally, ***there is evidence of an association between particular mental health difficulties and ex-Service personnel’s contact with the JS*** (Moorhead, 2021; Short *et al.*, 2018a, 2018b; Wainwright *et al.*, 2017a). Researchers have found that mental health conditions such as post-traumatic stress disorder, alcohol misuse, and problems with aggression after Service are strongly predictive of subsequent offending behaviour (MacManus *et al.*, 2019). Equally significant are recent findings concerning the impact of socio-economic (in) stability. Consistent with the findings of a 2011 Howard League report, the researchers referenced above found a clear link between a reduced risk of offending amongst ex-Service personnel and variables such as an absence of debt, stable housing, and relationship satisfaction, even in the presence of mental health difficulties (MacManus *et al.*, 2019).

Experiencing the JS as an ex-Service person

Evidence suggests that former members of the UK Armed Forces may have distinct experiences of the JS, especially the prison estate (Packham, 2022; Unwin & Winder, 2021; Mottershead, 2019; Broderick, 2018; HMIP, 2014). In particular, **researchers studying prison environments across England, Scotland, and Wales have found that ex-Service personnel tend to be more critical about their access to support and general safety while incarcerated but more positive about their relationships with staff and day-to-day life compared to the wider offender population** (Broderick, 2018; HMIP, 2014). Ex-Service personnel have additionally been reported as being less positive about the length of time available for external visitors and the accessibility of Family Contact Officers during their incarceration (Packham, 2022; Unwin & Winder, 2021).

Several factors have been identified as contributing to ex-Service personnel's experiences of the prison establishment, including the extent to which they embrace their status as former members of the Armed Forces (Packham, 2022; Unwin & Winder, 2021). Importantly, **research indicates that many ex-Service personnel choose to foreground their military identity and, as a result, are reluctant to engage with those who have not previously served in the Armed Forces** (Unwin & Winder, 2021; Murray, 2016). Yet studies have revealed that they may also seek to downplay their prior Service on occasion (Moorhead, 2019; Mottershead, 2019; Murray, 2016). For instance, **it has been suggested that some ex-Service personnel are unwilling to disclose their military history due to a fear of being discriminated against as "more risky" along with a desire to avoid bringing the Armed Forces into disrepute** (Moorhead, 2019).

Drawing institutional parallels between the Armed Forces and the prison estate is another practice which has been observed amongst ex-Service personnel, with the resulting sense of familiarity reportedly allowing them to adapt more quickly and

effectively to their surroundings (Packham, 2022; Mottershead, 2019; Murray, 2016). Nevertheless, certain key institutional differences remain and have been recorded as impacting negatively on ex-Service personnel's experiences of the JS. In a study of prisons across England and Wales, for example, researchers discovered that many ex-Service personnel viewed the existing disciplinary regime as too lax and expressed a preference for living arrangements which mirrored the Armed Forces in their predictability and presence of authoritative staff (Packham, 2022).

Retaining a military outlook has similarly been noted as a potential point of difference with respect to the wider prison population. Along with having previously experienced prolonged periods of separation from civilian society, the ability of ex-Service personnel to negotiate the demands of prison life has been attributed to being instilled with a mindset which emphasises the need to excel, to complete the task at hand, and to display resistance in the face of adversity (Mottershead, 2019; Packham, 2022). **This ethos has been noted as influencing individual help-seeking practices within the JS, with many (especially male) ex-Service personnel observed as being reluctant to access support** (Wainwright, 2017b). Although such an attitude is common amongst those identifying as male throughout the JS, one study found that the emphasis placed in the Armed Forces on the need to "get on with it" frequently exacerbated this characteristic and meant that ex-Service personnel were even less likely to access support when necessary (Unwin & Winder, 2021).

It is evident that the status of being a former member of the Armed Forces can have a profound impact on one's engagement with the JS. But, as noted earlier, what research currently exists has been limited to exploring this phenomenon within prisons across England, Wales, and Scotland. There is therefore **a need to consider the ways in which one's identity as an ex-Service person**



can inform experiences of other junctures across the JS, most notably those based in Northern Ireland. Current understanding is also restricted with respect to the lived experience of female, LGBT+, and ethnic minority ex-Service personnel (Edwards & Wright, 2023; Harvey-Rolfe & Rattenbury, 2020). While evidence suggests

that this cohort represents a small proportion of those engaging with the JS (DASA, 2011), the gendered and racial cultures of the Armed Forces and JS mean that further research is needed to understand whether and how the experiences of those belonging to these groups differ.

