

Armed Forces and the Criminal Justice System

A briefing from Napo the Trade Union and Professional Association for Family Court and Probation Staff September 2009

INTRODUCTION

A survey conducted by Napo during the summer of 2009 found that 12,000 former armed service personnel were under the supervision of the Probation Service in England and Wales on either community sentences or on parole.

Research published by Napo last year found that 8,500 former veterans were in custody at any one time in the UK, following conviction of a criminal offence.¹

There are therefore twice as many veterans in the criminal justice system than are currently serving in military operations in Afghanistan. Indeed the total number of men and women in active service in all locations on 31-05-09 was 13,400 (not including Iraq).²

The Probation Service caseload on 31-12-08 was 243,000 including 165,000 on court order supervision and a further 47,000 on pre or post release from prison supervision. During the course of 2008, 205,000 persons started supervision.³

Napo's survey would suggest therefore that at least 6% of those currently under supervision are former veterans. The custodial study of 2008 concluded that 8.5% of the prison population had an armed service record. Previous studies by the Home Office and the Ministry of Defence had found that the proportion of those in prison with a service record varied from between 4-6% (Home Office) to 16.7% (MOD). A 2007 study carried out by Veterans in Prison, based on prisoners self certification, concluded that 9% of all inmates were veterans.

COMMUNITY STUDY

Napo received information from staff during the summer of 2009, working in 62 different probation offices in England and Wales. In all there were 90 case studies submitted. The returns came from 30 of the 42 probation areas in England and Wales. The areas were:

Table 1 - Areas Responding	
1	Durham
2	Gwent
3	Cheshire
4	West Mercia
5	South Wales
6	Teesside
7	London
8	Kent
9	Thames Valley
10	Avon & Somerset
11	South Yorkshire
12	Surrey
13	West Yorkshire
14	Northants
15	Dorset
16	Devon & Cornwall
17	Leicestershire
18	Lancashire
19	Sussex
20	Nottinghamshire
21	Derbyshire
22	Gloucestershire
23	Cumbria
24	North Wales
25	West Midlands
26	Staffordshire
27	Hampshire
28	Wiltshire
29	Lincolnshire
30	Northumbria

Case study analysis

The commonest social factor amongst the 90 cases submitted was a chronic use of alcohol, which was reported by 39 staff. In addition drug misuse was a major issue in a further 13 cases. There is clearly a need for the Services to address alcohol, and to a lesser extent drug misuse, as a matter of urgency. The commonest conviction was for violence in a domestic setting, which occurred in 39 cases. Many staff believe that military service enhances the risk of domestic violence and this must be addressed in the military as well as civilian settings.

Other violence accounted for a further 18 cases. In 10 instances the index offence was one of an offence against a child, usually sexual, and there were also five serious driving offences and two convictions for burglary, one for blackmail and one for robbery. The number according to staff reporting diagnosed or undiagnosed post traumatic stress syndrome was 24, with a further 19 veterans believed to be suffering from depression or behavioural problems. Often the systems do not occur until many years after active service. The commonest sentence was one to three years supervision order with a condition, usually to attend a domestic violence programme or unpaid work. There were also a number of persons sentenced to a suspended sentence order and six of those on the caseload were on parole licence. Areas of active service was not provided in half the cases, however 10 had served in Northern Ireland, 12 in Iraq, 11 in Afghanistan and a further 7 in Bosnia.

The staff who responded to the study all had between one and five former veterans on their caseload. Staff in Warrington in Cheshire did a caseload trawl and found that there were 20 former veterans currently being supervised; this coincidentally by 20 staff. One staff member in the south, who submitted three cases from his area, said there had been so many armed service personnel on his caseload during the last decade that he could not count them. Another in Cumbria reported having seven former soldiers on group programmes during the previous 12 months.

A study conducted by Napo on probation staffing by the Centre for Crime and Justice Studies found that for the latest date available there were 5,223 qualified probation officers and in addition 6,262 probation services officers. There were also 1,031 trainees. It is highly probable therefore that there are around 12,000 army veterans currently on the probation caseload.⁴

The vast majority of those referred to Napo did not receive adequate support or counselling according to staff professionals. Few reported receiving any counselling on exit from the armed services and soldiers were not routinely identified at the point of arrest or when court reports were written. Had forces experience been picked up, either at arrest or report stage, it is possible that the individuals could have been referred for help and counselling, which would have affected the sentencing outcome and also their own individual prognosis.

COMMUNITY SUPERVISION CASE STUDIES

The following information on 90 current cases was collected from Napo members during July and August 2009 from 62 different probation offices across 30 of the 42 probation areas in England and Wales.

1 Durham

Male offender aged 36 received a community order with 18 months supervision with group work condition after an offence of using threatening behaviour. He joined the army after leaving school at 17, became a member of the Royal Artillery, serving in Northern Ireland. He suffers from PTSD, diagnosed, and as a result cannot function easily on a daily basis. As a consequence he is described as a difficult man to manage and he finds it difficult to cope with offence focussed work. He was also involved in a serious industrial injury. No reported use of drugs or alcohol.

