From Service to Sentencing: Unraveling Risk Factors for Criminal Justice Involvement Among U.S. Veterans

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By Ugur Orak, Ph.D.

Introduction

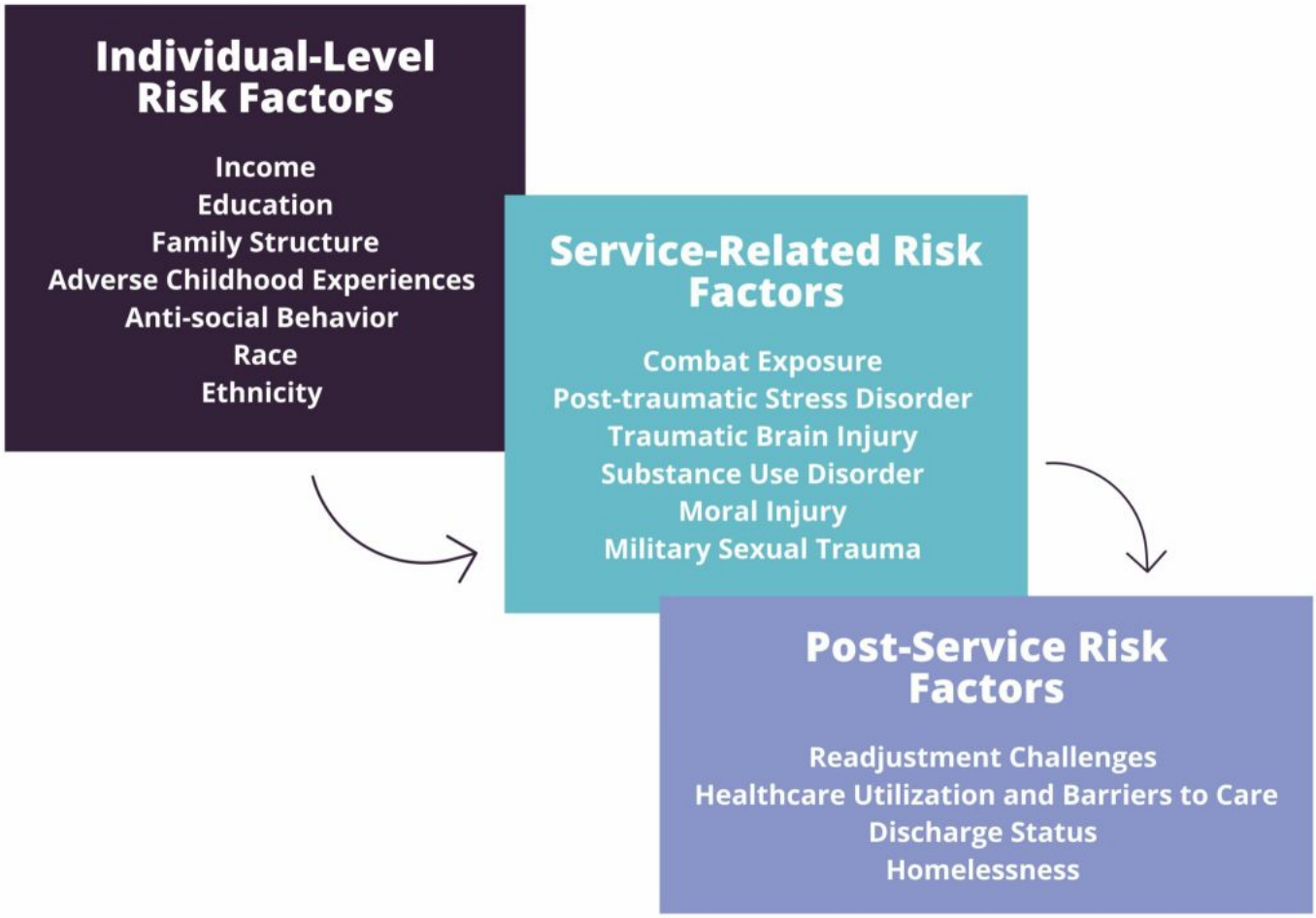
In 2021, there were an estimated 16 million veterans in the United States, with roughly 200,000 additional service members transitioning to civilian life each year.[1,2] For most of these individuals, military service is transformative in valuable ways, providing important skills and opportunities. For some, however, the military experience and associated risk factors may lead to adverse life outcomes, including criminal behavior and contact with the criminal justice system. Recent studies show that approximately one-third of veterans report a history of arrest, compared to one-fifth of the non-veteran population.[3-5]

While this statistic suggests that veterans are more likely to encounter the criminal justice system, it does not necessarily indicate that military service, on its own, increases the likelihood of criminal behavior. Rather, it underlines the importance of investigating the role of military service in criminal offending, including the risk factors that might make veterans particularly susceptible to justice involvement. Determining these factors can inform efforts to identify veterans who have the greatest probability of criminal behavior and help ensure that they receive services and support to reduce that probability, assisting our nation's veterans and protecting public safety.

