

Yesterday's Heroes, Today's Villains? Former military personnel in prison

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Introduction

We would not be wrong in claiming that the prison population of England and Wales consists of a complex range of individuals; predominantly male and over-represented by those belonging to the working class including those who have latterly become known as the precariat.¹ Within contemporary debates, we have seen concern raised regarding women in prison, the over-representation of prisoners from ethnic minority groups and the over, and inappropriate, use of the prison as a response to children and young people 'in trouble'.² But one demographic generally missing from these debates has been former military personnel who, for a variety of reasons, find themselves as guests of Her Majesty. This is in part due to the fact that such records were not systematically kept, but since January 2015, following a government commissioned review, the Ministry of Justice, using a Basic Custody Screening Tool, require that all those entering custody should now be asked whether they have been a member of HM Forces.³ Statistics indicate that former military personnel currently constitute the largest occupational category in the prison population. As Murray's research identifies, incarcerated former military personnel are "a population with an idiosyncratic set of experiences and circumstances that places them at risk of

¹ Standing, G. (2011) *The Precariat: The New Dangerous Class*. London: Bloomsbury.

² <http://howardleague.org/publications/the-carlile-inquiry-10-years-on/> (Accessed: 20 June 2016)

³ 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*.

offending and reoffending”⁴ (although, conversely, research undertaken by Kelly⁵ for the MOD has indicated that there is actually a reduced likelihood of recidivism), yet they are little discussed and thus remain relatively invisible. This article will examine some important factors regarding this ‘overlooked’ group. It will reflect on why so many ex-service personnel (overwhelmingly men) end up in custody, particularly in later life and particularly for violent offences. Further, in relation to the ideological construction of the soldier as ‘hero’ it will reflect on why, and how, former military personnel can become forgotten or even shunned by society once they shift from ‘hero’ to ‘villain’.

Soldiers: Images and Ideologies

When undertaking any form of research, in order to enlighten or indeed enhance the sociological imagination, Mills suggests that we need to ask a series of questions that assess “the structure of ...[a] particular society...”, how “it differ[s] from other varieties of social order”, and “what kinds of ‘human nature’ ... are we examining?”.⁶ To that end, it could be argued that military personnel form a unique and distinct culture, or as purported by Holmes, a “unique tribe” and as such, their own society and nature.⁷ This is a culture steeped in hyper-masculinity and notions of valour, where individuals are taught “to solve conflict aggressively”.⁸

⁴ Murray, E. (2013) *Post-army trouble: veterans in the criminal justice system* Criminal Justice Matters No. 94 pp. 20-21 p. 20

⁵ Kelly, J. (2014) *The needs of ex-service personnel in the criminal justice system: Evidence from two surveys* Analytical Summary, Ministry of Justice

⁶ Mills, C. W. (1959, 2000) *The Sociological Imagination*. Oxford: Oxford University Press. p. 6-7

⁷ Holmes, R. (2011) *Soldier: Army Lives and Loyalties from Redcoats to Dusty Warriors*. London: Harper Press. p. Front Cover

⁸ Bouffard, L. A. (2005) *The Military as a Bridging Environment in Criminal Careers: Differential Outcomes of the Military Experience*. *Armed Forces & Society* 31 (2) pp. 273-295. p. 275

Fundamentally military life, and the British Army in particular, is built on tribalism, where reputation, both of the self and the regiment, is paramount. As stated by Keegan, 'warrior values' have ancient histories thus creating cultures and traditions that set men and women apart from the rest of society; this creates a "distance [that] can never be closed, for the culture of the warrior can never be that of civilisation itself".⁹ A sense of 'being' is created that is at one with images and ideologies of a strong and powerful nation state; an hegemony of power that in itself evokes a sense of pride, safety and security amongst its citizens, an image further perpetuated when states and societies are perceived as being in a constant state of fear and threat from a range of enemies.

