

Forces in Mind Trust - Policy Statement on the Criminal Justice System

Purpose

1. This Statement sets out FiMT's policy position on ex-Service personnel in the Criminal Justice System and their families. It provides an overview of the evidence that exists to support it, the issues that inform it, and the changes that are needed to achieve it.

Background

2. Forces in Mind Trust (FiMT) was established in 2011 by a £35 million endowment from the Big Lottery Fund, now The National Lottery Community Fund. Our vision is for all ex-Service personnel and their families to lead fulfilled civilian lives. Our mission is to enable successful sustainable transition. We deliver our mission by commissioning and funding evidence generation to influence policy makers and service providers, and by improving the capability of the Armed Forces charities sector.

3. Avoiding adverse contact with the Criminal Justice System is one indicator of achieving a successful and sustainable transition into civilian life after leaving the Armed Forces. In adopting a programmatic approach to our work, based on our theory of change, our Criminal Justice System Programme brings together a coherent set of projects with the aim of delivering tangible impact¹. The Programme is supported and informed by our policy position on ex-Service personnel in the Criminal Justice System.

Policy issues

4. The United Kingdom has three separate Criminal Justice Systems. In England and Wales, the Criminal Justice System comes under the control of the UK parliament and government at Westminster. In Scotland and in Northern Ireland, criminal justice is devolved to the Scottish Parliament and Northern Ireland Assembly respectively.

5. The majority of ex-Service personnel make a successful transition into civilian life and avoid any adverse contact with the Criminal Justice System. However, a minority go on to offend after leaving the Armed Forces and this can have significant and negative consequences for themselves and their families. Ex-Service offending also comes at a considerable cost to society, estimated to be in the region of £4 million per year². Committing an offence is often the result of health, behavioural and social problems³ and it is therefore essential that ex-Service personnel and their families have access to appropriate and timely support.

¹ FiMT's 2019 Impact Report provides further information on our Change Model and is available here: www.fim-trust.org/reports

² The Transition Mapping Study, Kantar Futures, 2013

³ The mental health of the UK Armed Forces in the 21st century: resilience in the face of adversity, King's College London, 2014

6. While there has been progress made to ensure ex-Service personnel do not end up either in, or unsupported within the Criminal Justice System, there remain significant gaps in data on the number of ex-Service personnel who offend, and inconsistencies in the support provided.

7. The number of ex-Service personnel in the Criminal Justice System is highly contended. According to official statistics, ex-Service personnel make up 3.9% of the custodial population in England and Wales⁴ and 3.1% of the custodial population in Scotland⁵. However, conflicting research has estimated that the numbers could be as high as 17%⁶.

8. The introduction in England and Wales in 2015 of a question asking individuals whether they had served in the Armed Forces⁷ when entering custody, was a welcome step in the right direction. However, it has its limitations. The data only takes into account those in particular areas of the Criminal Justice System such as prison or probation and the question “have you been a member of the armed services” relies on truthful self-reporting. It is not mandatory to answer the question, and it includes those who may have served in the military in countries outside the UK. The exact number of ex-Service personnel within the Criminal Justice System in the UK is therefore unknown.

Policy position

9. We believe that no ex-Service personnel should be disadvantaged as a result of their service, and that special consideration is appropriate in some cases, especially for those who have given the most, such as those who have been injured or bereaved. Our vision is for all ex-Service personnel to avoid any adverse contact with the Criminal Justice System, for Service leavers at risk of offending to be identified before leaving the Armed Forces and provided with the necessary support, and in the case that they do go on to offend, they receive appropriate, effective and timely support to prevent any re-offending. In addition, any contributing factors which result in their engagement in criminal activity, particularly those related to their time in service, should be appropriately considered and support provided to both themselves and their families.

10. We believe that more should be done to ensure that there is consistent data collection on the numbers of ex-Service personnel in the Criminal Justice System and that the data collection should cover all stages of the criminal justice process. This will enable policy makers and service providers to make informed decisions and provide support for any unmet needs. Working with others, we are using our evidence and knowledge base to ensure this happens.

Overview of evidence and issues

11. We have funded and published research on the needs of ex-Service personnel and their families in the Criminal Justice System, and we support an ongoing programme of research in this area. This research provides knowledge and insight into the issues faced by ex-Service personnel

⁴ Official Statistics, Ex-service personnel in the prison population, England and Wales, Ministry of Justice, 2019

⁵ Armed Forces Charities in the Criminal Justice System, Directory of Social Change, 2019

⁶ People in prison: Ex-service personnel, HM Inspectorate of Prisons, 2014

⁷ www.gov.uk/government/news/more-support-for-veterans-in-the-criminal-justice-system

who come into contact with the Criminal Justice System and the factors which may have led them to become an offender.

