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The needs of ex-service personnel in the criminal justice system: Evidence from two surveys

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Currently, there is only limited evidence on the needs and experiences of ex-service personnel in the criminal justice system (CJS). This report presents findings from the analysis of data from the Offender Management Community Cohort Study (OMCCS) and the Resettlement Surveys (RS). It considers if ex-service personnel subject to Community Orders or in prison have specific needs that differ from the general offending population, to highlight key areas of need, and looks at whether these needs are appropriately catered for.

The OMCCS surveyed offenders starting Community Orders between October 2009 and December 2010, while the RS surveyed prisoners just before their release in 2001, 2003 and 2004. Therefore the findings presented here may not reflect the position of ex-service personnel currently in the CJS.

Key findings

- Ex-service personnel made up 5% of offenders in prison and 5% of those subject to Community Orders according to the RS and OMCCS.
- Ex-service personnel in the CJS were more likely to be male, white and older on average than offenders who had not served in the armed forces.
- Ex-service personnel were more likely to have qualifications, and those in prison were more likely to have been in full-time, paid employment prior to custody.
- While the majority of offenders lived in owned or rented accommodation, those subject to Community Orders were more likely to live in hostels or temporary accommodation than the general probation population.
- Ex-service personnel in prison were less likely to have drug misuse problems than offenders who had not served in the armed forces, and were more likely to have alcohol misuse problems and be in treatment. There were no significant differences in substance misuse for offenders subject to Community Orders.
- There were no significant differences for those subject to Community Orders in the level of mental and physical health needs between those who had served in the armed forces and those who had not. There were no data on this for those in prison.
- Ex-service personnel subject to Community Orders were no more likely to re-offend than those who had not served in the armed forces, but ex-service personnel who had been in prison were less likely to re-offend than those who had not served in the armed forces.
- Overall these findings suggest that offenders who were ex-service personnel had similar or lower levels of need in many areas when compared with those who had not served in the armed forces. However there were some areas, such as alcohol misuse, where a greater degree of support may be necessary.

Since the conflicts in Iraq and Afghanistan, there has been a resurgence in public and media interest in the impact of serving in the armed forces, and how this might affect ex-service personnel's ability to reintegrate successfully into civilian life.¹ The number of ex-service personnel in the CJS is one of these areas of interest. Although the majority of ex-service personnel are able to reintegrate successfully, a minority do not, some of whom may come into contact with the CJS.

An Independent Review of Veterans within the Criminal Justice System was commissioned by the Government in January 2014. This review aimed to identify the reasons for ex-service personnel ending up in the CJS, to look at the support provided to them and how that support can be improved.²

Estimates of numbers of ex-service personnel in the CJS have varied from 3.4%³ to 9%⁴ as they are based on studies with different samples and methodologies. The most reliable estimate is considered to be 3.5%⁵ for ex-service personnel in prison and 3.4%⁶ for ex-service personnel subject to probation supervision.⁷ However, these figures do not take into account reservists and are a snapshot picture based on one date. The limitations of the existing studies mean that there is not much detail on who the ex-service personnel in the CJS are and what their needs are.

This report aims to add to the evidence base on ex-service personnel by presenting further analysis from two surveys of offenders subject to

Community Orders and those in prison. Data on the characteristics of ex-service personnel compared with the offenders subject to Community Orders or in prison within these two studies who had not served in the armed forces (hereafter referred to as the 'general probation population' and the 'general prison population') are presented, to highlight areas where ex-service personnel differ from the general probation and prison populations in both characteristics and needs. Topics cover offence and sentence characteristics, housing, employment, health, substance misuse, and offending patterns.

This report, alongside a rapid evidence assessment (REA) which considers ex-service personnel's needs and the provisions for them in the CJS, informed the Independent Review on ex-service personnel to enable evidence-based recommendations to be made.

Data sources

This report uses data from the Offender Management Community Cohort Study (OMCCS) and the Resettlement Surveys (RS) to compare the types and levels of need between ex-service personnel and the general probation and prison populations in the CJS.

