

A Qualitative Measure of Veterans Treatment Courts Efficacy

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Abstract: A lack of empirical evidence leading to the development of *best practices* for VTC programs has stifled potential efficacy towards reducing recidivism rates amongst justice-involved veterans. The use of a qualitative, semi-structured interview served to identify what programmatic factors of Veterans Treatment Courts (VTC) lend to the success of the participants in preventing recidivism. Conversely, the interview design further evaluated what factors might be perceived as preventing success in and through the program. The resulting findings led to the realization of several programmatic factors identified by participants as contributing to success in the VTC program, as well as those that were noted as likely being detrimental to success. Recommendations for the role of these factors in the court are addressed, and the methods of this study as a viable research design to be promulgated through further research to that same end are presented.

Keywords: Veterans Treatment Courts, perceptions, efficacy, best practices

A Qualitative Measure of Veterans Treatment Courts Efficacy

The development of Veterans Treatment Courts (VTCs) across the United States had been slow, but has rapidly increased within the last decade, resulting in the institution of more than 600 of these courts (Baldwin & Hartley, 2022). As these courts developed, and given their similarity in function and purpose to previously established special treatment courts, evaluations of their efficacy have been conducted in manners similar to those other courts such as Drug Treatment Courts (DTCs). However, the limited number of courts (in relation to the more than 2,000 DTCs across the country) and the relatively short timeframe of existence has resulted in little research beyond quantitative analyses

of recidivism rates for those who have completed the program, or descriptive analysis of the program with little to no qualitative evaluation of the efficacy of the program (Baldwin & Brooke, 2019; McCall *et al.*, 2018). Noting the similarity between these courts and DTCs, it would stand to reason that dilemmas precluding participants in VTCs from enrolling in, completing, or maintaining desistance of criminal behavior after participation in these courts would be consistent with those in DTCs (Douds & Hummer, 2019; Erickson, 2016; Holbrook & Anderson, 2011; Self, 2017).

As research in DTCs has demonstrated a direct connection between the participant's perception of the program and their success (Witkin & Hays, 2017), this study sought to evaluate the perspective of participants in three VTCs operating in neighboring judicial circuits, as well as to compare those perspectives to those of the personnel integral in the facilitation of the respective VTCs. The study was modeled after one conducted by Fulkerson *et al.* (2012) in a DTC, using a qualitative semi-structured interview methodology and modifying it to accommodate the perspectives of the court personnel as well as the program participants. This study identified justice-involved veterans and program facilitators of the three judicial circuits, and evaluated their perceptions of programmatic factors that lend to or detract from efficacy of the VTC. Ultimately, the intention of this study was to bridge the noted gap presented by the dearth of empirical evidence created by the rapid development of the VTC model (Baldwin & Brooke, 2019; McCall *et al.*, 2018).

Literature Review

Veterans Treatment Courts, having only come into existence in 2008, have been plagued by a considerable lack of empirical research as to what lends to their efficacy (Baldwin & Brooke, 2019; CRS, 2019; Finlay *et al.*, 2019; McCall *et al.*, 2018; Pomerance, 2018). These courts have come to be recognized not only as forums of therapeutic justice but as demonstrating the only special treatment court forum truly imparting principles of restorative justice (Baldwin & Rukus, 2015; Daly, 2015; Erickson, 2016; Hora, 2002; Menkel-Meadow, 2007; Wexler & Winick, 2008). Despite seeming to be fulfilling that goal, though, these courts have been developed under limited auspice of oversight and with virtually no standardization across courts (Baldwin 2015a, Baldwin & Brooke, 2019; Douds & Hummer, 2019; Finlay *et al.*, 2019; McCall *et al.*, 2018). The unique culture—the military culture—that these courts serve, though is one built on standardization and discipline (Ahlin & Douds, 2016; Gallagher & Warner, 2018; Jalain & Grossi, 2019; Vaughan *et al.*, 2019). Thus, these courts should reflect such principles but do not (Ahlin & Douds, 2016; Baldwin 2015a, Baldwin & Brooke, 2019; Douds & Hummer, 2019; Finlay *et al.*, 2019; Gallagher & Warner, 2018; Jalain & Grossi, 2019; McCall *et al.*, 2018; Vaughan *et al.*, 2019). The recognition of success of these courts is overshadowed by the various methods employed to treat justice-involved