The support needs of ex-Service personnel within the JS



Research has provided detailed insight into the support needs of ex-Service personnel involved in JS across the UK. The key findings are presented below:



Mental health:

Although ex-Service personnel are reported to have similar levels of general mental health compared to others within the JS (Lyne & Packham, 2014), several key differences have been identified. In particular, ***symptoms of depression and suicidal behaviours are observed more commonly amongst ex-Service personnel accessing Liaison and Diversion services*** (Short et al., 2018a; HMIP, 2014). This trend has not been noted across the entire JS, however, with similar levels of depression being found amongst civilians and ex-Service personnel subject to probation supervision (Kelly, 2014). ***There is also evidence to suggest that ex-Service personnel engaging with Liaison and Diversion services are more likely to suffer from anxiety disorders such as PTSD as well as co-occurring***

mental health conditions compared to the wider offender population (Short et al., 2018a).



Alcohol misuse:

Existing research has identified alcohol misuse as a common issue amongst ex-Service personnel involved in the JS (Wainwright et al., 2018; Short et al., 2018a; Fossey et al., 2017). That said, questions remain over the extent to which this trend is unique to Service leavers; excessive or binge drinking practices have been identified as a problem which affects much of UK society (Graham & Livingston, 2011). Indeed, ***UK-based research on individuals subject to probation supervision discovered that there was in fact no difference between the proportion of ex-Service personnel who reported either needing help with alcohol misuse or receiving alcohol treatment as part of their sentence and the general offender population*** (Kelly, 2014).



Drug misuse:

There is widespread agreement that ex-Service personnel are less likely to report drug misuse than others

within the JS (Lyne & Packham, 2014; HMIP, 2014). A study using evidence from 74 UK prisons found that a significantly smaller percentage of ex-Service personnel self-reported as having a drug misuse condition than other individuals serving custodial sentences (22 per cent vs. 43 per cent respectively) (Kelly, 2014). This research also revealed that civilians were more likely to state that they were receiving drug treatment while in custody compared to those with a history of military Service (31 per cent vs. 16 per cent respectively).



Physical health:

Evidence concerning the physical health and/or disability needs of ex-Service personnel involved in the

JS is limited and additional research is required on this topic. From what data exists, the prevalence of physical health problems and/or disabilities is reportedly higher amongst ex-Service personnel subject to custodial sentences compared to others serving prison sentences (Short *et al.*, 2018a; HMIP, 2014). Yet this pattern does not appear to be consistent across the JS. In a study of individuals under probation supervision, for instance, no significant difference was identified with respect to the physical health/disability needs of ex-Service personnel and others engaging with this juncture of the JS (Kelly, 2014).



Family:

Little attention has been given to the support needs of the families of ex-Service personnel involved in the JS

(Cooper *et al.*, 2018). One notable exception to this trend is a study by the National Centre for Children of Offenders, which found that neither the prisons nor the military charities included in the project collected information on the families/dependents of ex-Service personnel (Harvey-Rolfe & Rattenbury, 2020). This lack of engagement was reported as having left many ex-Service personnel and their families/dependents uncertain about the support available as well as any restrictions from probation and social services with regard to family contact.



Finance:

While many ex-Service personnel within the JS have financial support needs, the extent to which they

differ from the general offender population remains unclear. A Howard League (2011) report identified financial problems as the one of the most common issues experienced by ex-Service personnel. Upon leaving the Armed Forces, many individuals reportedly struggle to develop the financial management skills necessary for civilian life. However, research by His Majesty's Inspectorate of Prisons (2014) indicated that ex-Service personnel were less likely to report problems concerning their finances than the general prison population.



Accommodation:

A high degree of uncertainty currently surrounds the accommodation needs of ex-Service

personnel within the JS. Although it has been noted by some that ex-Service personnel are less likely to require housing assistance upon their arrival in prison (Lyne & Packham, 2014), one study found that their need was comparable to the high levels observed across the wider offender population (Kelly, 2014). Nevertheless, the latter research additionally indicated that ex-Service personnel subject to probation supervision were more likely to live in hostels or other temporary accommodation.



Resettlement:

Ex-Service personnel's preparation for resettlement after their departure from prison is an important area

of consideration (Brewer & Herron, 2022; Harvey Rolfe-Rattenbury, 2020; Wainwright *et al.*, 2017b). In addition to making practical arrangements for matters such as housing, **research indicates that this support requirement also encompasses preparing oneself emotionally for returning to civilian society** (Lyne & Packham, 2014; Kelly, 2014). This need is noted as being especially acute for those convicted of sexual offences, with many ex-Service personnel belonging to this group having only limited external support networks and being subject to additional restrictions owing to the nature of their conviction (Brewer & Herron, 2022).

Recommendations:



Coordinated research is required to **determine the number of ex-Service personnel involved at each juncture of the JS** across the UK. This should be based on robust methodological practice and provide an indication of the cohort's geographic distribution.



Greater attention must be given to the lived experiences of female, LGBT+, and ethnic minority ex-Service personnel with respect to their engagement with the JS, including their support needs.



In light of the finding that early Service departure and adverse military-to-civilian transition can be predictive of later involvement with the JS, there is a need to **examine further how community support initiatives can be leveraged to promote desistance from criminal behaviours**.



