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Former Armed Forces personnel in the Criminal Justice System



As we commemorate the centenary of World War 1 and the official withdrawal of UK military troops from Afghanistan, the fate of former armed forces personnel has come into sharp focus once again. Most of the current generation of personnel who leave service make successful transitions back into civilian life. However, some personnel do not. A proportion will develop mental health problems, and some will find themselves involved in the Criminal Justice System. In view of the Armed Forces covenant,¹ there is an expectation that more should be done to support the entire military family.

An independent review² by Stephen Philips on behalf of the Secretary of State for Justice addresses former Armed Forces personnel in the Criminal Justice System. This review was inspired by a rising concern about the proportion of former Armed Forces personnel in prison and on probation for violent and sexual offences.^{3,4} Results from a study⁵ showed that, although overall offending in the UK military was less than expected in a comparable sample of the general population, violent offending did not follow this trend and was overrepresented in the military sample.

The review involved wide consultation with experts in research, mental health, social care, criminal justice, and legal matters and emphasises the need for national guidance on the identification and management of former Armed Forces personnel in the Criminal Justice System. The recurring theme in the recommendations is a call for more training for those working within the Criminal Justice System and judiciary in understanding the needs of former Armed Forces personnel.⁶ The review acknowledges the integral link between poor mental health, alcohol and substance misuse, and offending behaviour.^{4,5} The review recommends better collaboration between criminal justice and mental health agencies, both within the National Health Service and the third sector. The review also emphasises the need for greater support and interventions, not just during time in prison

and probation,⁷ but also earlier in the criminal justice pathway. The review clearly states that identification of former Armed Forces personnel throughout the Criminal Justice System is patchy and in some instances nonexistent. We welcome the recommendations to improve data capture and recording.

Although comprehensive in scope, the review was largely reliant on verbal evidence from a range of witnesses, including ourselves. Unfortunately, there is insufficient evidence on which to base recommendations for specific policy and interventions for former Armed Forces personnel in the Criminal Justice System. We appreciate that the dynamics of reports and inquiries demands recommendations for swift action at the end of the process and that the call for more research is rarely attractive to politicians, practitioners, and journalists alike. But sometimes a call does need to be made. To be fair, the inquiry drew attention to work in progress on domestic violence and advised Parliament to acknowledge and act on this work. However, the review falls short in not making any other recommendations towards research on effective interventions to ameliorate offending behaviour in ex-service personnel sooner. Similarly, no call for a better understanding of causal factors was made to build on what is only a small existing body of literature.^{5,7,8}

Access to a good evidence base is an essential component of any policy making and delivery. We can build on the existing evidence base for “what works” to reduce reoffending in the general offender population.⁹ The background risk profile of offenders who are former Armed Forces personnel is similar to that of other offenders (ie, young males from deprived areas of the country and who have a history of offending).⁵ However, particular challenges in management of former Armed Forces personnel in the Criminal Justice System might arise from their experiences in the military, during deployment, from associated mental health problems, and from the socioeconomic, cultural, and health effect



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of transitioning from the military life into civilian life. Particular issues of stigma, barriers to seeking help,¹⁰ and issues of responsiveness to interventions need to be considered.

The challenge is to adapt existing interventions for this population, trial these interventions, and build an evidence base for “what works” to reduce offending in this population on which to base future recommendations. Commissioning of exclusive services might improve initial accessibility, but engagement of former Armed Forces personnel with mainstream services that promote their integration with the general population will continue to be preferable, provided there is evidence to support the efficacy of these interventions within this group. As the review rightly indicates, future efforts to reduce offending should focus on early interventions, such as those already used in the specialty of youth justice¹¹ and mental health.¹² However, as the ex-military population is assumed to be different from the general population—if that were not the case, the review would not be needed—it follows that we need an evidence base for the efficacy of interventions in the former Armed Forces offender population and an exploration of opportunities for preventative measures during an individual’s service and on resettlement, such as tackling alcohol misuse in the military.¹³ Public sympathy for veterans in society is at an all-time high, creating an opportunity to promote research in the area. Such research might even serve to improve understanding and management of offenders in general.

The review calls for coherent national guidance on working with former Armed Forces offenders and more coherent pathways into mental health, social, welfare, and employment support for offenders who are in contact with the Criminal Justice System. The support of the National Health Service for former Armed Forces personnel is growing in capacity and scope. In view of the link between mental health problems and offending, clear pathways into support and treatment

for mental health disorders need to be prioritised. With high comorbidity in this population¹⁰ at a time of greater fragmentation of services than ever before, this prioritisation will not be easy. The social and welfare needs of this population are often enmeshed with mental health needs and therefore, increased collaboration between government, authorities, and third sector agencies is essential if the ambitions of the military covenant are to be upheld.

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