veterans and impart justice (Baldwin & Brooke, 2019; Blonigen *et al*, 2016; Erickson, 2016). The few measures of efficacy of these courts have been quantitative and even these are lacking due to the limited number of courts and the myriad of practices employed by them (Baldwin, 2015; Baldwin & Brooke, 2019; Blonigen *et al*, 2016; Erickson, 2016; Hartley & Baldwin, 2016). Through the use of phenomenological qualitative studies evaluating how programmatic factors of VTCs are perceived in the eyes of justice-involved veterans as well as the court facilitators, a better understanding of what lends to and detracts from their success in the VTC process can be garnered (Baldwin & Brooke, 2019; Gallagher & Warner, 2019; Herzog *et al.*, 2019).

Lack of Standardization. Just as the varied approaches to VTC programs have led to a lack of and difficulty in evaluating efficacy, it has also contributed to a lack of efficacy in those instances in which efficacy was measured (Baldwin 2015a, Bladwin & Brooke, 2019; Douds & Hummer, 2019; Finlay *et al.*, 2019; McCall *et al.*, 2018). The myriad of programs and methods employed in the various VTCs have led to sundry approaches in providing for therapeutic and restorative justice of justice-involved veterans with each of these programs being at the discretion of the local judiciary and, often, without consideration of input from VA (Baldwin & Brooke, 2019; Blonigen *et al*, 2016; Erickson, 2016). The VA has already garnered empirical evidence as to what is likely to result in drug and alcohol abuse, antisocial behaviors, and even criminal offending amongst the veteran population. Further, they have established standards and protocols to address such issues amongst this population (Blonigen *et al*, 2016). Yet, despite collaboration with VA early in the development of the first VTCs (Congressional Research Service [CRS], 2019; Pomerance, 2018; Russell, 2018), little has been done since to ensure that those understandings known to the VA are implemented within VTCs in a standardized manner (Baldwin & Brooke, 2019; CRS, 2019; Venhuizen, 2020). Shortly after the inception of the first VTC, the VA established a program known as Veterans Justice Outreach, through which it provided resources necessary to the success of VTC programs (CRS, 2019). However, these resources, while available to any VTC who chose to partake of them, were still optional and the suggestion of their use was just that—a suggestion. VTCs were and are under no obligation to implement the use of these resources within the programs. This comes as a lack of legislative mandate as well as a lack of consensus as to what *suggestions* are empirically effective (Blonigen *et al.*, 2016; Douds & Hummer, 2019; Knudsen & Wingenfeld, 2016; Russell, 2009; Russell, 2018; Self, 2017; Van Dyke & Orrick, 2017; Pomerance, 2018).

In modeling their programs after DTCs and Mental Health Courts, many VTCs focus on programming that is tried and tested as successful in those forums (Baldwin & Brooke, 2019; Douds & Hummer, 2019). And while those programs are effective, even amongst the justice-involved veteran population, they only address one aspect of the impetus

to criminality for this population (Baldwin & Brooke, 2019; Blonigen *et al.*, 2016). Ultimately, a lack of standardization amongst these courts have left many jurisdictions to model their VTC after the more successful sister courts without due consideration of the failings of these courts amongst this population. Further, they do not fully or properly implement the successful principles of the sister courts into VTC programs mitigating their success by lack of proper implementation (Baldwin & Brooke, 2019). These failings in VTC programs, though, do not come from a lack of good intent but, rather, the mere fact that the development of these courts have outpaced the necessary empirical research to substantiate the most effective programming factors to ensure efficacy of VTCs (Baldwin & Brooke, 2019; McCall *et al.*, 2018).