Additional research is needed to consider **the ways in which one's status as an ex-Service person can inform experiences of the JS beyond the prison environment** (e.g., courts, probation services), as well as how these experiences may vary depending on an individual's age, ethnicity, and gender identity.



More studies are needed to **examine the delivery of psychological treatment** for military-related trauma within prison settings.



Research is required to **examine variations in ex-Service personnel's experiences** of the JS across the UK, especially within Northern Ireland.



Renewed evidence of the support needs exhibited by ex-Service personnel within the JS is needed, including **those related to alcohol misuse, physical health, finance, and accommodation**. This is particularly important following the introduction of the legal duty to implement the Armed Forces Covenant, which notes that members of the Armed Forces Community should face no disadvantage or impediment on account of their military Service.



Little attention has been awarded to the support needs of the families/dependents of ex-Service personnel involved in the JS. As such, further research is required to examine the **impact of ex-Service personnel's engagement with the JS on the socio-economic wellbeing of this group**.

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Annex A: Methodology

A narrative literature review of extant academic and grey literature was conducted.² This methodological approach was chosen due to its suitability for synthesising a broad range of material with the aim of informing future research and/or policy. A structured approach was employed which centred around the sequential process of literature identification, data extraction, and follow-up analysis:

Literature identification

Sources relevant to the study were located using three complementary search strategies:

- Initial literature search using Google Scholar conducted June 2023 using a selection of key

words identified as relevant to the summary (full search strategy detailed in Annex B).

- Appraisal of literature within the Forces in Mind Trust Research Centre repository.
- 'Snowball searching' by identifying relevant sources through the reference lists of prior selected literature.

The resulting longlist of literature was captured on a Microsoft Excel spreadsheet. Due to the broad nature of the research landscape, a set of inclusion and exclusion criteria were applied to identify sources most relevant to the review (see Table 1.1). Any sources not meeting the criteria were excluded.

Table 1.1 Literature inclusion and exclusion criteria

Criteria	Inclusion	Exclusion
Focus of the source	Sources addressing UK Service personnel's and/or veterans' engagement with the UK JS, including interactions with the police service and custody, prosecution services, prison system, and other sentencing conditions (e.g., community orders).	Sources which do not address issues specified in the inclusion criteria.
Type of source	Peer and non-peer reviewed academic and grey literature based on sound research evidence and ethical research practice. Doctoral theses.	Source types not meeting those specified in the inclusion criteria.
Date of publication or issue	Sources published during or after 2001 (year selected to reflect the summary's objective of capturing recent evidence).	Sources published prior to 2001.
Research subjects' country of origin	The UK.	Outside of the UK.
Language	Sources published in English.	Sources published in languages other than English.

² A narrative literature review is a targeted method for synthesising existing research and knowledge relating to a specific topic. It is conventionally used to describe findings from previous studies, particularly to describe general debates in extant literature, and to identify gaps in knowledge to provide a rationale for future research. See Ferrari (2015).

Data extraction

To map relevant research in a robust and replicable manner, a structured data extraction framework was employed. This included the development of an initial taxonomy of JS-related issues discussed in the literature, which was subject to peer review and comment. After further consolidation, the original taxonomy was revised to capture four key topics which were identified as being of particular interest and relevance: 1) the number and demographic profile of ex-Service personnel within the UK JS, 2) the risks and vulnerabilities associated with ex-Service personnel's involvement in the UK JS, 3) experiencing the UK JS as an ex-Service person, and 4) the support needs of ex-Service personnel within the UK JS.

Analysis and write-up

As the final step in the research process, a concise narrative was developed which synthesised the leading outputs from the data extraction and identified key overarching messages. This formed the basis of an initial draft summary which was subject to peer review. A final version of the review was then compiled which incorporated relevant revisions and copy-edits.

Annex B: Research summary search strings

Population:

"veteran*" OR "deployed" OR "reserve" OR "military veteran*" OR "armed forces veteran*" OR "UK veteran*" OR "ex-service personnel" OR "ex service personnel" OR "service leaver*" OR "service personnel" OR "Early Service Leaver" OR "Armed Forces" OR "Royal Air Force" OR "RAF" OR "Army" OR "Royal Navy" OR "Royal Marine" OR "defence personnel" OR "military service personnel"

Subject matter:

"criminal justice" OR "justice system" OR "justice" OR "offender" OR "offending" OR "criminal offences" OR "re-offending" OR "re offending" OR "recidivism" OR "crime" OR "criminal*" OR "criminal record*" OR "veteran offender*" OR "offender*" OR "prison*" OR "Prison sentence" OR "Prison service" OR "jail*" OR "arrest*" OR "police" OR "policing" OR "post-release outcome*" OR "post release outcome*" OR "custody" OR "rehabilitation" OR "probation" OR "Probation service" OR "*legality" OR "*legal" OR "custodial sentence" OR "community order" OR "community service"