The OMCCS surveyed a representative sample of 2,919 adult offenders on National Offender Management Service (NOMS) Management Tiers 2–4,⁸ across 10 Probation Trusts, who started Community Orders between October 2009 and December 2010. This study provides information about offender backgrounds, sentence requirements, attitudes and needs. As part of the survey offenders were asked if they had ever served in the armed forces and 151 respondents self-identified as ex-service personnel (5%). Details of the methodology can be found in the technical reports.⁹

The RS were conducted in 2001, 2003 and 2004 and surveyed prisoners shortly before their

¹ Howard League (2011) *Report of the Inquiry into Former Armed Service Personnel in Prison*.

² Phillips, S. (2014) *Former Members of the Armed Forces and the Criminal Justice System: A Review on behalf of the Secretary of State for Justice*.

³ DASA (2010) *Estimating the proportion of prisoners in England and Wales who are ex-Armed Forces*; a data matching exercise carried out by the MOD in collaboration with the MoJ.

⁴ NAPO (2008) *Ex-Armed Forces Personnel and the Criminal Justice System: A briefing from Napo the Trade Union and Professional Association for Family Court and Probation Staff* September 2009, London: Napo.

⁵ DASA (2010) *Estimating the proportion of prisoners in England and Wales who are ex-Armed Forces – further analysis*, London, Ministry of Defence.

⁶ DASA (2010) *Estimating the proportion of offenders supervised by Probation Trusts in England and Wales who are ex-Armed Forces*, London, Ministry of Defence.

⁷ The types of supervision included were Community Orders, Suspended Sentence Orders and Post-release Supervisions.

⁸ Offenders are assigned to one of four 'tiers' during their management by NOMS, based on a number of factors including their risk of re-offending and risk of serious harm, to identify the level of resource to direct to an offender. Tier 1 (the lowest tier) offenders were excluded from the survey as they had minimal levels of interventions in their sentence.

⁹ For example, MoJ (2013) *Offender Management Community Cohort Study (OMCCS) Baseline Technical Report*.

release to examine the prison population's resettlement needs. Data were collected on the requirements and characteristics of the prison population – 4,898 prisoners were interviewed from 74 different prisons, which included 232 ex-service personnel (5%). Further details of the survey design and methodology can be found in previous RS reports.¹⁰

All findings reported here are significant at the 5% level unless specified.

A set of supporting tables have been published alongside this report.

Limitations

There are several limitations to using these data sources for looking at ex-service personnel's needs and experiences.

The findings are based on self-reported service in the armed forces by those being surveyed; this has not been verified against military records. The studies cover those sentenced to custody or a Community Order and do not include those receiving other sentences, such as Suspended Sentence Orders or a caution. In addition, the surveys identified small numbers of ex-service personnel; therefore the findings are based on small bases. For these reasons the findings may not be generalisable to all ex-service personnel in contact with the CJS.

The numbers of ex-service personnel may have changed since the surveys were conducted, meaning they may not accurately represent the current ex-service personnel population. For example, many ex-service personnel who served during the wars in Iraq and Afghanistan will not be captured in these surveys.

The OMCCS and RS may not be directly comparable as each survey had different aims, survey populations and covered different time periods; therefore offenders were not asked the same questions in both surveys. Where findings are only reported from one survey, it is because

questions on this topic were not asked in the other.

In some cases, findings from the two studies conflicted and were significant in one study but not in the other. Often the RS data were significant whilst the OMCCS data showed a similar pattern but not a large enough difference to be statistically significant. This may be due to the OMCCS having smaller sample sizes.