The fault in the VTC model, though, has been recognized, and the need to standardize has as well. A recent Congressional Report (2020) has indicated not only the need for a well-established VTC program nationally, but for federally supported and funded program resources to be provided to state and local VTCs. This has resulted in the passing of the *Veterans Treatment Court Coordination Act of 2019* (2020) and the subsequent call for further legislative direction of VTCs (CRS, 2019; Pomerance, 2018) as well the development of *best practices* to be implemented in VTCs across the nation. These calls for *best practices*, though, do not come on the heels of empirical evidence demonstrating their need but, instead, a lack of empirical evidence as to what constitutes them. Thus, the gap in literature on this topic is further recognized, and the need for further research into empirical data as to what makes a VTC effective is readily recognized (Baldwin & Brooke, 2019; CRS, 2019; McCall *et al.*, 2018; Pomerance, 2018).

Measures of Efficacy

Baldwin *et al.* (2018) reiterate what has been noted in literature concerning VTCs since their inception. In light of the rapid development of these courts within less than 20 years, research lending empirical data to their efficacy has been severely lacking. Namely, empirical data relative to programs and processes of these courts is lacking. Research has provided considerable evidence as to the efficacy of VTCs as relates to reducing recidivism rates but little has been done to truly demonstrate what program factors lend to reduced recidivism rates (Baldwin & Brooke, 2019; McCall *et al.*, 2018). And even those that demonstrate an effective program through quantitative measures note considerable limitations arising from sample size, geographical limitations of the study, and the lack of deeper understanding that cannot be garnered from their quantitative measures (McCall *et al.*, 2018). As VTCs grow in size and number it becomes necessary that a greater understanding of efficacy be garnered through qualitative research of programs and their successes rather than mere numerical snapshots of their success (Baldwin & Brooke, 2019; McCall *et al.*, 2018).

Lessons Learned and Forgotten—Applying Principles from Other Courts

The VTC model is notably based on the foundational principles of the DTC model. And this, in and of itself, poses considerable concern for meeting the needs of justice-involved veterans. But to further compound the issue, many recently developed VTCs have implemented a skeletal model of the DTC—in that the newly developed VTC is a special treatment court rudimentarily based in therapeutic justice—but abandoned many, if not all, of the evidence-based practices developed over the course of the nearly 40-years of existence of the DTC model (Baldwin & Brooke, 2019). While not all understandings garnered from the DTC model are applicable to VTCs, some of the basic premises are. Many VTCs, on the other hand, preclude high-risk offenders from their programs in an apparent effort to bolster their success rates (Baldwin & Brooke, 2019; Pinski, 2018), a process Baldwin and Brooke (2019) refer to as *creaming*. This process of *creaming* intentionally allows only those who reflect well upon the court in the completion of the programs and successes to enter the program without giving due consideration as to how the program might be improved to better suit those to whom the VTC would refuse admittance.

More to the point of this study, perhaps the greatest lesson to be learned from the DTC model rests in their studies of success. Determining what programs and protocols meet the needs of an individual can be preliminarily facilitated through quantitative and ethnographic studies. But to truly realize and recognize what aspects of a program such as those of special treatment courts lend to the success of the participants, the best understandings come from the participants themselves. Perhaps Contrino *et al.* (2016) said it best in the conclusion of their study when they stated that participants provide “interesting clues” (p. 147) as to what lends to their own success. But they are not alone in recognizing the value of understanding success through the eyes of the participant, and empirical research lending to not only best practices but evidence-based practices for DTCs benefited from the use of studies rooted in understanding the perception of the participant (Contrino *et al.*, 2016; Fulkerson *et al.*, 2012; Gallagher *et al.*, 2018; Gallagher *et al.*, 2019; Witkin & Hayes, 2017).