Pitman outlines the complex development of cultural groupings that are borne out of the "evolution of human warfare".¹⁰ Such groupings or cultures are bonded by/from the need to survive and group identities, based on factors such as "homeland, language, religion, culture ...", all of which can breed mistrust or hostility of/towards 'others', are thus formed.¹¹ Within the military, one identity is supplanted by another, one that is imbued with a very different set of roles, "responsibilities and norms ... [that are] consciously perceived and questioned only in exceptional circumstances".¹² The loss of the original 'civilian' identity is further heightened by the donning of a uniform and related insignia and the 'soldier' identity is enhanced with "a basic training ... [that instils] ... the virtues of... nation, religion or political ideology ...".¹³ This training,

⁹ Keegan, J. (1993) *A History of Warfare*. London: Random House. p. xvi

¹⁰ Pitman, G, R, (2011) *The Evolution of Human Warfare*. *Philosophy of the Social Sciences* 41 (3) pp. 352-379. p. 352

¹¹ *Ibid* p. 365

¹² Neitzel, S. & Welzer, H. (2013) *Soldaten on Fighting, Killing and Dying: The Secret Second World War Tapes of German POWs*. London: Simon & Schuster. p. 15.

¹³ Pitman, G, R, (2011) *The Evolution of Human Warfare*. *Philosophy of the Social Sciences* 41 (3) pp. 352-379. p. 357

coupled with the horrors of frontline experience, instils and justifies the mandate to kill 'the enemy'.

Images and ideologies of the 'hero' are not new, they have been in existence at various points throughout history from "ancient Paleolithic myths" to figures celebrated throughout modernity.¹⁴ Etymologically, the term is taken from the "Latin *servare*: to save, deliver, preserve, protect".¹⁵ Each society and culture has its own ideologies and images of what constitutes a hero and, in the popular imagination, this often depends upon a variety of schema and criteria from which evolve "stereotypic expectations".¹⁶ Allison & Goethals discuss various schema that relate to "image[s] or ... mental model[s]" that represent particular "categories of people..."¹⁷ and a set of core values.¹⁸ These values, overwhelmingly, are masculine (in a recent book listing *101 World Heroes*, only 12 are women¹⁹) and revolve around characteristics such as bravery, valour, moral fortitude, courage in the face of danger or risky situations, strength, resilience and self-sacrifice. It is easy to see how such values become associated with the soldier, who represents resilience and self-sacrifice on 'our' behalf, and thus offers a sense of safety and security. Such ideologies become further embedded within the popular imagination on an almost ritual basis when, for example, US soldiers are paraded across sporting venues to the extent that "they feed the fantasy that military service turns one into a better, more selfless, human being".²⁰ In the UK, we have witnessed how the notion of 'hero' has formed part of the politics of

¹⁴ Synnott, A. (2009) *Re-Thinking Men: Heroes, Villains and Victims*. Surrey: Ashgate.

¹⁵ Ibid. p. 100

¹⁶ Allison, S. T. & Goethals, G. R. (2014) *Heroes*. New York: Oxford University Press. p. 59

¹⁷ Ibid. p. 59

¹⁸ Synnott, A. (2009) *Re-Thinking Men: Heroes, Villains and Victims*. Surrey: Ashgate

¹⁹ Montefiore, S. S. (2007) *101 World Heroes: Great Men and Women for an Unheroic Age*. London: Quercus Publishing

²⁰ Kinzer, S. (2014) *Joining the military doesn't make you a hero*. www.bostonglobe.com/opinion/2014/12/07. Accessed: 20 June 2016

respect, with regard to the repatriation ceremonies at Royal Wootton Bassett.²¹ This mass out-pouring of mourning has as much to do with patriotism and “mark[ing] the sacrifice of war” as it does grief, given that those engaging in what could be referred to as ‘dark tourism’ far out-number the family and friends of the deceased.