12. **Factors linked to offending.** There is no simple explanation as to why ex-Service personnel commit criminal offences. The ex-Service population in the Criminal Justice System is also extremely diverse, ranging from young men who have served in recent conflicts to elderly veterans. However, a range of factors has been identified which impacts on the likelihood of ex-Service personnel becoming adversely involved with the Criminal Justice System. These factors include:

- **The transition process.** Serving in the Armed Forces is believed to be a preventative factor to offending for some individuals, moving them away from adverse contact with the Criminal Justice System and significantly improving their life outcomes. Upon leaving the Armed Forces, Service leavers are entitled to support which aims to improve their outcomes in civilian life. The Ministry of Defence's resettlement programme, for example, has the primary aim of enabling Service leavers to move into civilian employment, which is thought to be a key preventative factor against certain types of criminal activity⁸. While most Service leavers make a successful transition, a minority will struggle, and the difficulties encountered during the transition process may contribute to an individual going on to offend. Service leavers can face a culture shock when transitioning to civilian life and can find it difficult to make the adjustment, with some reporting feelings of social isolation.⁹ They can feel a loss of status and responsibility¹⁰ and can find it difficult to ask for or seek help, or to share any emotional distress with other¹¹.
- **Factors relating to service.** Very few Service leavers enter the Criminal Justice System directly after leaving the Armed Forces, and for the majority, there is a gap between discharge and adverse contact with the Criminal Justice System¹². It is therefore very difficult to find any direct link between serving in the Armed Forces and subsequent offending. Some studies have focused on the link between military service and future aggressive and/or violent behaviour^{13,14}. However, these studies also cite violence following military service as being associated with pre-enlistment factors such as pre-service anti-social behaviour and coming from areas of higher social deprivation and higher crime. One exception to this is having a combat role in service which was found to be associated with an increased risk of future violence, even after adjusting for pre-military offending behaviour¹⁵.

⁸Offending Behaviour, mental health and welfare needs of veterans in liaison and diversion services, King's College London, 2018

⁹ Report of the Inquiry into Former Armed Service Personnel in Prison, The Howard League, 2014

¹⁰ Service Life and Beyond – Institution or Culture?, Bergman, Burdett and Greenberg, 2014

¹¹ Leaving Forces Life: The issue of transition, The Howard League, 2011

¹² *Op cit* King's College London 2018

¹³ Impact of pre-enlistment antisocial behaviour on behavioural outcomes among UK military personnel, MacManus, 2012

¹⁴ Why do some ex-armed forces personnel end up in prison, MacManus and Wessely, 2011

¹⁵ Violent behaviour in UK military personnel returning home after deployment, MacManus, 2012

- **Pre-service factors.** Similar to the non-veteran population, veterans who commit crimes are predominately male, of low educational achievement¹⁶ and have often grown up in areas of low socio-economic status¹⁷.

13. **Profile of ex-Service personnel in the Criminal Justice System.** Research¹⁸¹⁹ suggests that ex-Service personnel in contact with the Criminal Justice System:

- are more likely to be male, white and older on average than those who have not served in the Armed Forces
- are more likely to have qualifications and experience of secure employment than those who have not served
- have similar practical needs, such as accommodation and financial issues, in particular debt, as those who have not served
- are more likely to be recorded as having experienced mental health issues, harmful or hazardous drinking, and physical health problems than those who have not served
- are more likely to report anxieties over identity, stigma and a loss of a sense of belonging, which can result in social isolation and disconnection from civilian life, than those who have not served
- report lower needs arising from substance misuse issues than those who have not served

14. **Types of offences.** There is evidence which suggests that there are certain offences that ex-Service personnel are more likely, or less likely to be charged with or suspected of committing, than the non-veterans²⁰. These include:

- **Violent offences.** Offences classed as violence against the person are the most prevalent type of offence for both veterans and non-veterans. However, a larger proportion of veterans than non-veterans are charged with this type of offence.
- **Motoring offences.** Veterans are more likely to be charged with motoring offences than non-veterans.
- **Sex offences.** Veterans are more likely to be charged with sex offences than non-veterans.
- **Acquisitive offences.** Veterans are less likely than non-veterans to be charged with acquisitive offences, such as theft, burglary and fraud.
- **Non- interpersonal violence offences.** Veterans are less likely than non-veterans to be charged with non-interpersonal violence, such as criminal damage and arson offences.