Findings

Ex-service personnel made up 5% of both the RS and OMCCS samples. Of these the majority had served in the Army (80% of ex-service personnel in the RS and 85% in the OMCCS), with the Navy being the second most common force served in (11% of those in the RS, 4% of those in the OMCCS).¹¹

Ex-service personnel characteristics

Ex-service personnel in the CJS were more likely to be:

- **Male:** 98% of ex-service personnel in the OMCCS were male compared with 83% of the general probation population, and 98% of ex-service personnel in the RS were male compared with 92% of the general prison population.
- **Older than the general prison and probation populations:** 31% of ex-service personnel in the OMCCS were aged over 40, compared with only 21% of the general probation population. In the RS, 38% were aged over 40 compared with only 12% of the general prison population. The average (mean) age of ex-service personnel in the OMCCS was 35 years, compared with 31 years for the general probation population, whilst in the RS the mean age was 37 years for ex-service personnel and 29 years for the general prison population.
- **White rather than from a black and minority ethnic group:** 96% of ex-service personnel in the OMCCS were white, compared with 87% in the general probation population. In the RS,

¹⁰ For example, May, C., Sharma, N. and Stewart, D. (2008). 'Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004', <http://webarchive.nationalarchives.gov.uk/20081230184812/http://www.justice.gov.uk/docs/research-factors-reoffending.pdf>

¹¹ The studies asked different questions about armed service. The RS only asked about membership of the Army, Navy and Air Force, whereas the OMCCS survey took the reserve forces into account as well.

93% of ex-service personnel were white compared with 86% of the general population.

Ex-service personnel in both samples were more likely to be married, separated or divorced; for example, 11% of ex-service personnel subject to Community Orders were married, compared with 7% of the general probation population. In the RS, prisoners were asked whether they had children; ex-service personnel were no more likely to have had children than the general prison population (44% of ex-service personnel had children compared to 46% of the general prison population).

Offence and sentence characteristics

Ex-service personnel were more likely to receive an unpaid work requirement as part of their Community Order (36% compared with 28% of the general probation population). There may be a number of reasons for this, including the typical types of requirement given for particular types of offence and offenders, or the way sentencing guidelines suggest the likelihood of compliance should be taken into account when choosing Community Order requirements.

Ex-service personnel in prison were more likely to be serving their first custodial sentence (43% compared with 30%). There were no significant differences in either the OMCCS or the RS between ex-service personnel and the general probation and prison populations in the offence type they had committed. For example, 24% of ex-service personnel in prison had committed an offence of violence against the person, compared to 21% of the general prison population.

There were no differences in ex-service personnel and either the general probation or prison populations' sentence lengths; for example the majority of offenders subject to Community Orders were serving sentences of 7–12 months (69% of ex-service personnel and 66% of the general probation population).

Housing

Ex-service personnel and the general probation population were as likely to have lived in rented or owned accommodation prior to their sentence (84% compared to 87%). There were also no differences between ex-service personnel and the general probation population in whether they were

homeless or lived in other accommodation. However, ex-service personnel were more likely to live in hostels or other temporary accommodation (12% compared with 3% of the general probation population). Despite this, there were no significant differences in the levels of housing need between ex-service personnel and the general probation population.¹²

In the RS, there were no significant differences between ex-service personnel and the general prison population in where they lived before their sentence, and similarly to the OMCCS, the majority of offenders lived in owned or rented accommodation (82% of ex-service personnel and 84% of the general prison population).

There were no significant differences between ex-service personnel and the general prison population in whether they received help securing accommodation after their sentence ended; 22% of ex-service personnel had received help compared to 20% of the general prison population.

For those offenders who received help in securing accommodation, 45% of both ex-service personnel and the general prison population did not think they had received enough help. Additionally, 39% of ex-service personnel who did not receive help would have liked help with securing accommodation. This suggests that, at the time of the survey, there may not have been enough signposting to the voluntary sector organisations which are there to support ex-service personnel specifically after their sentence. Only 32% of ex-service personnel in the RS were aware of organisations like these, so may not have been accessing the specialist help available.

Employment

Differences in employment rates and experiences may be expected between ex-service personnel and the general probation and prison populations, as their status is based on previous employment in the armed forces. In the OMCCS survey, there were no significant differences in whether ex-service personnel or the general probation

¹² This was based on both scored OASys needs and self-reported accommodation type, which was split into 'stable', consisting of privately owned or rented accommodation, or 'unstable', consisting of those who were homeless or living in hostels.

population had been in paid work the previous week (29% and 25% respectively), but ex-service personnel were more likely to have qualifications (76% compared with 59%).