It is perhaps important to acknowledge that not all recipients of soldier-hero status accept this label willingly. During the course of prior research²², one former member of the military stated his discomfort with the title. He acknowledged that some soldiers had deserved their Victoria Crosses but:

“there’s a border line between those ... who are nut cases (sic) and heroes. What they do sometimes is absolutely daft. No you should not run 100 meters across open ground under enemy fire to grab your mate and bring him back ... it’s dangerous.... But ... they’re not born any different, or heroes, they just make that instantaneous decision”.

Like many others, as far as this soldier was concerned, he was ‘just doing his job’. And therein lies the dichotomous construction of the soldier identity.²³ Whilst they are constructed as valiant and self-sacrificing on the one hand, from an interpretivist paradigm, they occupy a day-to-day reality where violence is normalised and the dehumanisation and killing of others, including civilians, can be seen as regular work.²⁴ In this respect, as noted by Hughes-Hallett, “[h]ero-worship ... [is] dangerous to society (as well as to the individual)” as ‘heroes’ can very soon become ‘villains’.²⁵

²¹ Walklate, S., Mythen, G., & McGarry, R. (2015) *“When you see the lipstick kisses ...” – military repatriation, public mourning and the politics of respect*. Palgrave Communications. Vol 1. pp. 2-9. p. 2

²² See Davies, J. T. (2016) *A New Paradigm: Therapeutic Coaching for PTSD*. Coaching Today. No. 16. pp. 11-14

²³ Holmes, R. (2011) *Soldier: Army Lives and Loyalties from Redcoats to Dusty Warriors*. London: Harper Press. p. xix

²⁴ Neitzel, S. & Welzer, H. (2013) *Soldaten on Fighting, Killing and Dying: The Secret Second World War Tapes of German POWs*. London: Simon & Schuster.

²⁵ Cited in Synnott, A. (2009) p. 104

Former Military in Prison

Research has indicated that, for some former military personnel, the transition **from military** to civilian life can be difficult and can, in some circumstances, lead individuals into trouble with the law. In 2008 NAPO estimated that around 20,000 former military personnel were caught up in the criminal justice system in England and Wales.²⁶ There is contestation regarding the figure of former military personnel within the prison estate. The Ministry of Defence has the figure at around 3000 prisoners, or 3.5%²⁷ of the prison population, although this is regarded as “an underestimation”.²⁸ In a paper produced by HMIP in 2014 it was highlighted that “7% of those in custody identified themselves as having served in the Armed Forces” although, as noted by HMIP and Phillips, “the survey data was self-reported and service histories were not verified”.²⁹ Whatever the true figure, Prison Watch (2016) states that former military personnel constitute the largest *occupational* group within the prison estate.³⁰ Most are ex-army (77%) with RAF and Navy making up smaller proportions (8% and 15% respectively). The vast majority are male (99.6%), “predominantly drawn from the infantry” and are considered to be particularly vulnerable.³¹ Most of these men are drawn from disadvantaged socio-economic backgrounds and share many of the characteristics found in the general prison population, for example experiences of homelessness, drug and alcohol use and poor health.³² Although the incidence of physical ill-health

²⁶ Cited in Murray (2013)

²⁷ DASA (2010) *Estimating the proportion of prisoners in England and Wales who are ex-Armed Forces*, London: Ministry of Defence

²⁸ Wainwright, V., Shaw, J., McDonnell, S., Lennox, C., and Senior, J., (2016) *Editorial, Ex-armed forces personnel in prison: Where do we stand?*. *Criminal Behaviour and Mental Health* 26 pp. 1-5

²⁹ HM Inspectorate of Prisons ‘People in Prison: Ex-Service Personnel’, March 2014; 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 pp.17

³⁰ Prison Watch (2016) ‘*Ex-Servicemen are the largest occupational group in British Jails*’, April 12th.