2 & 3 Gwent

A probation officer reports two former army personnel on his caseload, both aged 19-24 years. Both suffer from nightmares and depression. One was a drug user the other a prolific alcohol user. Both were unemployed and were placed on community orders with a condition of unpaid work.

4 & 5 Cheshire

A probation officer reports a 24 year old serving soldier who saw action in Iraq, who committed domestic violence offences, who has now completed his order and rejoined his regiment and is serving in Afghanistan. Over the past five years the officer reported having three other serving soldiers that he could recall, all of whom had difficult issues of leaving the army and adjusting to civilian life, particularly where they had served longer than the basic period and where they had experienced active service. Mental health problems were a factor in most cases and the offences were usually linked to domestic violence with alcohol and drugs misuse masking the underlying problems.

6 West Mercia

A probation officer reports supervising a man with 24 years service in the army. He is now starting a second order for domestic violence. There was heavy drinking on both occasions. He served five years in the navy and also had three convictions for public order offences while he was on active service. He has now been placed on a suspended sentence order and was again drunk at the time.

7 & 8 West Mercia

An officer reports supervising one male aged 23 year who was trying to get back in the army, who was on licence following serving 21 months inside. A second man aged 27 who was suffering from PTSD was placed on supervision for 12 months.

9 & 10 West Mercia

An officer reports two veterans on their caseload.

- A female aged 37 years, sentenced to a 12 months community order for excess alcohol, who had served in Iraq and been diagnosed with PTSD. She also suffers from alcoholism and is currently embracing the rules of Alcoholics Anonymous and was hoping to rejoin the Territorial Army.
- A male aged 54 left school and joined the army but later joined the prison service. He was made redundant because of depression. He still suffers from acute depression and alcoholism and is thought to be suicidal and is going through a marriage breakdown.

11 South Wales

An officer reports supervising a man who left the army some 10 years ago on dishonourable discharge. He is now aged 44 and suffers from acute depression. His current offences involve domestic violence. There are anger management issues. He is on two concurrent community orders for assault, both of which were related.

12 Teesside

An officer reports supervising a 26 year old male currently on a community order. He served four years based in Britain and in Germany. He experience severe mental health issues whilst on service and was discharged. He has drug and alcohol misuse as well as on-going depression problems. He claims to have PTSD but this has not been signed off by a psychiatrist who thinks he is bi-polar. Currently no fixed abode and living in lodgings.

13 South Wales

A probation officer reports supervising a 33 year old man who has served in the army for 23 years and has convictions for domestic violence and drink driving convictions. He reports that he has been diagnosed with PTSD, depression, anxiety and paranoia. He is involved with psychiatric services and a welfare officer for the army is trying to get him on a Combat Stress programme.

14 London

A male aged 39, convicted in 2005 of wounding and GBH involving his partner, received four years in custody, is now on parole with a condition he takes part in a domestic abuse programme. He reports suffering from post traumatic stress symptoms. He declined to report to his GP. He works a huge amount of overtime as a distraction from his condition.

15 & 16 Kent

An officer reports supervising a 36 year old ex service man who received a 24 month community order with requirements that he takes part in a domestic abuse programme after two assaults on his partner. He served in the Gulf and was discharged with PTSD in 1997. He reports suffering current flashbacks involving many serious injuries and deaths he witnessed as a medical officer. He spent some time in a residential unit during the course of his order. He continues to suffer from depression and is receiving treatment from a local mental health team.

The officer is also supervising on licence another ex-service man who had been active in Northern Ireland some 20 years ago. He suffers from depression, which is drug related and due to the fact that he cannot find employment. His offences involved assault.

17 Thames Valley

LT served in the navy between 1974 and 1979 and has now been convicted of several counts possessing indecent images of children. He was given a three year community order with the condition of a sex offender programme. There are real concerns regarding alcohol use and misuse of drugs.

18 Avon and Somerset

A probation officer reports supervising a 28 year old man who was in the Royal Pioneers for 10 year and saw active service in Afghanistan. He was convicted of dangerous driving and drink driving. Unbeknown to anyone at the time he was suffering from severe PTSD. He is now in touch with medical services and is doing well. A crown court judge did not impose a custodial sentence but instead gave a 24 month supervision order and a disqualification from driving. He reports that he experienced severe personal trauma during active service.

19 South Yorkshire

A probation officer reports supervising a 45 year old man who committed two offences of domestic violence. He served in the Royal Navy in the 1980s in the Falklands and Northern Ireland. He has now been diagnosed with PTSD by his GP and is seeing psychiatric nurses on a regular basis. It is said he experiences flashbacks when he is stressed and depressed. Offences occurred at a time when he was leaving his wife for someone else. There was also financial pressures due to the economic downturn and the separation.

20 South Wales

Staff report a male who served in Bosnia and Northern Ireland, currently on a community order for domestic violence. He has been seen by the psychiatric nurse who has provided further counselling services. Both drug and alcohol abuse were a factor in the violence against members of the public and also in a domestic setting.

21 Cheshire

A 20 year old former officer is currently being supervised for committing an offence of dangerous driving, for which he received a supervision order and unpaid work. The offence appears to have been committed with peers whilst racing on a main road. There do not appear to be any other social or economic factors in this case. This member of staff also reports having two other former service men on their caseload during the last four years.