This research brief summarizes what is known about the association between military service

and criminal justice involvement. It breaks down the factors that might predict criminal behavior among veterans into three categories: veteran characteristics (individual-level risk factors), veteran experiences during or related to military service (service-related risk factors), and veteran experiences following military service (post-service risk factors). While space limitations prevent a discussion of all risk factors, this brief covers those factors that have received the most attention in the existing research, with an acknowledgment that many common risk factors discussed in the criminal justice literature have not been examined in research on justice-involved veterans (e.g., affiliation with antisocial peers).[6] The brief then identifies the limitations of previous research and concludes with recommendations for new directions for researchers and policymakers.

Figure 1: Risk Factors for Justice Involvement Among Veterans Covered in Existing Research



Key Takeaways

- The relationship between military service and criminal justice involvement among veterans is multifaceted and can be attributed to a wide range of risk factors that exist before, during, and after military service.
- Research suggests that recent veterans are twice as likely as non-veterans to face incarceration, while veterans from previous eras, such as World War II and the Vietnam War, were half as likely as non-veterans to become incarcerated.
- Military service members are more likely than their civilian counterparts to have socioeconomic and family characteristics, ACEs, and personality traits that, without

targeted intervention and support systems, may increase their risk of criminal justice involvement.

- Combat exposure and its associated physical and mental health problems (e.g., PTSD, TBI, mood disorders, and substance use disorders) are significantly associated with a greater likelihood of criminal justice system involvement among veterans. For example, TBI is associated with a 59% increase in the odds of justice involvement among veterans.
- Moral injury and military sexual trauma may be significant risk factors for criminal justice involvement among veterans, but a more rigorous assessment of this connection is needed.
- The transition to civilian life can create readjustment challenges and relationship strain for many veterans, which may increase the risk of criminal justice involvement.
- Approximately one-third of veterans with mental health and/or substance use disorders do not receive treatment, often due to stigma, negative beliefs about treatment, and a "bad paper" discharge status; these barriers to care may increase the risk of criminal justice involvement.
- Homelessness is a significant risk factor for criminal justice involvement; studies show that approximately 30% of incarcerated veterans have a history of homelessness, double the percentage of homelessness among the general incarcerated population (15%).

Glossary

- **Adverse Childhood Experiences (ACEs):** Potentially traumatic events that occur before age 18, such as physical or sexual abuse, neglect, witnessing household or community violence, and parental mental illness, incarceration, and substance abuse.
- **All-Volunteer Force (AVF):** A military service system that has been in effect in the United States since 1973, comprising only service members who have voluntarily enlisted.
- **Bad Paper Discharge:** A general term used to refer to dishonorable, bad conduct, and other than honorable military discharge designations, generally signifying that the

veteran is denied access to VA benefits following discharge.

- **Criminogenic Risk Factors:** Characteristics that relate to the likelihood of an individual engaging in criminal behavior.
- **Draft Era:** The period from 1940 to 1973 when military conscription or compulsory military service was enforced in the United States.
- **Military Sexual Trauma (MST):** Sexual assault or sexual harassment experienced during military service.
- **Moral Injury:** The long-term psychological, emotional, social, behavioral, and spiritual effects of committing, not preventing, witnessing, or learning about actions that go against a service member's fundamental moral values and behavioral standards.
- **Post-traumatic Stress Disorder (PTSD):** A mental disorder caused by a traumatic event or multiple events, resulting in the symptoms of intrusive thoughts, avoidance, altered cognition and mood, and altered arousal and reactivity.
- **Substance Use Disorder**: Continued use of substances, such as drugs, alcohol, or medication, causing a loss of control and physical dependence and impairing the ability to fulfill major obligations at work, school, or home.
- **Transition Assistance Program (TAP):** A joint education program between the Departments of Labor, Defense, Education, Homeland Security, and Veterans Affairs (VA), the Small Business Administration, and the Office of Personnel Management to provide service members and their families with the information, resources, and tools they need to transition from military to civilian life.
- **Traumatic Brain Injury (TBI):** A disruption in the normal functioning of the brain that can be caused by a blow, bump, or jolt to the head, a forceful impact of the head against an object, or the penetration of an object into the skull and brain tissue.