Addressing the issues – where are we now?

15. Significant progress has been made over the last five years in the support available for ex-Service personnel who come into adverse contact with the Criminal Justice System. The 2014

¹⁶ *Op cit* The Howard League 2011

¹⁷ *Op cit* The Howard League 2011

¹⁸ *Op Cit* The Howard League 2014

¹⁹ *Op cit* King's College London 2018

²⁰ *Op cit* King's College London 2018

Phillips Review²¹ included a series of recommendations for improved support and changes in practices, many of which have been implemented. Most recently, the UK Government's 'Strategy for our Veterans'²² set out the goal that by 2028 "veterans leave the Armed Forces with the resilience and awareness to remain law abiding civilians" and it has committed £5.7 million to supporting ex-armed service personnel in the Criminal Justice System²³. The Scottish Government also committed its support for veteran offenders in its 'Strategy for our Veterans – taking the strategy forward in Scotland' report²⁴.

16. We recognise and welcome the range of positive initiatives in place to support ex-Service personnel and in particular the preventative support Service leavers can access as they transition into civilian life, including employment support via the Careers Transition Partnership (CTP) and the work of the Defence Transition Service (DTS), which was established as part of the new Holistic Transition Policy²⁵.

17. Government's commitment to the ex-Service community has also been shown through statutory frameworks and through the support already provided to ex-Service personnel in the Criminal Justice System. These are key enablers in helping to support some of the most vulnerable veterans. They include:

- **The Armed Forces Covenant.** The Covenant is a commitment by the UK Government to ensuring that the Armed Forces Community "should face no disadvantage compared to other citizens in the provision of public services" and "special consideration is appropriate in some cases for those who have given the most such as the injured or bereaved." In particular, the Covenant states that those who have made the greatest sacrifices on the country's behalf should:
 - be able to access the very best medical and rehabilitation treatment
 - be equipped with the training and resources they need to look into the future with confidence
 - have access to supported housing
 - be quickly and compassionately assessed on their level of care requirements

The obligation to support ex-Service personnel does not cease when an individual enters the Criminal Justice System. This is not to say that ex-Service personnel should receive extra or different treatment to their civilian counterparts, but that any disadvantage or need should be properly identified to ensure appropriate support is available when these are related to their time in service.

²¹ Former Members of the Armed Force and the Criminal Justice System, A Review on behalf of the Secretary of State for Justice, 2014

²² Strategy for Our Veterans, Ministry of Defence and Cabinet Office, 2018

²³ <https://questions-statements.parliament.uk/written-questions/detail/2020-09-01/83721>

²⁴ The Strategy for Our Veterans. Taking the strategy forward in Scotland, Scottish Government, 2018

²⁵ Defence Holistic Transition Policy, Ministry of Defence, 2019

- **The Health and Social Care Act 2012.** The Health and Social Care Act 2012 sets out local authorities' legal duties to assess needs and eligibility for care and support. Local government and health authorities have a statutory duty to recognise and reflect the needs of the local population, including those of the Armed Forces Community. This is done by setting up Health and Wellbeing Boards to undertake Joint Strategic Needs Assessments (JSNAs) which then set out local priorities for commissioning health and care services. However, guidance on JSNAs does not include information on the Armed Forces Community and it has been highlighted that not all JSNAs take account of the health needs of offenders and, when they do, they do not record whether an offender is a veteran.
- **Improved data collection.** Since January 2015, as part of the Basic Custody Screening (BCS), every individual entering custody in England and Wales should be asked the question; "Have you been a member of the Armed Forces?" A similar question is also asked in Scotland. Many of the support services within the Criminal Justice System, such as the Liaison and Diversion services, also ask whether someone is a veteran. These improvements are welcome but significant gaps remain and current collection methods rely on self-reporting.
- **Map of support.** In collaboration with Her Majesty's Prison and Probation Service Co-Financing Organisation (MHPPS CFO), the Veterans & Families Institute for Military Social Research at Anglia Ruskin University produced a Veteran Support Map²⁶ which maps out the criminal justice support services available for ex-Service personnel to help them as they transition out of the Criminal Justice System.
- **Initiatives in England:** A number of statutory and voluntary initiatives have been introduced across England to support ex-Service personnel in the Criminal Justice System. These include:
 - **Liaison and Diversion (L&D) services.** The L&D service in England identifies offenders who have mental health problems, learning difficulties, substance misuse or other vulnerabilities. The service is run by NHS England and operates during the early stages of the Criminal Justice System, usually when an individual is in police custody or at court, so that they can be supported through the appropriate pathways or diverted into treatment programmes, social care service or other relevant interventions. The L&D service is not a veteran-specific service but is a requirement of L&D services to ask about veteran status so ex-Service personnel can be identified, assessed and referred for support if appropriate. Previous research has shown that 2.4% of those who went through the L&D service in 2015 to 2016 identified as having served in the Armed Forces²⁷. While the L&D service is a welcome intervention, research has found that methods for identifying and