22 & 23 Surrey

An officer reports two individuals with previous military experience:

- A 41 year old male convicted of burglary in order to get alcohol. He received a community order. He served four years in Northern Ireland and Iraq, received a diagnoses of panic disorder and PTSD. His GP feels he has a personality disorder. He describes himself as alcohol dependent and has had difficulty engaging with probation during the order.
- A 24 year old male convicted of an offence of wounding and given a suspended sentence order. He served in Iraq and was previously engaged with psychiatric services. He has symptoms associated with PTSD, difficulty maintaining relationships, feels socially isolated and was heavily intoxicated at the time of the offence.

24 West Yorkshire

An officer reports supervising a man on a community order with a condition of attendance on a domestic abuse programme. He has nine previous convictions dating back to 2005, two of which were domestic violence. A common thread for his offending behaviour is substance misuse and binge drinking. He uses alcohol to cope with emotional wellbeing. He joined the army at 16 and was medically discharged at 20 with mental health issues. He saw active duty in Iraq and saw a friend blown up in the first few days of service. He received no support on leaving army. He accessed counselling himself this year.

Has had two failed relationships because of domestic violence. He is described by partners as a Jekyll and Hyde character especially after a drink. He has not been diagnosed with PTSD. He currently has severe depression.

25 South Yorkshire

A 31 year old male convicted of offences committed against his partner while drunk. There have been other instances of abusive behaviour in the home, one of which involved a knife. He was given a three year community order with a commitment to attend domestic abuse programme. He had had 17 years exemplary service but was then medically discharged. He became psychologically affected by what he saw. He experienced feelings of self doubt, loss of confidence, signs of sleep disturbance, self harm and suicidal moods. He was diagnosed with PTSD and later discharged. He served in Cyprus, Iraq and Bosnia. Still uses alcohol to block out frustrations.

26 West Yorkshire

A 31 year old male is on a two year community service with a condition that he attends the domestic abuse programme. He had five years military service but was discharged for smoking cannabis and an assault on an officer. Staff believe he has undiagnosed PTSD. He has issues with alcohol and a history of being violent towards all his female partners, and also has a poor view of female staff. He has chronic problems with alcohol, is often unemployed, has a history of depression and binge drinking and has had two suicide attempts. He has other convictions for assault on a police officer and has served a short prison sentence in the past.

27 Northamptonshire

An officer reports supervising a 50 year old man on concurrent community orders both involving common assault, criminal damage, failure to surrender and involving his partner. He has used a variety of drugs including cocaine and steroids and has depression. He has now been booked in for psychiatric appointments. He served in the army until 1985.

28 & 29 Dorset

An officer reports two current cases.

- The first served in Bosnia and the Gulf War. He witnessed an episode of ethnic cleansing. He was placed on a community order with a condition of a domestic violence programme, again after a domestic violence offence. He was referred to Combat Stress for support because of PTSD. He describes often waking in a sweat with an image of his colleague exploding in front of him.

- The second soldier served in the Guards in Northern Ireland and the Gulf War. He is also subject to a community order following domestic violence convictions. He started using heroin after being demobbed to help deal with nightmares. It is said they still haunt him now but to a lesser degree. Drug abuse declined then stopped and he has obtained full time employment. The return to civilian life has been a very difficult transition which took many years to deal with. The officer also reports that over his 20 years in probation he has lost count of the number of ex service men that he has supervised.

30 South Yorkshire

An officer from Doncaster reports supervising a 28 year old male convicted of GBH. He has a long term partner and with three children. He joined the army at 18. He was violent towards his partner whilst under the influence of alcohol. He has served a custodial sentence in the past. His offence involved domestic violence. He hopes to rejoin the army when the order terminates.

31 Devon and Cornwall

An officer reports supervising one soldier on unpaid work. The offence was ABH and he had one previous conviction for the same. He is currently working his hours in blocks when on home leave to get as many hours out of the way as possible.

32 Thames Valley

A probation officer reports supervising a former soldier served in Germany and Northern Ireland. He was in the army for five years from the age of 16. His offences were domestic violence against his partner. He is described as having poor coping skills and when he becomes depressed he takes it out on his wife. He is very controlling towards his children and sees this as linked to his conditioning in the army about how things should be done.

33 Gwent

A probation services officer reports supervising a 39 year old man with a heart condition and ongoing alcohol problems was convicted of sexually assaulting his partner, with whom he had a long term relationship and two children. His three year community order ends in October. He was in the forces for a number of years and experienced PTSD symptoms after witnessing the death of a friend. He has ongoing medical health problems and has been treated for depression.

34 Durham

An officer reports one servicing ex-soldier imprisoned for four months for sexual activity with a child. Now he is on parole. He had originally joined the army in 1996 but was later discharged with a back injury. He is successfully attending a local sex offender group and programme.

35 Thames Valley

An officer reports supervising a man in his late 40s who was an exemplary soldier for 22 years. He joined the army at 16 but was convicted for an assault against his partner after discovering she was having an affair with a colleague at work. He was convicted of ABH and given a two year community order with a condition he attend a domestic violence programme. He experiences a great deal of anger and emotional pain as a result of participating in the programme. It was evident to staff that he may have been suffering from some form of PTSD as a result of incidences he saw in Northern Ireland but will only discuss these incidences in general terms. Power and control issues were a major issue in the supervision, there is however an absence of any offending history prior to these events.