Individual Level Risk Factors

Compared to their civilian counterparts, people who enlist in the military are more likely to have characteristics associated with criminal justice system involvement *prior to their enlistment*. This may stem from military service offering people growing up in difficult circumstances advantages that may not be as accessible to them in civilian life (e.g., housing, income, job skills). For example, a 2010 nationally representative study of more than 6,900 people revealed that each $1,000 increase in family income and having college-

educated parents were both associated with a 26% decrease in the odds of joining the military relative to going to college.[7] Individuals who had stepparents or other nontraditional family structures were 2.5 times more likely to sign up for the military than those who were raised in households with two biological parents, while those with single parents were 44% more likely to enlist.[7] Research further indicates that veterans experience a significantly greater number of ACEs than their civilian counterparts,[8] with a 2014 study of more than 60,000 veterans and non-veterans revealing that about 51% of male and 52% of female veterans from the AVF era reported exposure to multiple ACEs, rates that were significantly greater than those of male and female non-veterans (34% and 42%, respectively).[9]

Finally, additional research from 2014 demonstrated that the odds of enlistment were over 40% greater for males and 80% greater for females with a history of antisocial behavior compared to those with no history of antisocial behavior.[10] Previous research has demonstrated that people with a history of ACEs and antisocial behavior are more likely to be involved in the criminal justice system, spend longer periods of time in prison, and engage in repeat offending due to their increased susceptibility to a range of criminogenic risk factors, including long-term poverty, lack of social support, stress accumulation, disrupted cognitive functioning and brain development, social stigma, and modeling of antisocial behavior.[11-23]

Many of these characteristics have varied over time, and in some cases, these changes have made members of today's military less likely to encounter the justice system. For example, the contemporary military is roughly 17% female (up from just 4% in the Vietnam era), and data show that men account for a far greater proportion of those arrested for committing crimes.[24] Similarly, about 64% of people in today's military are from middle-income backgrounds and 78% have at least some college education, substantially more than the 49% and 66% in the Vietnam era.[24-26] In contrast, a substantial proportion of current service members come from single-parent households (20%) and communities of color (30%), both of which increase the risk of justice system involvement.[27] Further, nearly three out of four AVF-era veterans report exposure to at least one ACE, significantly greater than the 46.5% of draft era veterans who reported such exposure.[9] While these factors suggest that recent changes in military demographics may have had a mixed impact on veteran involvement in the justice system, a 2013 study using U.S. Census data was more definitive. Examining a sample of nearly half a million veterans and civilians from the draft and AVF eras, it found that service members from the draft era were half as likely to be incarcerated as their non-veteran counterparts, whereas service members of the AVF era were more than twice as likely to face incarceration compared to non-veterans of the AVF era.[28] The authors

cautioned, however, that this finding may be attributable to changes outside of the military, such as the increased rate of incarceration in the U.S. in recent decades.[28]

Such research findings underscore the difficulty of estimating the true effect of military service on justice system involvement, as people who enlist in the armed forces are more likely to have characteristics that increase the odds of justice system involvement. The growing prevalence of many of these preexisting characteristics should inform efforts to identify service members at greater risk of justice system involvement and ensure more services are provided to them to protect against that risk.

Service-Related Risk Factors

As noted in the previous section, military service might attract people with characteristics that make criminal justice involvement more likely in part because service is seen as a pathway out of challenging circumstances. Several studies support this benefit of military service, showing that it can reduce the risk of violent and criminal behavior for some veterans. For example, a 2015 study demonstrated that military service did not affect future criminal behavior for White individuals, but that non-White individuals with military service were about 2.5 times more likely to avoid criminal behavior than those with no military history.[27] Although this finding suggests that some service members may benefit from military service,[29] for others, negative experiences during and/or linked to military service may perpetuate or exacerbate their existing risk of criminal justice involvement, as detailed below.