²⁶ <https://mod.co-financing.org/veteran-support-map/>

²⁷ *Op cit* King's College London 2018

recording ex-Service status could be improved to ensure ex-Service personnel are properly identified and appropriate support is offered²⁸.

- **Veterans in Custody Support Officer (VICSO) Scheme.** In 2009 the National Offender Management Service (NOMS) in partnership with the Ministry of Defence (MOD) launched the VICSO Scheme. The aim of VICSOs is to identify ex-Service personnel in custody and refer them to the community ex-Service organisations for resettlement assistance. While the scheme aims to provide a common and collaborative approach, the provision is not universal across prison estates, it is not mandatory, and has no designated funding²⁹. VICSOs also operate in each prison in Scotland.
 - **Veteran Custody Hub.** In 2020, HMPPS CFO began the commissioning process for a Veterans Custody Hub. The Hub will provide veteran-specific support to enhance ex-Service personnel's transition into the community after prison, reduce the chances of re-offending and provide a community environment where ex-Service personnel are given the tools to help contribute to society and lead a law-abiding life. We look forward to seeing the outcomes of this pilot Hub.
 - **Project Nova.** Project Nova is a veteran-specific support programme, operated by RFEA – The Forces Employment Charity and Walking with the Wounded. The Programme was created to consider and address the needs of veteran offenders following a referral after arrest by the police. An evaluation of the project in 2017³⁰ found the provision to be highly effective due to its tailored delivery by a dedicated team with intimate understanding of military culture and the military to civilian transition experience. Project Nova currently operates in 19 counties across England.
- **Initiatives in Wales**
 - **All Wales Criminal Justice Board.** Ex-Service personnel in the Criminal Justice System are identified as a priority group within the All Wales Criminal Justice Board's Reducing Reoffending Strategy which was launched in 2014. The key objectives of the Strategy include proper identification of veterans in the Criminal Justice System and ensuring veterans are signposted to appropriate rehabilitation and resettlement services.
 - **Specific Point of Contact.** All prisons in Wales have a single point of contact (SPOC) for veterans. This is usually in the form of a VICSO or an Ex-Forces Lead Officer (EFLO). This is not a specific job role but carried out by existing members of staff who volunteer for the role.
 - **Veteran Informed Prisons.** The Welsh Government in partnership with NHS Wales created a Veterans Informed Prisons guide which aims to support commissioners,

²⁸ *Op cit* King's College London 2018

²⁹ The needs of ex-service personnel in the criminal justice system: a rapid evidence assessment, Ministry of Justice, 2014

³⁰ A Pilot Study to Support Veterans in the Criminal Justice System, Anglia Ruskin University, 2017

planners and staff across the health and prison services in Wales to improve the health and wellbeing of veterans in the prison system.

- **Supporting Transition of Military Personnel (SToMP).** Established by Integrated Offender Management (IOM) Cymru, the SToMP programme is designed to deploy combined public and voluntary sector resources to their best effect and acts as the main point of contact for criminal justice organisations that provide support to ex-Service personnel. An All Wales Prisoner Pathway has also been implemented to ensure consistent identification of, and support for, ex-Service personnel across all prisons in Wales.
- **Initiatives in Scotland**
 - **Scottish Veterans Prison In-Reach Group.** Alongside the VICSO scheme which operates in each prison in Scotland, a Scottish Veterans Prison In-Reach Group was established to examine the welfare needs of ex-Service personnel in custody.
 - **Police Scotland.** Each of the 13 local policing divisions, along with the Custody Division, has a Veterans Champion responsible for promoting the needs of veterans locally. The Police Scotland Champions Network meets regularly to share knowledge and best practice. The work is overseen by a senior officer to ensure strong engagement between the veterans' community, Police Scotland and the Scottish Government. Police Scotland also has an Armed Services Advise Project (ASAP) which is a referral system for veterans in need of assistance through a single point of contact.
- **Initiatives in Northern Ireland.** Currently Northern Ireland has no formal process established to collect data on the number of ex-Service personnel entering the Criminal Justice System and there is a lack of formal and statutory support equivalent to England, Wales and Scotland. Ex-Service personnel are not considered to be a vulnerable group within the prison and probation service, nor a subset of the population who may require additional support to avoid criminality³¹. There is, however, support provided via voluntary organisations.
- **Charity sector provision and support.** The voluntary sector plays a critical role in addressing the needs of ex-Service personnel in the Criminal Justice System. There is a range of voluntary support available with 31 Armed Forces charities currently delivering criminal justice support across the UK. Support is available both in and outside the prison system and in 2018, approximately 3,200 beneficiaries were supported by these charities, although the number of potential beneficiaries is likely to be much higher. At least £4.5 million was spent on criminal justice support in the same year³².