36 South Yorkshire

Staff report supervising a 28 year old male sentenced to two years for robbery of a bus driver. Longstanding alcohol and drug problems contribute to his offending behaviour not only towards members of the public but towards his partner. He has been assessed as high risk of harm in domestic settings. Is currently being supervised on release. He has a history of depression and suicide attempts, uses drugs and alcohol as a coping mechanism, and is diagnosed with PTSD. He was stationed in Iraq. He has tried to work since release but has no record yet of any sustained employment.

37 Leicestershire

Staff report supervising a 42 year old man who served in the army. He was a private for five years, serving in Northern Ireland. He is said to have alcohol and mental health problems. He was convicted of domestic violence offences. He indicated that certain army experiences have had a longstanding effect on him. He had a neurological breakdown in 2006 and has since been unable to work. He has made contact with SSAFA and has kept two appointments since the order commenced.

38, 39 & 40 Lancashire

A probation officer reports having three ex armed services personnel currently on the caseload. The first is male, convicted of public order harassment offences, is currently compliant and has found work. The second is female, was convicted of theft, has been non-compliant, is currently employed and was sentenced to a suspended sentence order. There was evidence of drug misuse. The third was male, convicted of violence against his partner. He was placed on a short period of supervision for alcohol related offending.

41 Sussex

A probation officer reports two ex-service personnel on their caseload – one ex-army the other ex territorial. Both had been convicted of domestic violence offences and taken part in domestic abuse programmes. This officer believes that the offender assessment system should be amended so all offenders are questioned about their previous and current military and emergency services experience unless their status is recorded explicitly. Such changes would enable accurate statistics to be produced and would mean that group facilitators do not end up finding out half way through a programme that the group participants are ex forces.

42 & 43 Devon and Cornwall

An officer reports two armed forces on current cases. The first left the army ten years ago after being raped. He had been placed on community service for offences of violence against his wife. He is now aged 42, is working as a skilled labourer with no other convictions. The second individual was in the army and discharged dishonourably. He would not say why. He was on probation for offences of violence against his female partner. He is currently aged 33. He has an offending background including theft and driving, as well as violence against the person. He had a fairly troubled background himself and is out of work.

44 Nottinghamshire

An officer reports currently having four men on his caseload, two of which were sentenced to unpaid work. One case study was submitted. He was convicted of assault in 2009 for a serious domestic incident. He received a 24 month community order with a condition for a domestic abuse programme. He was aged 38, had been in the army for 20 years and was undergoing emotional difficulties in dealing with friends. He had great difficulty adjusting to civilian life and stated the army was his family for most his life. He is resisting to accepting he was a perpetrator of domestic abuse and blames partner a lot.

45 Derbyshire

An officer reports a 55 year old former soldier who has served in Northern Ireland. He was raised in England by working class parents. He used alcohol and amphetamine while serving as a soldier. He feels he was bullied whilst in the army and that violence in family settings was very common. He alleges that his partner was violent towards him and that he was therefore involved in retaliation. He has also convictions for violence against a child, an offence which again he denied.

46, 47, 48 & 49 Nottinghamshire

An officer reports having four former veterans on his current caseload.

- H was convicted of assault, a domestic incident in July 2008. He was given 12 months supervision. He finds it difficult to engage in offence focussed work. Connection between alcohol use and aggression.
- P was convicted of assault and criminal damage – domestic related incidents. He has history of alcohol abuse and of more serious domestic incidents, including arson, in the past. He was sentenced to a community order with 12 months supervision. Had previously completed a domestic violence course and had been compliant. He has been unemployed over the last year and would like to rejoin the army. He left the army suffering from depression and was probably medically discharged.
- S was convicted of robbery and possession of a fire arm. He was sentenced to an indeterminate public protection sentence but is now being released on supervision. There was a serious domestic incident and he has now been placed in approved premises. He is 31 and spoke of the army having become his family. He feels he has emotional problems related to army experience and family abuse.
- C was convicted of ABH against a male following disputes in a pub whilst heavily under the influence of alcohol. He joined the army at 16 and is now 19. He is unemployed but wants to rejoin the army. He reports previous experience of witnessing domestic violence against his mother and thinks this might be linked to his current offence.

50 Nottinghamshire

An officer reports having one ex-soldier on his caseloads aged 38. He has served three years in the army. His offence was assault and harassment in the context of domestic setting. He has previous conviction for assault of a police officer. All offences have occurred when under the influence of alcohol. The man had suffered physical and sexual abuse as a child and is currently in fulltime employment.

51 Gloucestershire

An officer reports having one current case; a 52 year old male who is reluctant to discuss any of his army experiences. It is thought he may have been with Special Forces. He has a significant history of violence against men and partners. He has an 'eye for an eye' mentality in order to justify all of his violent behaviour. He uses physical force to end any dispute. He has now been assessed as being bipolar.

52, 53 & 54 Leicestershire

An officer reports having three former service men on his current caseload.