Combat Exposure

Some research has found that combat exposure is a significant risk factor for criminal justice involvement among veterans.[30-32] In 2022, a study examining the causal relationship between combat deployment and criminal offending among more than 11,000 active-duty service members revealed that deployment to combat zones in the post-9/11 era resulted in a 2% to 3% increase in service members' criminal behaviors, including property and violent crime, trouble with military and civilian police, and arrest.[30] Due to this additional criminal activity, it is estimated that post-9/11 combat exposure has created a substantial economic cost, including approximately $26.4 billion for violent crime and $315 million for property crime.[30]

Post-traumatic Stress Disorder and Traumatic Brain Injury

Some scholars suggest that the association between combat exposure and justice involvement is indirect and can be attributed to a variety of physical and mental disorders related to military service and combat exposure. These include PTSD and TBI, both of which are often accompanied by symptoms such as hypervigilance, aggression, impulsivity, and misappraisal of threat.[30,33-35] Surveys have found that 5% to 38% of veterans have PTSD.[35,36] Additional analyses show that the odds of criminal justice involvement are 61% greater for veterans with PTSD than for those without PTSD, and that the odds of arrest for violent offenses are 59% greater.[37] In addition, a 2021 study of recidivism among over 600 veterans found that TBI was associated with a 49% greater risk of rearrest, 85% greater risk of supervised release revocation, and 44% greater risk of reconviction.[38] Similarly, in 2022, a study of more than 418,000 veterans found that those with a TBI were 59% more likely to experience criminal justice involvement than those without a TBI.[39]

Substance Use Disorder

In addition to combat exposure and its associated physical and mental health problems, substance use is commonly cited as an important risk factor for criminal justice involvement among veterans. Across different samples of justice-involved veterans, estimates suggest that 21% to 71% have alcohol use disorder and 26% to 65% have drug use disorder.[35] Research also shows that substance use disorder and substance abuse are associated with 2 to 3.5 times greater odds of arrest among veterans.[40,41] In 2013, a study of more than 99,000 male veterans who participated in the VA's substance use treatment programs indicated that 58% of the patients had been arrested three or more times and 46% reported one or more criminal convictions.[42]

Moral Injury

Another risk factor for criminal justice involvement among veterans that has received less scholarly attention is moral injury.[43] In 2021, a study of a nationally representative sample of more than 1,300 combat veterans revealed that 36.8% reported moral injury.[44] Previous

research has shown that moral injury is associated with a host of mental disorders, such as PTSD, substance use disorder, and major depressive disorder, all of which are risk factors for criminal justice involvement.[45,46] Studies indicate that people with moral injury may turn to aggressive or violent behaviors to regulate distressing emotions, such as shame that occurs as a result of a sense of inadequacy.[47] A growing body of literature suggests that moral injury, particularly through shame and aggression, may be salient among justice-involved veterans, though more research is needed to identify any causal impact it has on criminal behavior.[47,48]

Military Sexual Trauma

Military sexual trauma (MST) also appears to be an important risk factor for criminal justice involvement among veterans, with a comprehensive analysis of 69 studies indicating that 38% of female and 4% of male military personnel and veterans experienced military sexual trauma.[49] In 2016, a study of 1,250 Iraq and Afghanistan veterans showed that a positive screen for MST was associated with a 13% higher predicted probability of problems with the law among veterans.[34] A more recent study found that among more than 1.4 million justice-involved veterans, men were 200% more likely to report a history of MST compared to a control group who did not have a history of justice involvement, and women were 82% more likely.[50] While these statistics are suggestive of MST serving as a risk factor for justice involvement among veterans, more rigorous analysis is needed to test this connection.

Post-Service Risk Factors

The transition from military service to civilian life can be overwhelming. The loss of military support systems, the need to establish new social relations, and adaptation to civilian norms and expectations may contribute to readjustment difficulties, relationship strain, and other challenges that can increase the risk of criminal justice involvement.

Readjustment Challenges

When veterans transition from service, the military requires them to participate in a Transition Assistance Program (TAP) to learn about their benefits and educational and employment options. But concerns have been raised about the program’s narrow scope and inability to address important post-transition issues, such as the adjustment to civilian social

and work environments, financial planning, housing, and managing trauma responses.[51] In 2011, a nationally representative survey showed that 27% of veterans and 44% of post-9/11 veterans reported that readjustment to civilian life was difficult.[52] Research indicates that readjustment challenges are associated with an increased risk of justice involvement among veterans.[54,55]One 2023 study of nearly 800 post-9/11 veterans found that increases in unmet discharge needs and post-discharge identity loss were associated with a greater likelihood of a range of risky behaviors that can lead to justice system involvement. These included drunk driving, excessive speeding, substance use, carrying a weapon, and looking to start a fight.[56]

