

April 15, 2026

CCJ Veterans Justice Commission Director David “Mac” MacEwen testified at a bipartisan hearing of the [U.S. Senate Committee on Veterans’ Affairs](#) on veterans justice issues. MacEwen, a retired U.S. Army brigadier general, presented [findings and recommendations](#) produced by the Commission.

The following is the written testimony submitted to the committee ([PDF version here](#)). Read a [press release](#) about the hearing for more information.

Thank you Chairman Moran, Ranking Member Blumenthal, and members of the committee for inviting me to speak today.

I am [Brigadier General David “Mac” MacEwen](#). I am the grandson of a WWI veteran, the son of a WWII veteran, the husband of a Cold War veteran, the father-in-law of a veteran of the war in Afghanistan and I served in the Army for 33 years. I retired 11 years ago as the Adjutant General of the United States Army. Veterans and their needs are in my DNA.

I am here today representing the Council on Criminal Justice where I serve as Director of the [Veterans Justice Commission](#). The Council is an independent, nonpartisan think tank and invitational membership organization. Our mission is to advance understanding of the nation’s criminal justice policy choices and build consensus for solutions that enhance both safety and justice. Our work is rooted in facts, evidence, and fundamental principles of justice.

In 2022, the Council assembled the Commission to examine the extent and nature of veterans’ involvement in the criminal justice system and build consensus for strategies that can improve outcomes for veterans and their families and communities. The Commission assessed the risk factors that drive veterans’ justice-system involvement, the adequacy of transitional assistance for military service members as they reenter civilian life, and the effectiveness of the justice system response when veterans break the law. With 15 leaders representing veterans, the military, the Veterans Administration, community advocates, and various sectors of the justice system, the Commission issued three reports that included eleven findings and recommendations, all of which are detailed in this testimony. A summary of reports and recommendations are as follows.

1. [From Duty to Dignity: Supporting Service Members in Their Transition to Civilian Life.](#)¹ This report outlines the Commission’s findings and three recommendations to

ensure more service members transition successfully and avoid contact with the criminal justice system:

- **Recommendation 1:** Make transition a core mission of the Department of Defense
- **Recommendation 2:** Integrate evidence-based practices into management of performance issues and specified military justice cases
- **Recommendation 3:** Expand VA eligibility as directed by the GI Bill of 1944 and improve veterans services during transition

2. [Honoring Service, Advancing Safety: Supporting Veterans From Arrest Through Sentencing.](#)² This report provides three recommendations focused on the “front end” of the justice system, from arrest through sentencing, to improve and expand support for veterans in the early stages of the criminal justice process.

- **Recommendation 1:** Improve definition and identification of veterans involved in the criminal justice system
- **Recommendation 2:** Create a continuum of alternatives to prosecution and incarceration for justice-involved veterans
- **Recommendation 3:** Establish a national center on veterans justice to improve justice-involved veterans programs through research and coordination

3. [From Confinement to Community: Supporting Successful Veteran Reentry and Employment.](#)³ To close out the third phase of its work, the Commission issued five recommendations to strengthen resources for veterans during incarceration, reentry, and community supervision.

- **Recommendation 1:** Prioritize the recruiting and hiring of justice-involved veterans
- **Recommendation 2:** Identify and provide VA healthcare to incarcerated veterans
- **Recommendation 3:** Eliminate administrative barriers to housing eligibility and prevent benefit arrearages
- **Recommendation 4:** Evaluate and develop best practices for veterans housing units
- **Recommendation 5:** Create “Second Look” review processes that recognize

military service

Research Publications

The Commission also produced several research reports to inform its recommendations and fill critical gaps in understanding of the unique challenges veterans face. These publications include:

1. [From Service Through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System⁴](#) (August 2022)
2. [Who's a Veteran? Challenges in Defining and Identifying Veteran Status⁵](#) (February 2023)
3. [Suicide Among Justice-Involved Veterans: Understanding Risk and Meeting Needs⁶](#) (September 2023)
4. [From Service to Sentencing: Unraveling Risk Factors for Criminal Justice Involvement Among U.S. Veterans⁷](#) (October 2023)
5. [Unwavering Intent: Congress' Enduring Commitment to Veterans Benefits⁸](#) (January 2024)
6. [Racial Disparities Among Veterans⁹](#) (February 2024)
7. [Healing on the Inside: A History of Healthcare for Incarcerated Veterans¹⁰](#) (July 2024)
8. [Reflections: A Conversation With Veterans About Transition and Their Experiences in the Criminal Justice System¹¹](#) (August 2024)
9. [Exploring Biomarker Technology to Enhance the Diagnosis and Treatment of PTSD in Justice-Involved Veterans¹²](#) (August 2024)
10. [Can Suicide be Predicted for Justice-Involved Veterans? Evaluating the REACH VET Suicide Prediction Model¹³](#) (December 2024)
11. [Invisible Warriors: Veterans in State Prisons¹⁴](#) (August 2025)
12. [Falling Through the Cracks: Gaps in Identifying Veterans on Community Supervision¹⁵](#) (April 2025)
13. [Outcomes from a Jail-Based Veterans Housing Unit¹⁶](#) (August 2025)