- A 29 year old male who completed active service and left due to being unable to cope He received 24 months supervision order following offences against his partner. There are ongoing issues with cocaine, instability in housing and unemployment. He is not willing to discuss his experiences in the armed forces and is very clear about this.
- A 31 year old male who was in the army for just a year. He was sentenced to battery on his then partner. He is attending a domestic abuse programme, has stable accommodation and a supportive family. He struggles with issues surrounding loss of people close to him. He has problems with jealousy and behaviour issues.
- A 45 year old man had a lengthy period in the armed forces, ongoing issues with alcohol and dealing with and sustaining relationships. He has now received an 18 month suspended sentence order with a condition of attending a domestic abuse programme. He is positive about his time spent in the armed forces but found it extremely difficult to adjust when he left. He now struggles with settling down and managing structured employment.

55, 56 & 57 Cumbria

An officer supplied three cases.

- A man in his 20s, served in Northern Ireland, convicted of ABH against his girl friend in front of his child. He was given a two year suspended order with a domestic violence programme condition.
- A man in his early 40s, served 22 years in the army, again common assault on wife and community order with participation in relevant group.
- A man in his mid 30s with serious mental health problems, in the Infantry for five years, including Iraq, again received a domestic violence requirement as part of his SO.

This officer highlights the frequency with which military men crop up on domestic violence programmes. On the most recent group of eight men, four had army backgrounds. On the group he is currently running it is three out of 14. He believes that military background may well be a risk factor for domestic violence as a consequence of male environment, conditioned responses, exposure to violence and believes there should be serious research done into this hypothesis. He believes there is an issue between armed forces and drink. Most of the people he has dealt with who are ex-armed forces had significant alcohol problems in the past. One soldier he remembers saying “the army teaches you to drink, it’s encouraged, everyone does it all the time.”

58, 59 and 60 Devon and Cornwall

An officer reports three ex-armed forces on her caseload. The first is on a community order for internet child pornography offences. She feels this is related to PTSD following an incident he witnessed whilst in Bosnia. He has now been referred to Combat Stress for assistance and is doing 1:1 offence related work. There are also two other ex-service men on parole. One for an offence of kidnap the other for an offence of the rape of a 15 year old girl. The second was dishonourably discharged as a result of the offence.

61 Lancashire

An officer reports having completed numerous court reports on former soldiers and having always found great difficulty getting information from the services when trying to complete assessments. He cites for example ascertaining reasons for discharge from the services, which could be abscond, violence, mental health, which would clearly have an impact on any risk assessment or judgement of compliance issues. He feels that there is a need for an agreement between the armed forces and the probation service on the sharing of data.

62 North Wales

An officer reports one case on the current caseload of a man serving a suspended sentence order for an offence of aggravated theft and driving under the influence. He served a long time in the armed forces and was subsequently discharged on medical grounds. He is 37 years old and previously served in Bosnia and Afghanistan.

63 West Midlands

An officer reports one man on his caseload who served in four tours in Iraq and three tours in Sierra Leone. His offence was driving whilst disqualified. He has problems with alcohol which he uses because of his PTSD. He is 28.

64 West Midlands

A probation officer reports having one ex-service man on his case load. He was a long time soldier placed on a suspended sentence order for a sexual offence against a female who was over the age of 16.

65, 66, 67 and 68 Staffordshire

A probation officer reports having four veterans on case loads.

- The first is female aged 21, convicted of GBH and wounding. No addictions have been declared, is currently undertaking unpaid work.
- The second is a male aged 20 convicted of public order and affray, no addictions declared, had previously served in Afghanistan.
- The third is a male aged 25, ABH and affray, no addictions declared, sentenced to unpaid work, based at local barracks.
- The fourth is aged 21, convicted of using a loaded air weapon in a public place, no addictions declared, again based at local barrack. Further offences pending of ABH on children and is therefore of interest to social services.

69 & 70 Hampshire

A probation officer reports supervising two veterans.

- The first was in the Royal Navy, was placed on a 12 month community order with a supervision requirement that he attends a domestic violence course.

- The second, also ex-navy, is also on a supervision order with a condition that he attends an addictions course.

71, 72 & 73 Wiltshire

A probation officer reports having three offenders on his current caseload.

- The first is convicted of possessing child abuse images, has been in the RAF, is aged 39 with no previous convictions. He has served in Afghanistan. The officer is still unable to ascertain what the relevant causal links might be.
- The second is a paratrooper on a community order with an award of a disability pension because of PTSD, convicted of domestic abuse on his 26 year old partner, has current domestic violence issues, there are also child protection concerns regarding a new baby and one previous conviction for battery. He served for four years in Iraq before being discharged because of incapacity.
- The third is RAF and on a community order for possessing child abuse images. He served 23 years in the army and had a exemplary career with no indication of any previous offending.

74 West Midlands

An officer reports having one ex-serviceman on his caseload. The male soldier received 12 months custody suspended for 12 months, supervision for 36 months, with a condition of attending a domestic violence programme. He served in the infantry in Afghanistan and was medically discharged from the army for self harm. He had a previous history of similar behaviour as a teenager. The court report states he enjoyed his tour of duty in Afghanistan but clearly has difficulty readjusting to civilian life.