Research Question

The intention of this study was to delve into a deeper understanding of factors that impact recidivism rates of justice-involved veterans exposed to VTCs. Specifically, the guiding research question for this study was as follows:

- What extralegal and programmatic factors of Veterans Treatment Courts are as most likely to prevent recidivism as a measure of a court’s efficacy?

Methodology

This study employed a phenomenological design using semi-structured interviews with facilitators and past participants of VTC programs in three autonomous but neighboring judicial circuits. Prior to beginning the study, approval to conduct research was obtained from IRB, however, this restriction imposed as part of this approval severely limited the size of the intended sample frame. In keeping with the imposed restrictions, a total of only six respondents agreed to participate after being asked to do so by a representative of a local veterans outreach organization. They were asked to submit to a semi-structured interview lasting between an hour and half, and two hours. Each interview was recorded and, upon completion of the interviews, the recordings were transcribed, and the transcriptions were analyzed and coded for relative themes and metathemes. The intent was that these themes would draw out factors and nuances of the participant's experiences in the VTC program perceived as lending to the strengths and weaknesses of the program. This data was further analyzed to allow for inferences concerning those factors that best lend to success in participation in a VTC program.

Population

The population and sample frame were limited to participants having successfully completed VTC programs while also including personnel of the VTC and the veterans outreach organization. The research sites were two Judicial Circuits, each encompassing two counties, and one, limited to one county. Each multi-county circuit serves a relatively large county (350,000 to 450,000 residents) with a large urban center and outlying rural communities, and one smaller county (70,000 to 100,000 residents) that is predominantly rural. The third site serves a major metropolitan area, along with several outlying and rural towns and municipalities (approximately 239,000 residents). The three circuits initiated their courts in a time frame spanning 2012 to 2017. In the interest of consistency, the timeframe for this study was limited to a period during which all three programs were in operation—between January 2018 and December 2019.

Sample

Using a purposive sampling method, a sample of veterans who had been justice-involved and successfully completed the VTC program was derived from the records maintained by the local veterans outreach organization working closely with the VTCs. Respondents to the study were invited to participate if they were known to:

1. have served in any branch of the United States Armed Forces; hold status as a veteran;

2. have been justice-involved in one of the judicial jurisdictions serving as study sites between January 2018 and December 2019;
3. and participated in and successfully completed the VCT program of their respective judicial jurisdiction as a result of their justice-involvement.

In addition to participants, a sample of personnel of the court—namely, judges, prosecutors, and social workers assigned to the VTC—responsible for facilitating the VTC and its enrollment, was derived using a purposive sampling method and, progressing to a snowball method as relationships with the courts were fostered.

Collecting the Data

Semi-structured interviews were scheduled at the convenience of, and conducted with each respondent. They were conducted in person or via Zoom video conferencing at the respondent’s discretion. All interviews were recorded for transcription purposes and subsequent qualitative coding.

Participation and Response Rates

The evolution of the population eventually resulted in a total of six respondents, across the three courts, from both the participant and facilitator population.

Table 1: Proposed and Actual Response Rates

<i>Location</i>	<i>Role in Program</i>	<i>Estimated Population</i>	<i>Intended Responses</i>	<i>Actual Responses</i>
South Carolina VTC 1	Facilitators		2	
	Judge	1		
	Prosecutor	1		1
	Support and Coordination	2		1
	Participants	10	2	1
South Carolina VTC 2	Facilitators		2	
	Judge	1		1
	Prosecutor	2		
	Support and Coordination	2		
	Participants	20	2	1
North Carolina VTC	Facilitators		2	
	Judge	1		
	Prosecutor	1		
	Support and Coordination	2		1
	Participants	85	2	
Totals		128	12	6

The six interviews provided a robust cross-section of insight with respondents from each of the three courts (at least one respondent from each court), as well as a cross-section of involvement in the court processes. The six respondents were equally distributed across court participants (2 respondents), members of the judiciary (judges or attorneys; 2 respondents), and non-judicial facilitators (coordinators or VA liaisons; 2 respondents).