³¹ *Leaving Forces Life: The issue of transition* (2011). The Howard League for Penal Reform. London www.howardleague.org. Accessed 9 June 2016

³² Her Majesty’s Inspectorate of Prisons (2014) ‘*People in Prison: Ex-Service Personnel*’, March.

has been found to be considerably higher amongst ex-services personnel than in the general prison population (24% compared with 13%).³³

There are three issues that are particularly important in terms of highlighting significant factors in, what may be termed, the 'military-prison pipeline': age; offence type; and responses to custody. In terms of age, former military personnel tend to be older when they enter prison which is broadly out of synch with the regular prison population. 46% of ex-service personnel in prison are aged over 50 compared with only 14% of the general prison population (HMIP, 2014) whilst 29% are aged over 55, compared with just 9% of the general population (Prison Watch, 2016). And they are more likely to be in prison for the first time (54% compared with 34% of the general population).

Former military personnel are most commonly found in high security and Category B prisons (HMIP, 2014) and are serving longer sentences with 39% serving over 10 years compared with 26% of the general prison population (Prison Watch, 2016). This is a likely reflection of the nature of offences committed. Whilst they constitute a smaller number of those incarcerated for acquisitive crimes, almost 33% are in prison for offences of violence against the person, slightly higher than general prison population. Further, nearly 25% are convicted of sexual offences, compared with just under 11% of the general population.

Perhaps unsurprisingly, the level and growth of interpersonal violence amongst this group is high and, as previously mentioned, their prior training and roles within the military deem them, and more especially their crimes, to be of a higher risk. The National Association of Probation Officers reported that such violence is often the result of broader problems such as drug and/or alcohol abuse and a diagnosis of Post-

³³ HMIP (2014) op cit

Traumatic Stress Disorder (PTSD).³⁴ We should not be so surprised at these factors. Already stripped of their identity, soldiers are, to all intent and purpose, given a new identity that incorporates training in state sanctioned violence under the rules of engagement that, as previously stated, makes violence just ‘part of the job’.³⁵

The Howard League offer a broader analysis, highlighting the somewhat ambivalent attitude of former service personnel towards other criminal behaviours. For example, one former soldier reported that:

“... the Army is different. They encourage small crimes like pilfering things and turn a blind eye in a way that doesn’t happen on the outside. Sometimes to violence like, when you end up in fights and things you don’t expect to be really pulled up for it in the Army”.³⁶

Interpersonal violence, tolerated (in certain circumstances) by the military, and the “... spirit of violence’ *learned* in wartime”³⁷ and legitimated through the theatre of war, become problematic, and *criminal*, during periods of resettlement in civilian life. This can be further habituated in the prison, a “setting[] where violence is especially commonplace”.³⁸ Thus both the military environment and prisons may become (to use the old adage) “schools of crime”.³⁹ It is worth noting that ex-soldiers do not necessarily ‘blame’ their offending behaviour on their military experience. As Phillips’ research demonstrates, many stated that it was their own choice to engage in criminal

³⁴ ‘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’. www.napo.org.uk. Accessed 9 June 2016

³⁵ Mestrovic, S. G. (2009) *Good Soldier on Trial: A Sociological Study of Misconduct by the US Military Pertaining to Operation Iron Triangle, Iraq*. New York: Algora Publishing

³⁶ ‘Report of the Inquiry into Former Armed Service Personnel in Prison.’ (2011) The Howard League for Penal Reform. www.howardleague.org. Accessed 9 June 2016 p. 33

³⁷ Bongor, W. cited in Jamieson, R. (2002) Towards a Criminology of War in Europe in: Ruggiero, V., South, N., and Taylor, I. (eds) *The New European Criminology: Crime and Social Order in Europe* (1) London: Routledge. p. 485

³⁸ Porporino, F. J. cited in Welch, M. (2005) *Ironies of Imprisonment*. London: Sage. p. 78

³⁹ Jamieson, R. (2002) *Towards a Criminology of Way in Europe* IN: Ruggiero, V., South, N., and Taylor, I. Eds) *The New European Criminology: Crime and Social Order in Europe* (1) London: Routledge. p. 484

behaviours. However, the idea of choice should be contextualised within the cultures and pressures of hyper-masculinity and, as Phillips contends, poor mental health and high levels of drug and alcohol abuse.⁴⁰