75, 76 & 77 Cheshire

An officer reports having three veterans on his current case load.

- A 42 year old male convicted of sexual assault of a child, had served in the first Gulf war, had a history of depression having been abused as a child, major issues of guilt arising from active service, massive problems with PTSD, not able to travel in a car alone, paranoid ideas about people trying to kill him and a chronic alcohol abuser.

- 28 year old male convicted of common assault in a domestic violence setting. Assaulted wife whilst in army and was discharged. He has been prescribed medication for anxiety and depression which he attributes to time spent in Northern Ireland as part of bomb squad. He is a heavy user of alcohol, feels his time in the armed forces prompted excessive drinking. He is currently trying to seek access to counselling. He has been referred to a domestic violence programme and is said to be responding well.
- A 39 year old male convicted of a Section 7 assault against a former partner, has previous convictions for burglary and theft. He served in the Royal Army Ordnance Corps. There is evidence of previous use of cannabis and amphetamines. He also had to kill someone on active service and was appalled at the damage he had done. He is a dependent drinker and is currently being referred to army counselling services.

78 Cheshire

Staff carried out a snap shot in Warrington, where there are 10 probation officers and 10 PSOs and report there were 20 ex-forces on the current caseload.

79 & 80 Hampshire

A probation officer reports two veterans on their caseload.

- A 34 year old man convicted of driving with excess and causing criminal damage. He also reoffended during the course of the order twice for criminal damage and once for drunk and disorderly. All offences were drink related. He had no previous convictions. He joined the Royal Navy at 18 and left voluntarily. He secured employment quickly but has suffered from depression for the past 10 years. He acknowledges that he has always drunk heavily and cites the navy culture as making this seem acceptable.
- A 28 year old man convicted for three counts of battery was sentenced to a 12 month suspended sentence order and supervision. He had previous convictions for breach of community order and theft of a motor vehicle for which he is currently subject to an Unpaid Work Order. He joined the Royal Navy at 21 and served mainly at sea. The navy allowed him to attend unpaid work and supervision but he is due to be deployed soon. Senior probation staff are aware of this and National Standards will be suspended. He has attended anger management and alcohol awareness counselling provided via the Royal Navy.

81 Northumbria

An officer reports an ex-serviceman on her caseload who is on a suspended sentence order for wounding. He served first in the army then the navy. He has disclosed that he was severely bullied and seriously sexually assaulted by an officer whilst in the army and after transferring to the navy was involved in rescuing sailors during an incident at sea which led to his developing PTSD. He was medically discharged. His offence occurred when he retaliated when attacked while out celebrating his birthday. He regarded himself as acting in self defence but now recognises that his PTSD contributed to his reaction. The sexual assault is being pursued with help from SSAFA.

82, 83 & 84 Northumbria

An officer reports three ex armed forces personnel on their caseload.

- The first is a male sentenced to 18 months community order with supervision for an offence of dangerous driving. He is currently complying with the order.
- The second is a male sentenced to an eight year extended sentence including two years extended licence, for robbery. The offence was heroin related. He is currently on licence and doing well.
- The third is a male, recently discharged from the army, and sentenced to a 24 month suspended sentence order and 24 months supervision with an addressing substance related offending programme for a Section 20 assault. He is complying with the order.

85 Hampshire

An officer reports supervising a 37 year old male convicted of blackmail and sentenced to four years. He is currently out on licence. Since the age of 18 he has been convicted 10 times covering 27 offences of involving violence and drink driving, he says all are alcohol related.

86 Lincolnshire

An officer reports a male aged 60 who was sentenced to 24 month suspended sentence order with a community sex offender group work programme condition and 24 months supervision. He formerly served in the army in various countries including multiple tours of Northern Ireland, Germany and Asia.

He was discharged on medical grounds following a nervous breakdown. He is diagnosed with PTSD, although a more recent report questions this diagnosis. He has previously been assessed as alcohol dependent whilst in the army. He also has issues with gambling and previous dependency on prescription medication. He is also socially isolated. He formerly had support from Combat stress but they withdrew residential support because of his offence and he now only sees a community welfare officer once every three months.

87 Lincolnshire

An officer reports a 34 year old man serving in the RAF, sentenced to 24 months suspended sentence order with 24 months supervision and a condition of a domestic abuse programme and unpaid work for ABH against his partner. The offence was alcohol related. He was assessed by a RAF psychologist but not diagnosed with PTSD.

88 Lincolnshire

An officer reports supervising a 28 year old man convicted of Section 20 wounding. He was discharged from the army following service in Afghanistan, suffering from PTSD. He received no support and had problems with housing, although he has a supportive family. He resorted to alcohol to cope. He has now been referred to Combat Stress and SSAFA.

89 Cheshire

An officer reports supervising a 37 year old male who was sentenced to 24 weeks custody suspended for 12 months with 12 months supervision and an alcohol treatment requirement, for the offence of carrying an offensive weapon. He served in the guards since the age of 17 and was discharged in 1998. He served three tours in Northern Ireland. He is currently unemployed.