Establishing Data Saturation and Validity

In a recently suggested model for calculating data saturation, Guest *et al.* (2020) suggest that themes can be tabulated and calculated across a series of interviews to determine a *new info threshold confidence level*. Similar to a p-value confidence level in quantitative studies, this threshold can be set at either $<.01$ or $<.05$ as determined by the researcher. There is no guarantee that these thresholds indicate true saturation any more than preceding methods, but this method does allow a researcher to transparently convey the manner by which saturation was asserted, and to demonstrate the level of saturation to which their data rose. Further, this manner of calculating such a threshold has been explicitly tested and presented by Guest *et al.* (2020) for use in studies with small sample sizes such as the one in this study.

Using the calculation defined by Guest *et al.* (2020) the growth and evolution of themes across the six interviews was evaluated. Through this evaluation, the resulting calculation for the confidence interval of data saturation for this study was $<.05$, indicating data saturation had been achieved according to the noted standard.

Table 2: Growth of Themes Across Interviews—Calculating Data Saturation

Interview Number	1	2	3	4		5	6	
New Themes Per Base Interview	27	0	1	8				
Base Themes (B)					36			
New Themes Per New Run Interview						2	0	
Run Themes (R)								2
New Base Calculation								38
New Information Threshold								

Analytical Coding

The ultimate intent of this study was to identify those programmatic factors and requirements that would lend to the development of a series of *best practices* to be implemented by all VTCs across the nation. As was quickly discovered over the course of this study, there is considerable debate—even across these three local court programs—as to what constitutes *best practices*, as well as whether standardization of

these courts is a *best practice* in and of itself. Much of this debate is dependent on the capacity from which the program is viewed—the judiciary, non-justice related facilitators of the program, or the participants themselves (Baldwin, 2015; Baldwin & Brooke, 2019; Bryant, 2020; Lucas, 2017; McCall *et al.*, 2018; Sherman, 2018; Timko *et al.*, 2017).

The study was undertaken seeking to analyze data obtained through the application of five pre-established analytical codes, *start codes*—restoration, satisfaction, personal accountability, culture, and alternative to drug court. While these codes did reflect anticipated findings and served as the foundation for coding and analysis, they morphed and evolved just as the study as a whole did. The end result was the development of several constructs that reflected overlapping codes simultaneously, as well as the realization of themes that came to encompass a host of new codes that resulted through the process of *open-coding*. Each resulting theme encompasses a host of factors lending to, and detracting from, the success of the VTC evaluated.

Results and Implications

As the originally defined *start codes* were applied in analysis, this led to the final development of eight themes and their respective constructs and codes. While a thematic approach was ideal for organizing codes, constructs, and themes during axial coding, it is conceded that there is considerable overlap of several themes beyond what could be conveyed in the developed thematic approach. Table 3 details the various codes applied during axial coding and the thematic organization of those codes.

Table 3: Organization of Themes and Relative Constructs

<i>Themes and Relative Constructs</i>	<i>Reflective Codes</i>
Theme 1: Factors Relevant to Enrollment Decisions Can Greatly Impact End-Result	
Predicating Offenses Do Not Impact Success but Do Impact Enrollment	offense inconsequential; offense will preclude; some better addressed in drug court
Need for Greater Proliferation of Courts	need for more; transfers
Participants and Facilitators Need Prior Exposure to VTCs	need experience; understanding; watching; observed
Theme 2: Military Culture is Important to the Structure of the Court	
Military Culture Impacts How the Participant Approaches the Process	accountable; provide support; camaraderie disciplined; shapes treatment; encouragement; drawing from past
Veteran Status in Some Facilitators is Necessary to Success But Not in All	as mentors; consequential; inconsequential; rapport
Alternative to Other Treatment Court*	drug court; mental health court
Theme 3: A Therapeutic Court is About Full Restoration, Not Just Rehabilitation	