Just as military experience may not provide good preparation for the transition to civilian life, it may, perversely, be good preparation for prison. Ex-soldier Robert, who had served numerous prison sentences, described feeling better when in prison, thinking “I’m in the institution again...Most of the people weren’t scary [to me]...it’s full of a bunch of mugs”. He added that this was similar for many of the ex-soldiers he met in prison who were “crying out for direction, and glad to be back in an institution”.⁴¹ But not all ex-military cope well with institutionalisation. Research by Prison Watch (2016) reported that there was a greater likelihood of depression and suicidal ideation amongst this group on reception to prison.

It is clear from Murray’s research that the ex-military personnel she interviewed fundamentally see themselves as unlike the rest of the prison population and she uses the term ‘veteranality’ to describe how the criminality of former military is perceived as being different to the criminality of others. One participant stated “I’m not like other criminals, like the scumbags you see in the waiting room...”; whilst another commented “I shouldn’t even be in here with these low lives, even the screws tell me that I am a hero and shouldn’t be here ...”.⁴² Indeed, in relation to the last point, ex-military personnel commonly report they feel respected by, and thus have better relations with, prison staff.⁴³

⁴⁰ 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*.

⁴¹ White A (2012) ‘Why do so many ex-soldiers end up in prison?’, *New Statesman*, 15 July.

⁴² *Op cit* p. 21

⁴³ Prison Watch (2016); HMIP (2014)

Heroes or villains?

Whilst space prevents a full critical analysis of media and public interest in, and discourse around, both serving and former military personnel, what can be discerned from the available research is that once incarcerated many become ‘the forgotten’. As noted above, this could be due to the difficulties in ascertaining the actual number of, and therefore identifying, former-military prisoners. Alternatively, it could be that committing a crime, irrespective of the circumstances, so negates those factors popularly associated with the military (such as bravery, valour, duty and that ultimate status of hero), and raises uncomfortable questions about the consequences of military training and culture, that former military personnel become a conveniently ignored group. Despite the extent of public and political support for military personnel *in service*, levels of interest and compassion appear considerably reduced when they struggle to adapt to civilian life and, moreover, when they become incarcerated. It is interesting to note the response “when those who have been the security *provider* on the outside become a *threat to security* on the inside ... [becoming] ... a group to be managed because of the risk they pose to domestic security as a result of their crimes”⁴⁴

Of course, in *some* instances, popular support is maintained, even for those who have committed the most serious of offences. In December 2013 Sergeant Alexander Wayne Blackman (more commonly referred to as ‘Marine A’) was found guilty of the murder of an injured and unarmed Afghan insurgent (in, what the prosecution described as ‘an execution’). After the consideration of mitigating factors, he was sentenced to life imprisonment, with a minimum period of 10 years to be served before

⁴⁴ Murray, E. (2015) *Criminology and War: Can violent veterans see blurred lines clearly?* in: Walklate, S., and McGarry, R. (Eds) *Criminology and War: Transgressing the Borders*. London: Routledge. p. 62 (emphasis added)

consideration for eligibility for parole. He was also “dismissed with disgrace from Her Majesty’s Service”.⁴⁵ Full details of this case can be found elsewhere⁴⁶ but suffice to say, Blackman’s case has received a great deal of public and media interest, raising a whole host of issues and questions. There are campaign groups, websites and social media sites dedicated to fighting for Blackman’s release and for the case to be seen as a miscarriage of justice.⁴⁷ Those who had served alongside Blackman, MPs and even, reportedly, Prince Harry have contributed to public support, condemning what they perceive as a great injustice. The high level of public support led to a government e-petition demanding the release of Blackman. The petition, set up in order that the case be discussed in the House of Commons, achieved over 107,000 signatures and the case was indeed debated in September 2015.