There were a number of significant differences between ex-service personnel and the general prison population in the RS. Ex-service personnel were more likely than the general prison population to have:

- qualifications before custody (68% of ex-service personnel compared with 42% of the general prison population);
- been employed in the 4 weeks before custody (41% compared with 26%);
- been in stable employment, for example had the role for more than 12 months (62% of ex-service personnel who were employed compared with 40% of the employed general prison population).

Fewer ex-service personnel were looking for a paid job or training course after their release (45% of ex-service personnel compared with 55% of the general prison population), but they were more likely to be involved in drawing up a plan of employment needs than the general prison population. This could be as a result of ex-service personnel's employment history, enabling them to discuss their employment needs more meaningfully. It may also be because ex-service personnel had fewer overall needs than the general prison population, so employment needs were a higher priority for them than for other offenders.

There were no significant differences in those in the RS, however, in whether:

- they gained qualifications in custody (21% compared to 23%) or in the types of qualifications gained;
- they had a paid job to return to after custody (28% compared to 23%);
- they were returning to the same job after custody (76% compared to 67%).

Substance abuse needs

Ex-service personnel in the RS were significantly less likely than the general prison population to report having a drug misuse need, with 22% of ex-service personnel reporting this compared with

43% of the general prison population. Ex-service personnel in prison were also less likely to report receiving treatment for drug misuse whilst in custody than the general prison population (16% compared with 31%). There were no significant differences between those subject to Community Orders in those reporting needing help with drug misuse (11% of ex-service personnel compared to 19% of the general probation population). There were also no significant differences between the proportion of ex-service personnel and the general probation population who had discussed drugs with their Offender Manager (31% compared to 38%), or who reported having drug treatment as part of their Community Order (11% compared to 16%).

More ex-service personnel in prison reported having an alcohol misuse need before their conviction – 26% of ex-service personnel compared with 18% of the general prison population. Ex-service personnel were also more likely to have alcohol treatment in prison than the general prison population – 41% of all ex-service personnel had been treated whilst only 27% of the general prison population had.

This is despite there being no significant differences between ex-service personnel and the general prison population in their drinking patterns prior to custody. Differences may be due to the data being self-reported, reflecting potentially different attitudes to what constituted an alcohol misuse need between the different groups. Additionally, although no data were collected in these surveys on the circumstances surrounding offenders' original offences, it may be that ex-service personnel's offences were alcohol-related, so they were given alcohol treatment as part of their sentence in response to this.

There were no significant differences between ex-service personnel and the general probation population reporting needing help with alcohol misuse (21% compared to 20%), who had discussed alcohol with their Offender Manager (51% compared to 44%), or who reported having alcohol treatment as part of their Community Order (21% compared to 18%). So although ex-service personnel in prison were less likely to have a drug misuse need and were more likely to have an alcohol misuse need than the general prison population, there were no differences in the

level of drug or alcohol misuse needs among offenders subject to Community Orders.

Health needs

The RS did not ask any questions about mental or physical health, so these findings are based solely on data from offenders subject to Community Orders.

There were no significant differences between ex-service personnel and the general probation population in those who had mental health treatment as part of their Community Order (6% compared to 5%), or who reported having a mental health condition or disability (34% compared to 29%). There were also no significant differences between ex-service personnel and the general probation population in those who had been diagnosed with mental health conditions by a health professional (13% of each group reported this).

There were no significant differences in the levels of need for help with a physical health condition or disability between ex-service personnel subject to Community Orders and the general probation population (14% of each group reported needing help).

Previous offending patterns¹³

Ex-service personnel in prison had significantly fewer previous offences than the general prison population; the median number of previous offences was 22 for ex-service personnel compared with 30 for the general prison population.¹⁴ For offenders subject to Community Orders however, there was not a significant difference in the number of previous offences.

Re-offending patterns

Despite the lack of differences in their previous offending patterns, ex-service personnel subject to Community Orders were more likely to say it was not at all likely they would be back on a Community Order than the general probation population (63% compared with 51%).