<i>Themes and Relative Constructs</i>	<i>Reflective Codes</i>
Restoring Relationships—Family and Friends	back together; counseling; seeing kids
VTC Fulfills an Obligation to the Community	community service; serve those who served
Restoration Requires a Holistic Approach	meeting needs; treatment team; multi-faceted approach
Theme 4: Measuring Success Through the Lens of the Participant	
Preferred Outcomes of the Court Process	expunge; dismiss; reduce bail; remove home detention
Getting Appropriate Help or Treatment	VA services; counseling; medical treatment
Engaging in New Treatment	never went; family counseling; community services
Theme 5: VTCs Provide Opportunities for Newly Approached and Realized Successes	
Mentors are Uniquely Crucial to Success	need mentors; strength; won't get otherwise
Mentoring is Used In-Lieu of Probation	report to court; buddy
VTC is a Communal Process	team evaluation; participant support; participant check
Demonstrating Care or Concern	Someone who cares; not giving up; talking/listening
Other Processes Had Failed	never worked; poor resource connection
Due Process must Still be Maintained	rights; fully aware
Theme 6: Some Common Practices Have Potential to Hinder Successes	
Participants Are Uncomfortable With Process	deal with it; overwhelming; I didn't like
Some Components Should not be Concurrent	too frequent; conflicts; mentor clash
VTC Components Cannot be One-Size Fits-All	never did drugs; drugs result of other issues; program unique to person; program unique to charges; program unique to progression success
Completion Should be Benchmarked and Standardized	need guided timeframe; set timeframe; phases; provide reward
Lacking Resources or Staffing Proves a Diservice to Participants	not enough therapy; need more court staff; can't get into VA
VTCs Should Entail a Formal Probation Component	court expects accountability; mentors are double tasked
Theme 7: Observing Success	
Participants Grow in Personal Accountability*	ownership of offense; ownership of success; accountable to program
Paying it Forward	sponsoring; encouraging newer participants; educational initiatives
Theme 8: The Military Culture is one of Uniformity, VTCs Should be Equally Uniform	
Arbitrary Enrollment Processes Preclude Potential Success	Screening for right participant; no standard for charges; standards are established

<i>Themes and Relative Constructs</i>	<i>Reflective Codes</i>
Successful VTCs Serve as Models	like [other court]; comparing courts
VTCs Should Employ the Justice for Vets Model	mentor training; NADCP
There is an Evident Need for Standardized Training of Facilitators	need direction; applying best practices
Consistency Across Programs	observed differences; desire for consistency
Arbitrary Termination Processes Sacrifices Potential Success and Justice	have we done everything; he made me mad
Theme 9: Success Cannot be Asserted if Not Monitored	
There Are No Formalized Post-Program Evaluations	no set standard for tracking recidivism (observed in coding); observed in inability to contact respondents

Note: *Indicates themes that evolved out of the original start codes

Themes Applied

The noted themes resulted in considerable insight with regard to successes and failures through participation in VTC programs as relates to enrollment in the program and factors that persuade or dissuade consideration of participation, the impact of various program conditions, as well as general dimensions of the court and its participants and facilitators concerning their impact on success of the participant. These insights are best considered within the broader frames of those that lend to success, and those that have the potential to preclude success. As such, it is under these two *umbrellas* that discussion of metathemes encompassing the themes above is approached.

Factors Lending to Success

The purpose of this study was predominantly focused on identifying programmatic factors of VTCs that would aid in the development of *best practices* to be implemented within VTC programs. With that in mind, the subsequent findings were approached from a perspective of identifying existing factors that already serve as inherent and intrinsic parts of the VTC concept and program. Rather than a critique of the program and any faults, the implications that follow seek to recognize those factors that participants might perceive as having truly provided for their successes through the VTC program.