90 Northumbria

An officer reports currently supervising a 48 year old former soldier with a history of misuse of telecommunications and public order offending. In the past he has been given custodial sentences and has been the subject of an ASBO. He admits to being a functioning alcoholic and is now attending AA meetings. He told his officer that whilst in the army there was a culture of drinking which he went along with. The pattern of offending was that he would get drunk, ring the emergency services saying he was ill and then abuse the attending staff. He is currently on police bail following another incident, where he got drunk was taken to hospital and assaulted a member of staff.

2008 CUSTODIAL STUDY

The findings of the 2009 study are broadly similar to those that were discovered in 2008. Service personnel were overrepresented in custody and most had been convicted of violent offences with a direct link to drug or alcohol misuse or both.

The case histories examined last year by Napo show that the majority of the ex-soldiers were suffering at some stage from either post traumatic stress disorder (PTSD) or depression and that very few had received any counselling or support at any time after discharge. There also appears to have been a failure to identify their status at arrest or the committal to custody stage. However, committed staff at HMP Everthorpe have put together an advice pack for former soldiers and they offer to liaise with counselling services. This does not, however, appear to be available nationally, although an MOD project is planning to publish help and support for services that are available. It is also improving the awareness of welfare visits that can be arranged for ex-service prisoners. Napo understands that the Everthorpe pack is in the process of national roll out.

Some ex-forces personnel are however picked up at the report stage and that information is often made available to the judiciary. Indeed advice on this was given by the Ministry of Justice to report writers in June last year, in an attempt to keep as many serving personnel, who were suitable for community penalties, active in the forces.

The guidance states: *“In general, if it is appropriate to consider a community order, care must be taken to liaise with the army about the compatibility of requirements under consideration with the obligations placed upon the soldier by the army. In particular a curfew requirement is inappropriate, and accredited programmes requiring consistent commitment over a number of months are unlikely to be compatible with army commitments.”*

There is not an Inspectorate for the Armed Forces, which would have the power to carry out thematic enquiries into issues like the treatment of personnel on discharge from the service.

The custodial case studies showed that most of the soldiers who had served in either the Gulf or Afghanistan were suffering from post traumatic stress, that little support or counselling was available on discharge from the forces, that virtually all became involved in heavy drinking or drug taking and in consequence involvement in violent offences, sometimes domestically related, happened routinely. In Napo's view, had support services been available at the point of discharge and when personnel first came in touch with the criminal justice system, custody could have been avoided probably in the majority of cases. The committed men, received into custody, have broad service records. A profile of regiments at one Cat B prison, carried out during the period May 2008 to June 2009, is repeated below.

Table 2 - Veterans in Custody Support

<i>Initial date from period between May 2008 – June 2009</i>	
Offenders with Armed Forces connections	53
Army	42
Royal Navy	5
Royal Marines	3
RAF	0
Identified no engaged	3
Army Regiments	42
Royal Green Jackets	2
1st Bat Light Infantry	2
Royal Horse Art	1
Cheshire Reg	1
Coldstream Guards	1
Duke of Wellington	2
Army Foundation College	1
Green Howards	3
Infantry	3
Kings Yorkshire Light	1
Royal Logistics	4
Prince of Wales	2
Pioneer Corps	1
Royal Signals	3
Scots Guards	1
TA	1
Yorkshire Reg	1
Reg not stated	12
Royal Marines	3
42 Commando	1
41-45 commando	1
Not stated	1
Royal Navy	5
Articifer Training	1
Submarines	1
Marine Engineering	1
Not stated	2

Case Studies

During the autumn of 2008 Napo received 74 case studies from probation officers working in 22 of the 42 Probation Areas in England and Wales. A number are reproduced as follows:

1 Devon and Cornwall

A soldier was discharged from the army for misconduct after being sentenced to three years imprisonment for threatening a drug dealer with a firearm. The report prepared for the court indicated that he suffered from post traumatic stress disorder as a result of his service in Northern Ireland and then subsequently Op Telic 5 (Iraq). This diagnosis was confirmed by a Ministry of Defence psychiatrist. The soldier makes no excuses for his behaviour and feels his sentence was justified for what he did, but feels bitter that he is 'stuck with psychological problems' from his service in the army. He feels that the authorities have washed their hands of him. The individual probation officer contacted SSAFA (Soldiers, Sailors and Air Force Association), who said they were alarmed about the number of psychiatric referrals following service in the Gulf and Afghanistan.

2 South Yorkshire

A member of staff prepared a court report on a soldier who was convicted of arson with intent and possession of a sawn-off shotgun. There were a number of co-defendants and he was not the leader of the group. He was recruited by others who had been friends in the same regiment. The report concluded that the origin of events lay in military training and the ethos of supporting comrades. The recipient of the assault was the subject of personal grudges by the leader of the group. The defendant said that his training had led him to obey orders without question and whilst he accepted he was not ordered to commit the offence he agreed to take part because of comradeship. He admitted in the report that at the time of the offence he had a mindset that would have been appropriate in a war zone and recognises now how wrong that was. He now takes full responsibility for what was a very serious offence. Because of counselling he is now capable of analysing the very factors which led him to take part, not least a misguided belief in the primacy of loyalty to ones former comrades, even if it involved crime. He left the Armed Forces in December 2006.