¹³ Previous offence history was obtained from the Police National Computer (PNC), which was linked to the data from OMCCS and RS surveys.

¹⁴ The median was used here because it is not affected by outliers, while the mean is. This is important in this case as the number of previous offences is skewed by a small number of prolific offenders.

However, there were no significant differences in whether ex-service personnel and the general probation population thought their Community Order had made them less likely to commit crime in future (76% compared to 77%). There were also no significant differences in attitudes to offending, or anticipation of re-offending.¹⁵ Perhaps reflecting this, there were no significant differences in re-offending rates¹⁶ between ex-service personnel and the general probation population subject to Community Orders.

However, ex-service personnel who had served prison sentences were less likely to re-offend than the general prison population; 43% compared with 59%.

Conclusion

This report presented findings from surveys of offenders in prison and those subject to Community Orders on the level of need of ex-service personnel in the CJS.

Overall, these surveys suggest that in the majority of areas ex-service personnel do not differ significantly from general probation and prison populations in the types and level of need they have; this includes their physical and mental health needs and employment opportunities.

Ex-service personnel do differ from the general probation and prison populations in some key areas though – their accommodation, education and employment history and substance abuse needs.

While the majority of ex-service personnel in the CJS lived in owned or rented accommodation, those subject to Community Orders were more likely to live in hostels or temporary accommodation than the general probation population, and were as likely to have a need in this area. Ex-service personnel in the CJS were more likely to have qualifications and those in prison were more likely to have been in full-time,

¹⁵ Measured using CRIME-PICS II, a questionnaire that examines offenders' attitudes to offending using responses to attitudinal statements such as 'Crime has now become a way of life to me'.

¹⁶ Data from the PNC, linked to the data from OMCCS and RS surveys, were used to measure re-offending. A re-offence was defined as any offence committed in the 12 months since the start of the Community Order, or following release from prison, that received a court conviction or caution within that 12 months or within a further 6-month waiting period.

paid employment before their custodial sentence. Ex-service personnel in prison were less likely to report drug misuse needs and were more likely to have alcohol misuse needs and receive alcohol treatment than the general prison population.

Ex-service personnel in prison were significantly different from the general prison population in more areas than ex-service personnel and the probation population. This may indicate a higher level of need than those subject to Community Orders, which may reflect the relative severity of their offences, and the inherent differences between these populations.

In addition, for a number of other findings the survey results for prisons and Community Orders conflicted, for example in the number of previous offences committed, ex-service personnel in the RS had significantly fewer offences than the general prison population, but there were no significant differences in the OMCCS. This was also true for re-offending patterns, where ex-service personnel in the RS were less likely to re-offend but there were no significant differences in the OMCCS. This conflict may be due to the existing differences between the prison population and those subject to Community Orders, although the survey samples, in particular the OMCCS sample, were small.

Implications

Although ex-service personnel and the general probation and prison populations have similar levels of need in many areas, there are some areas where a greater degree of support may be necessary, such as ex-service personnel's alcohol misuse. Assessing alcohol misuse needs among ex-service personnel who offend and providing support to address these needs would help rehabilitate these offenders.

As many charitable organisations exist to support ex-service personnel after leaving the forces and after experience in the CJS, they might be expected to report fewer needs than other offenders, as they may already have received support to address these needs. However, the majority of ex-service personnel in prison at the time of the surveys were not aware of the organisations available to help them, so may not have been accessing the specialist help available. More effective signposting to the appropriate

support may be of use, to ensure those with the highest level of needs are able to access it.

Ex-service personnel in prison were more likely to have alcohol misuse needs and receive alcohol treatment than the general prison population. Alcohol use is a common feature of military life¹⁷ and has been linked to mental health issues, particularly PTSD, and violent offending. Continuing to ensure that the alcohol misuse and mental health needs of ex-service personnel in the CJS are assessed may assist in providing appropriate support where required, and developing effective interventions for ex-service personnel with alcohol misuse needs may be an effective way of tackling this issue.

¹⁷ Howard League (2011) *Report of the Inquiry into Former Armed Service Personnel in Prison*.