The Commander's Dilemma: The Paradox of Operational Readiness and Transition Support

Each year, about 200,000 service members leave the military. Most transition successfully, but some face challenges. Veterans are more likely than non-veterans to be arrested, and tens of thousands are incarcerated. This involvement is often driven by combat-related trauma, traumatic brain injury, loss of benefits, and gaps in identification and intervention. The way we currently manage struggling veterans undermines recruitment, jeopardizes the health and safety of our veterans, their families, their communities, and ultimately national security.

A critical element of the Commission's plan addresses what the group refers to as the "commander's dilemma," the tension commanders face between maintaining unit readiness versus supporting underperforming service members or supporting transition.

To prioritize operational readiness, commanders look for the fastest way to replace service members who are not available to the unit for transition, disciplinary, or medical reasons. A commander may not have the flexibility to allow an individual to participate in Congressionally mandated TAP or receive evidence-based support for the kinds of minor disciplinary infractions seen in the civilian justice system. Instead, the system defaults to granting administrative discharges. An other-than-honorable discharge is an administrative death sentence, locking service members out of benefits that support a smooth transition.

In recent years, innovations such as veterans treatment courts (VTCs) and veteran-only housing units in jails and prisons have emerged, seeking to improve support for former service members through specialized approaches. The Veterans Administration (VA), whose mission is to provide care and support for veterans and their families, has launched efforts to help justice agencies better identify veterans and to facilitate their access to programming. But many challenges—and opportunities—remain.

When veterans enter the civilian criminal justice system, they confront a patchwork of interventions. These programs vary substantially across jurisdictions, and many fall through the cracks. VTC's have been a pioneering, life-saving intervention for thousands of veterans, yet despite their expansion, the 600 such courts currently operating across the country vary widely in their approaches to legal incentives (e.g., allowing an individual to avoid a record of conviction) and eligibility.¹⁷ For example, a national survey of VTCs found that nearly 60% exclude veterans with at least one type of violent felony charge, while 35% do not permit veterans with "bad paper."¹⁸

The Commission developed a complementary policy framework for those without access to a VTC.¹⁹ The American Legislative Exchange Council has adopted it, and it is under consideration in several states.

The Commission also proposed a National Center on Veterans Justice. Congress authorized \$4 million for the Center in January. The Center should act as a hub for improving the success of justice-involved veterans by identifying and replicating best practices across the country and establishing proper program evaluation to invest in what works. If implemented properly, the Center can greatly improve how the justice system treats the unique cases of the nation's veterans.

The Commission's chair, Vietnam veteran and former senator and U.S. Secretary of Defense Charles Hagel, summarized the issue well:

"Too many veterans are ending up in our criminal justice system, and while they must be held accountable for their behavior, our nation has a responsibility to honor their service and help them address the factors that often drive them to break the law."

So, too, did Commission member Leon Panetta, who is a U.S. army veteran and former congressman and U.S. Secretary of Defense:

"We can and must do better for the men and women who put their lives at risk to serve our nation."

Most veterans return stronger from their service, but too many still need our help. It is nothing short of tragic that those who once wore the cloth of our nation now wear the cloth of incarceration. We sent them. We used them. Now we must do better and stand by them, ensuring they have the support to return their families, communities, and country.

Thank you.

Endnotes

¹ Council on Criminal Justice. (2024). From Duty to Dignity: Supporting Service Members in Their Transition to Civilian Life. Council on Criminal Justice.
<https://vjc.counciloncj.org/vjc-reports/transition>

² Council on Criminal Justice. (2023). Honoring Service, Advancing Safety: Supporting Veterans From Arrest Through Sentencing. Council on Criminal Justice.

<https://vjc.counciloncj.org/vjc-reports/arrest-through-sentencing>

³ Council on Criminal Justice (2022). From Service Through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System. Council on Criminal Justice.