³¹ Supporting & Serving Military Veterans in Northern Ireland, Ulster University, 2017

³² *Op cit* Directory of Social Change 2019

- **Charity and statutory sector collaboration.** While the amount of charitable support available is significant, it is often *ad hoc*, inconsistent and relies on the goodwill of the individuals who deliver it. Some evidence has been found of collaboration with statutory services³³ but we believe more could be achieved if there was better collaboration between all organisations involved in the Criminal Justice System.

Addressing the issues – What needs to happen

18. There have been positive developments in the support available for ex-Service personnel who come into adverse contact with the Criminal Justice System, but there is still some way to go. Without empirical data, it is difficult to implement effective policies and practices. Forces in Mind Trust believes strategic action is needed to ensure veterans are recognized and supported as a distinct, but diverse, population within a Criminal Justice System that uses consistent and embedded methods of identification. Only then can their needs be identified, and appropriate support given to ex-Service personnel and their families.

19. At the level of central and devolved Government, we encourage closer working and a more coordinated approach across Government departments and with the voluntary sector to ensure that a consistent and unified approach to policy and support is taken for the ex-Service community in the Criminal Justice System.

20. Our Criminal Justice System Programme sets out the outcomes that we believe are essential to achieving our policy goal. These outcomes focus on the need for a strategic approach to delivering appropriate and timely advice and support, and improved collaboration and partnership working across the UK.

This requires:

- Improved identification of ex-Service personnel by the Ministry of Justice which covers all aspects of the Criminal Justice System across the UK. Particular attention should be given to Northern Ireland where no data currently exists.
- Better understanding and assessment of the needs of ex-Service personnel in the Criminal Justice System, as well as the needs of their families.
- Mandatory Armed Forces awareness training for staff throughout the Criminal Justice System. An e-learning tool³⁴ has already been introduced by the Probation Institute and could be used to help facilitate this.
- A strategic, national, and cross-sector approach to ensuring that the needs of ex-Service personnel are met, and appropriate referrals can be made to ensure no individual ‘slips through the net’.
- Formal support for families of ex-Service personnel in the Criminal Justice System.

³³ *Op cit* Directory of Social Change 2019

³⁴ <https://www.probation-institute.org/veterans>

- More evaluation of services that exist to support ex-Service personnel and their families in the Criminal Justice System.

Measuring success

21. Changing policy and practice through evidence generation and influencing activity inevitably takes time, and requires changes in awareness, attitudes and understanding. The measures of success are therefore complex and comprise a mix of 'hard' and 'soft' indicators. Without robust data on the numbers of ex-Service personnel in the Criminal Justice System, it will be hard to measure success on any regional or national scale and better identification is therefore a good place to start and from which to build upon.

22. We will continue to commission research and analysis to provide evidence and insight into the progress made and challenges encountered in improving the outcomes for ex-Service personnel with the aim of ensuring that they do not have any adverse contact with the Criminal Justice System after they leave the Armed Forces. We will encourage other organisations to build success measures into their criminal justice related initiatives and we will work closely with Government to ensure that the needs of ex-Service personnel and their families are better understood and that they can be appropriately and effectively supported.

Reflections and next steps

23. If our policy goal is to be achieved, and no ex-Service personnel come into adverse contact with the Criminal Justice system, or if they do, they and their families have access to appropriate and timely support, there will need to be both investment and concerted effort to build on the progress already made. Understanding the needs, based on clear, accurate and robust data, is crucial and a strategic, national and cross-sector approach will be essential to make this happen. Forces in Mind Trust will continue to generate evidence that sheds lights on needs, and on what works best in practice.