Healthcare Utilization and Barriers to Care

The transition period can create health-related challenges and significantly increase the risk of criminal justice involvement, especially among veterans who experienced adversity prior to and/or during their military service. A systematic review of 20 studies found that mental health and substance use disorder treatment among veterans was associated with a reduction in criminal activity.[4] But roughly one-third of veterans with mental or substance use disorders do not receive treatment,[57,58] often due to stigma and negative attitudes about such care.[59-62] The study further showed that agreement with the statements, “It would harm my reputation,” “I don’t know where to get help,” and “Mental healthcare doesn’t work” was associated with a 55%, 45%, and 54% reduction, respectively, in the odds of mental healthcare utilization.[60]

Discharge Status

In addition to stigma, veterans’ discharge status may prevent a former service member from gaining access to healthcare that can protect against justice system involvement. Estimates suggest that more than 6% of post-9/11 veterans received a bad paper discharge, up from less than 2% among World War II veterans.[63] Veterans with bad paper discharges have elevated rates of homelessness, with a 2015 study of more than 448,000 post-9/11 veterans showing that those who left military service for misconduct were 4.7 times more likely to become homeless.[64] Additionally, veterans with bad paper discharges are disproportionately represented in the criminal justice system; one report in 2015 found that about 18% of veterans in prison and jail had a less-than-honorable discharge status.[65] While multiple factors may explain this overrepresentation in the justice system, veterans with a bad paper discharge generally lose their access to VA benefits, possibly contributing to greater health

problems and financial insecurity.

Homelessness

In addition to the challenges listed above, unstable housing and homelessness may act as important post-service risk factors for criminal justice involvement among veterans.[66] Research using civilian and veteran samples demonstrates that there is a cyclical relationship between homelessness and criminal justice involvement, such that people with a history of homelessness are more likely to be arrested or incarcerated, and those with a history of criminal justice involvement are more likely to experience homelessness.[67-69] A study analyzing more than 30,000 incarcerated male veterans in 2014 found that about 30% of the sample had a history of homelessness,[70] significantly higher than the rates of homelessness among all incarcerated individuals (15%), the general male population (0.1%), and veterans overall (0.2%).[71,72] In 2023, a nationally representative study of 1,350 combat veterans found that 44% of the association between homelessness and criminal justice involvement among combat veterans was explained by drug use disorder (22%), moral injury (11%), and alcohol use disorder (11%).[41]

Conclusion and Next Steps

Criminal justice involvement among military veterans is a multifaceted issue with multiple predictors, including veterans' early life experiences, socioeconomic background, personality traits, experiences during military service, mental and physical health problems, and readjustment difficulties during the transition to civilian life. Research on the association between military service and criminal justice involvement is still in its infancy. It is not clear how individual, sociodemographic, and health-related trends among veterans interact to influence the risk of criminal behavior. Few studies on criminal justice involvement among veterans use the most rigorous causal research methods, instead relying on administrative, clinical, or non-random samples of veterans. Additionally, most of the research on veterans and criminal justice involvement is based on data gathered at one point in time rather than tracking outcomes over longer periods.

Overall, an examination of the findings and limitations of previous studies, as outlined in this brief, suggests several promising new directions for future research and policy-making

efforts:

- Risk and needs assessments are frequently employed by criminal justice organizations to assess the likelihood of recidivism, make bail decisions, and determine the level of supervision needed during probation and parole. Similar assessments could also be used during the transition from military to civilian life to identify veterans with the greatest risk of criminal justice involvement. Following this identification, services could be provided to a select group of high-risk veterans to minimize that risk. These assessments should be designed based on validated assessment tools and statistical methods, rather than subjective evaluations, to reduce implicit and explicit bias, avoid unnecessary programming, and increase objectivity, transparency, and accountability.
- Future studies should disentangle the effects of military service from the effects of pre-existing risk factors on criminal justice involvement and evaluate the differences in criminal justice involvement among service members from various socioeconomic, cultural, and demographic backgrounds. To accomplish this task, more longitudinal studies are needed along with additional data sharing between the key military and criminal justice agencies, including the Departments of Defense, Veterans Affairs, and Justice. Combining longitudinal studies with this data sharing would allow for an analysis capable of more clearly identifying veteran risk factors by tracking them from their time in the military through any involvement with the criminal justice system. Such studies should also be complemented by an increase in qualitative studies to gain a more detailed and nuanced understanding of justice-involved veterans' perspectives and experiences.

Endnotes

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Ugur Orak, Ph.D., is a criminologist and Assistant Professor in the Department of Sociology and Anthropology at Middle Tennessee State University.

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