<https://secure.counciloncj.org/np/viewDocument?orgId=counciloncj&id=2c918082829f83c70182b7c346ea0177>

⁴ Council on Criminal Justice (2022). From Service Through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System. Council on Criminal Justice.

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⁵ Seamone, E. R. (2023). Who's a veteran? Challenges in defining and identifying veteran status. Council on Criminal Justice.

https://counciloncj.org/wp-content/uploads/2023/02/Whos_A_Veteran_Final.pdf

⁶ Holliday, R. (2023). Suicide Among Justice-Involved Veterans: Understanding Risk and Meeting Needs. Council on Criminal Justice.

<https://counciloncj.org/suicide-among-justice-involved-veterans-understanding-risk-and-meeting-needs/>

⁷ Orak, U. (2023). From Service to Sentencing: Unraveling Risk Factors for Criminal Justice Involvement Among U.S. Veterans. Council on Criminal Justice.

<https://counciloncj.org/from-service-to-sentencing-unraveling-risk-factors-for-criminal-justice-involvement-among-u-s-veterans/>

⁸ Mulligan, L. (2024). Unwavering Intent: Congress' Enduring Commitment to Veterans Benefits. Council on Criminal Justice.

<https://counciloncj.org/unwavering-intent-congress-enduring-commitment-to-veterans-benefits/>

⁹ Council on Criminal Justice (n.d.). Racial Disparities Among Veterans. Council on Criminal Justice. <https://counciloncj.org/racial-disparities-among-veterans/>

¹⁰ Seamone, E. (2024). Healing on the Inside: A History of Healthcare for Incarcerated Veterans. Council on Criminal Justice. <https://counciloncj.org/healing-on-the-inside-a-history-of-healthcare-for-incarcerated-veterans/>

¹¹ Howley, S., Diba Rouzbahani and Stephanie Kennedy. (2024). Reflections: A Conversation With Veterans About Transition and Their Experiences in the Criminal Justice System. Council on Criminal Justice. Council on Criminal Justice. <https://vjc.counciloncj.org/reflections/>

¹² Hwang, S. (2024). Exploring Biomarker Technology to Enhance the Diagnosis and Treatment of PTSD in Justice-Involved Veterans. Council on Criminal Justice. <https://counciloncj.org/exploring-biomarker-technology-to-enhance-the-diagnosis-and-treatment-of-ptsd-in-justice-involved-veterans/>

¹³ Harris, A. H. S., Andrea K. Finlay, and Esther L. Meerwijk. (2024). Can Suicide be Predicted for Justice-Involved Veterans? Evaluating the REACH VET Suicide Prediction Model. Council on Criminal Justice. <https://counciloncj.org/can-suicide-be-predicted-for-justice-involved-veterans/>

¹⁴ Hawken, A., Sandy Felkey Mullins, Lina Cook, and Elena Pereira. (2025). Invisible Warriors: Veterans in State Prisons. Council on Criminal Justice. <https://counciloncj.org/invisible-warriors-veterans-in-state-prisons/>

¹⁵ Mullins, S. F., Lina Cook, and Angela Hawken. (2025). Falling Through the Cracks: Gaps in Identifying Veterans on Community Supervision. Council on Criminal Justice. <https://counciloncj.org/falling-through-the-cracks/>

¹⁶ Cook, L., Sandy Felkey Mullins, Josh Doerner, Marlee Sherrod, and Angela Hawken. (2025). Outcomes from a Jail-Based Veterans Housing Unit. Council on Criminal Justice. <https://counciloncj.org/outcomes-from-a-jail-based-veterans-housing-unit/>

¹⁷ Note that the VA's method of counting differs from that of the National Drug Court Resource Center, which reported 495 VTCs nationwide as of 12/31/2021. See: National Drug Court Resource Center. (2022). *Treatment court maps*. <https://ndcrc.org/interactive-maps/>

¹⁸ Bad paper discharges refer to individuals who receive either an administrative "other than honorable" discharge or a punitive bad-conduct discharge. For statistics on exclusions within VTCs, see: Baldwin, J. (2015). Investigating the programmatic attack: A national survey of veterans treatment courts. *Journal of Criminal Law & Criminology*, 105(3), 705-751. <https://scholarlycommons.law.northwestern.edu/jclc/vol105/iss3/4/>

¹⁹ Council on Criminal Justice (n.d.). Alternatives to Prosecution and Incarceration for Justice-Involved Veterans: A Model Policy Framework. Council on Criminal Justice. <https://vjc.counciloncj.org/vjc-reports/model-policy-framework>