Questions should be asked as to why this particular case has received so much interest and Blackman gained so much support, compared with the thousands of former soldiers who are in prison for other similarly serious or, more commonly lesser, offences. Blackman’s offence was committed whilst he was still a serving soldier and, clearly, it has been easier to construct the killing of ‘an enemy’ as justified. Within the popular imagination, it would appear, violence (up to and including murder), undertaken within the theatre of war is morally acceptable, no matter how inhumane and unnecessary it may be.⁴⁸ In the eyes of the public, Blackman’s ‘hero’ status could remain intact: he had served on numerous tours, witnessed the horrors of conflict and was, after all, doing his job. Further, the suggestions that Blackman was suffering from

⁴⁵ Sentencing Remarks by HHJ Jeff Blackett, Judge Advocate General, <https://www.judiciary.gov.uk>. Accessed 9 June 2016.

⁴⁶ Ibid and Terrill, C. (2014) *Marine’A’: Criminal or Casualty of War?* BBC: Uppercut Films

⁴⁷ See <http://www.justiceformarinea.com>

⁴⁸ See Guardian, 25th October 2013 (<https://www.theguardian.com/uk-news/2013/oct/25/royal-marines-court-martial-video-transcript>) for transcript of killing by Alexander Blackman

post-traumatic stress disorder constituted an important part of official and public arguments for mitigation.

Many of the former military personnel in prison, and the criminal justice system more generally, will have experienced the same number of exacting tours of duty, witnessed the same levels of violence and death and hence may have suffered similar levels of depression, anxiety and stress associated with PTSD. But acts of violence outside of the 'theatre of war' are, it seems, more difficult to rationalise.

Conclusion

The state, in its duty to protect its citizens, produces a military system where its agents are, through training, systematically normalised and desensitised to the use of violence to solve conflict. This, in turn, can create a de-facto invocation of 'hero' status. It could be argued that this, deliberate or otherwise, is a means by which the state legitimates the violence of war. Yet at the same time there is systematic failure to support those whose lives are uncontrovertibly affected by its horrors. The military make great effort to prepare their soldiers for war but little by way of transition back into civilian life.

With regard to those ex-military personnel who end up embroiled in the criminal justice system, there have been few ethnographic studies seeking to highlight their specific needs and subsequent support required before, during and after prison. Official research has acknowledged a broad array of factors that might exacerbate entry into the criminal justice system, including poor mental health and substance misuse (especially alcohol), yet appears to 'downplay' the impact and prevalence of PTSD,

despite evidence to suggest that such factors can represent aspects of co-morbidity with PTSD.⁴⁹

It is apparent then that there is still a lack of empathic understanding within sections of the state, criminal justice system, media and public of the impact of military training and culture on the soldier. The fact that Post Traumatic Stress Disorder and concomitant levels of comorbidity may only surface sometime after a soldier has left active service - a factor that may go some way to explaining the number and characteristics of former military personnel who end up in prison - is seemingly ignored. It is clear that much work is to be undertaken with respect to levels of professional support available for former military, both inside and outside of the prison estate. It will be interesting to see if the 2014 proposals to support ex-military personnel in (via *Transforming Rehabilitation* programmes) and after prison are acted upon⁵⁰ although recent events suggest a continued lack of acknowledgement that military training can be anything other than a positive experience. In October 2016 Justice Secretary Liz Truss announced a new Government initiative to recruit former military personnel to work as prison officers, arguing that they would be best placed to instil discipline and tackle violence in prisons, and act as exemplars to prisoners of what can be achieved through 'courage and integrity'. Given the data presented above regarding the numbers and characteristics of former military personnel who enter prison as *prisoners*, the contradiction (or perhaps *denial*) could hardly be overstated.

⁴⁹ See Phillips (2014); Kelly (2014); Murphy, D., Hunt, E., Luzon, O., & Greenberg, N. (2014) *Exploring positive pathways to care for members of the UK Armed Forces receiving treatment for PTSD: a qualitative study*. European Journal of Psychotraumatology, 5: 21759, 1-8.

⁵⁰ 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* London: Ministry of Justice