

Post-army trouble: veterans in the criminal justice system

Emma Murray examines how this group is perceived and dealt with

I have spent several years working within the probation service and prison service as a researcher, consultant and mentor for veteran affairs. This paper emerges out of a doctoral project concerned with the investigation into the crimes (in particular of violence) committed by Iraq and Afghanistan veterans post war and conflict, and their experience of punishment in England and Wales. The analysis of the project has motivated and liberated a small but reoccurring idea (that I have coined 'veteranality') which asks: how are veterans caught up in the criminal justice system perceived by practitioners and how are those perceptions mobilised into practice?

The data unearths a tension between normative perceptions of the 'veteran' and those of the 'offender'. At the crux of this tension is the sentiment that they are *different* than other offending populations and that such a *difference* is more significant than differences traditionally understood for diverse offending populations. We understand them as having different criminogenic needs, vulnerabilities and risk factors just as other populations but in the background is a unique perception that veteran offenders are *good* or that their crimes are *understandable*, coupled with the notion that they are *high risk*.

Life after the military

In recent years there has been an increased awareness and consequent interest in the resettlement of veterans post war. September 2013 marked five years since NAPO claimed that a significant 20,000 ex-armed forces personnel were currently embroiled

in the criminal justice system in England and Wales (NAPO, 2009). The criminality of veterans post war (and often service) has since captured our imagination and research has begun exploring crimes committed by military and ex-military personnel (Treadwell, 2010; Howard League, 2011; MacManus et al., 2013). This is an issue we understand in terms of 'transition' and that some veterans experience great difficulty in their transition from military life back into mainstream society.

The criminal justice system in England and Wales has had to respond quickly and there is to date little sense of a strategic approach in practice. This is largely a consequence of still not having a national model for dealing with this group; in its place are a series of *ad hoc* grassroots initiatives that vary significantly across space. How veterans experience the criminal justice process remains marginal to the conversation.

'Veteranality'

The term *veteranality* is a means of understanding the ways in which the criminal justice system has begun to come to terms with veterans who commit a crime. It is where the perception of the 'criminal' veteran comes alive and is concerned with the public image and external moment (Edkins, 2008). As a conceptual starting point veteranality locates us in an ever-increasing justice dilemma. Such a dilemma is a consequence of the normative perceptions and externally imposed views about 'offenders' and their 'criminality', which in the case of veterans is articulated by a belief that they are *different* from others

who have been sanctioned by the criminal justice system..

Both the 'offender' and the 'veteran' are social identities that create and sustain understandings about those to whom they are applied. For the 'veteran offender' there is an inherent tension between the stigmatic identity of being an offender and the traditional celebration of the veteran identity.

What we are dealing with here are men who have been rewarded for violent behaviour, yet punished for not turning up to work. They have lived under different rules to the rest of us, we must expect crime and when dealing with it be more understanding. I am not saying they should get away with it but I am suggesting a different justice system for ex-armed forces, similar to the system that operates in the military.

(Veteran Treatment Manager, 2012)

These lads have been to war; fought for their country, we were proud of them then. They have been trained to kill and celebrated for extreme violence. They come from a culture that promotes 'suffering in silence' and often the first time they get the support they deserve is when they end up in the criminal justice system.

(Offender Manager, 2013)

Findings from my doctoral research indicate that veterans caught up in the criminal justice system appear to be a population with an idiosyncratic set of experiences and circumstances that place them at risk of offending and re-offending. Just like other populations sanctioned by criminal justice, this is to be explored and understood. What is different is the attitude that lies behind these cobbled appreciations.

The tension is further problematised by risk. Are they dangerous, even if their offence may not be considered as such? If so, are we getting into muddy water?

We must consider an individual's military training, they have violent skills, a violent trade almost and

of course we must take that into consideration.

(Offender Manager, 2012)

Veterans are dangerous, they are trained to kill and use violence effectually.

(Veteran Advisor, 2012)

Identity and the criminal justice process

The criminal justice process can be understood in terms of 'people production': once convicted, labels are applied to individuals to identify their penal participation. Edkins (2008) would argue that this interrupts individuals' biographies with a criminal record: the 'offender' identity becomes a person's 'master status', in which all other identities are consumed. As such, individuals are further defined by what they have done and, in many respects, divided by the social fractures that exist in wider society (for example race, disability, gender). Inherent within 'people production' is the managing of identity. Veterans' offences can become overwhelmed by their military past. This asks the criminal justice system to manage an 'occupation type' instead of the 'offending type' they are more familiar with.

On that wing we have terrorists and over there are sex offenders, armed robbers tend to hang out over there and veterans just round the corner.

(Veterans in Custody Support Officer, 2012)

I mean I'm not like other criminals, like the scumbags you see in the waiting room, even they tell me that I am not like them at all.

(Veteran Participant, 2012)

This ushers an identity crisis and crisis of management into criminal justice practice that has not been known before. At the outset is a theoretical issue of a new criminal identity, one that is fraught with subjectivities and conflict, that makes new demands of fundamental criminal justice processes and fosters links (between crime and military

service). Areas which are to date under researched. Veteranality is a means of opening up a series of questions about perceptions in the following key areas.

Diversity, risk and engagement

Veterans are fast becoming a diversity subject to be considered in criminal justice practice and in academia. They challenge a traditional understanding of diverse groups in society. In the USA there are veterans' courts and veterans' wings in states that are highly populated by these communities. We are moving towards veterans wings in custodial institutions in this country, setting the offending veteran population aside from other offenders.

There is evidence to suggest that veteran offenders who commit crimes that would usually be considered *low risk* become *high risk* as a consequence of skill they have assumed earlier on in life. How this is mobilised must be addressed.

The judge said that because I was a veteran I would receive a custodial sentence because I was dangerous like and couldn't control my temper. I only pushed her but it was seen as a lack of control.

(Veteran Participant, 2012)

He will stay on weekly reporting for the remainder of his sentence because of his military past he must be seen as high risk.

(Offender Manager, 2013)

The sense of difference can have impact on veteran engagement. Many have disclosed their sense that they are simply 'getting it out of the way', as they should not be punished in the way that they have been.

I shouldn't even be in here with these low lives, even the screws tell me that I am hero and shouldn't be here and so do the other lads like. It's stupid, what did they expect a few weeks after a tour, I got medals for killing people – yeah like I am just getting this out of the way.

(Veteran Participant, 2013)

To reference an argument of Edkins (2008): 'in the dialectic of individual identification, the external moment can be enormously consequential'. As labelling theory suggests, identity is not just perceived by others but constituted by it, not only by the labels that are applied but in the reaction that occurs to the label.

This article aims to act as starting point of a discussion about attitudes on army veterans in the criminal justice system. It is a necessarily brief and selective overview of the data, intended to provide a rationale for my proposing of the new term 'veteranality', indicating that the criminality of veterans is something that is perceived as being different from other criminality. My research findings animate an attitude that veterans sanctioned by criminal justice are different in a way that overwhelms normative criminal justice practices. Such sentiments are not isolated but instead permeate the fieldwork. Although I accept this evidence is anecdotal it provokes a theoretical (and in many respects practical) discussion about criminal identity. The data selected makes up only a short and incomplete picture aimed at highlighting the theoretical points made – more examples exist and should be researched, learned and expanded upon. ■

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References

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