3 Cumbria

A soldier, now 23 years old, had previously served with the parachute regiment and had served two tours in active war zones. He left military service in late 2005 with no previous convictions, but since being discharged has 7 convictions, 5 of which resulted in periods in custody. He reports that he failed to readjust to life in the UK, finding it hard to 'reconcile the devastation, horror and distress of the war zone, with the comfortable life' he found himself and others taking for granted.

He did refer himself to his GP because of strong indications of post combat PTSD and was given a psychiatric appointment. Local psychiatric services are limited. He missed his first appointment and claims he was never offered another. At his most recent interview in June 2008 he stated he 'wanted to join up again – if the marines won't have me the foreign legion will'. He self medicated over a number of years using alcohol, became aggressive towards partners and others, and is currently serving four months for assault. Because of the short sentence he will have no post release supervision.

4 Warwickshire

A 25-year-old soldier was interviewed for a report in June this year. He had been in the army for a three year period from 2003 to 2006. Subsequently he had a number of alcohol related convictions for random violence and criminal damage. There was no obvious explanation as to why he was committing these offences. He did mention receiving humiliating treatment and 'beasting' whilst in the army, but was reluctant to talk more freely. The interviewer formed the impression that a lot had happened to him in the past whilst on active service but he couldn't face talking about it.

5 Gloucestershire

A probation officer reports supervising an offender whilst in prison who was in the last stages of a life sentence for murder. The offence occurred when he was a serving soldier, where he had seen active service in the Gulf. The offence was alcohol related and involved a sustained and unprovoked attack upon a civilian. The offender did not seek to blame his service for his offence, but his behaviour had been deteriorating prior to its committal and he had been binge drinking. It is thought the drinking was related to scenes he had witnessed whilst on active service. He is about to be released having made good progress in prison.

6 West Midlands

A probation officer working in a local prison reports working with an ex-soldier who had been convicted of an offence of attempted arson. He had received a four year sentence. The principal issue for him was getting an assessment for a previously suggested condition of PTSD. He had seen colleagues killed in action in Bosnia and Kosovo. He was subsequently discharged from the army whilst pursuing compensation for post traumatic stress disorder. Whilst in custody he was badly assaulted by a number of prisoners and has now developed a stutter. He was however successful in accessing parole and is now on supervision.

7 Bedfordshire

An officer reports that he is currently supervising a 23-year-old infantry corporal who was given an indeterminate prison sentence with a 12 month tariff for assault. The offence was thought to be an unprovoked attack on a 30-year-old man who had health problems. The perpetrator and his army co-defendants, who received similar sentences, were returning home from a night out drinking. This was a few days after returning from active service in Iraq. The individual has declined an assessment for therapeutic intervention, which was offered, because this would have involved a dry week under constant scrutiny when they wanted to be out on the town celebrating their leave.

CONCLUSION

The current and previous briefings produced by Napo suggest there are at least as 20,000 former Services personnel, either in jail, on parole or on community supervision. This is twice as many as on active service in Afghanistan. Indeed the numbers in the entire criminal justice system exceed all soldiers on active service by some 6,000. The most common offence is violence occurring in a domestic setting. Most are either drug or alcohol related. Most of those convicted report problems of adjusting to civilian life and the lack of available support. Many report negatively of the effect of the culture of heavy drinking in the armed forces.

Napo believes that the situation is unacceptable, that active steps need to be taken to offer both support on discharge from the forces and referral to relevant agencies if individuals do enter the criminal justice system.

The case studies show the extreme difficulties that some veterans experience in making the transition from active service to employment in the community. Support packages would not only be in the public interest but would save the taxpayer significant sums of money in the medium and long term.

A number of specific steps could be taken to reduce the number of veterans who find themselves within the criminal justice system.

- All reasonable steps should be taken to reduce the number of men sentenced to custody or community penalties who had previously been in the armed forces and experienced trauma and stress.
- Information and referral services should be provided to ex-armed services personnel on arrest, at report writing stage and on reception into custody.
- Armed services personnel should receive information and education on the benefits of stress counselling in general and be given support where it is appropriate.
- Napo fully supports the work of the Prison In-Reach Project, sponsored by the MOD, and urges that its activities be prioritised by government.
- The government should provide stress counselling on site and on return from active service for all armed services personnel
- The Armed Services must address the effects of alcohol and drug misuse by personnel and provide adequate help and support.
- Programmes must be readily available in military and community settings to deal with the consequences of domestic violence and other probation programmes should be made widely available to the forces.
- Consideration should be given to the creation of an Armed Forces Inspectorate with powers to carry out thematic reports into issues of public concern.
- Consideration should be given to creating a Services Representation Body, similar in function to that which exists for the ranks in the Police.

Until the government admits that it does have a real problem in terms with veterans in the criminal justice system and the lack of support and referral it is difficult to see how interested parties can embark on solutions.

Harry Fletcher
Assistant General Secretary

September 2009

References

- ¹ Ex-armed forces personnel in the criminal justice system – Napo (September 2008)
- ² Parliamentary Answer to Liam Fox MP (25-06-09)
- ³ National Offender Management Statistics – Ministry of Justice (July 2009)
- ⁴ Criminal Justice Resources Staffing and Workloads – Centre for Crime and Justice Studies (December 2008)

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