The Model of Therapeutic and Restorative Justice Must be Furthered. The very nature of VTCs as special treatment courts envelops the fundamental concepts of therapeutic and restorative justice. The findings of this study underscore the importance of such concepts with regard to the success of the courts and, in turn, the participants. It was found that participants value care and concern for their plight as a motivation to

successful rehabilitation more than the military context of the court, and even some of the other facets of the court program and process. One facilitator who had been a participant at one point, explicitly noted, “I don’t think they care if they’re veteran or not, as long as they care” with regard to the need for the military aspect of the court and its processes. If the facilitators of the court and the treatment providers demonstrate true and earnest concern for the participant, that participant is more driven to recognize the value of the program, establish their own personal accountability to success, and better engage with the program and its components. However, that care must be recognized not just on the individual level, but also on the programmatic level. The court’s perspective must be one weighted more heavily towards meeting the therapeutic needs of the individual as opposed to judicial needs of the *state*. This is not to say that judicial constructs should be ignored for the sake of treatment and restoration, but that treatment and restoration conditions of the program become part and parcel to the program much the same manner that a more traditional judicial condition (probation, incarceration, etc.) would.

Restorative Justice Serves to Fulfill the Needs of an Entire Community. It was expressed several times that the VTC owed some manner of obligation to the community in the form of ascertaining justice, honoring those who served their nation and deserve something in return, or a manner of reconciliation as understood through the lens of restorative justice. Regardless of the perspective from which this construct is approached, the fact remains that the success of the VTC and its participants does come through support and partnership with the community. The VTC relies on various community resources for treatment and program facilitation. Perhaps more imperative to the success of the participant is how this collaborative relationship in and of itself lends to success. Firstly, the mark of successful rehabilitation towards criminal desistance is the successful integration of the participant back in to the community. This is as much about their *rejoining* society in a prosocial manner as it is about society accepting them back into the community. One participant relayed an opportunity to help “one gentleman better his education and get a much better paying job.” This came as a direct result of various community-based institutions affording VTC participants opportunities as mentors and sponsors within the organization, and was conveyed as a common practice in statements by participants and facilitators alike. It is this practice that one participant described as allowing them to “stop focusing on myself, and have a sense of purpose, [...] and help my family become a little bit closer.” If the community does not concede the VTC this cooperation, the participants are aware of this incongruence, which in turn can have detrimental impacts on their success. To that end, this collaborative relationship is more aptly described as a symbiotic relationship.

Therapeutic Justice Entails Effective Treatment. Justice-involved veterans are noted for recognizing the errors of their ways, even if not effectively addressing those errors. They

recognize that their criminal offending is the direct result of underlying issues stemming from their military involvement and failed attempts to correct for those underlying issues. They realize when treatment is failing them, and it is often this realization that leads to their criminalization. If this failed treatment is part of the adjudication process through the VTC, this only compounds the issue as they will likely terminate early from the program, or fail out altogether. Thus, effective treatment becomes the crux to a restorative justice court centered on therapeutic processes. This was noted in this study in that justice-involved veterans indicated they had previously been involved in treatment modalities of one kind or another. However, it was not until they were exposed to those presented by the VTC that treatment was effective. One of the participants described their condition as “flopping in the wind” when attending a myriad of counseling sessions, namely group sessions, prior to involvement with the VTC but they went on to describe a different experience with VTC mandated therapy and the quality of the service:

when I was going through VA counseling and other stuff like that I would I would try to hide things and try to make myself not sound not as...not that I was bad... but not sound as bad as I probably was. And [the court mandated therapist] saw right through it and would call me out on it and would give me I guess, quote-unquote homework, things to work on and reports that I would have to bring back to her and know what did I do to fix it this week.

For some, the VA failed them before they offended. For others, community-based services failed. In either case, it becomes incumbent upon the VTC to ascertain the most appropriate and effective treatment is individually tailored and provided for the participant.

The Military Culture of Participants and Facilitators Cannot be Ignored. The findings from this study demonstrate that the participants are acutely aware of the importance of the military culture, as relates to the uniqueness of the VTC program and as infused into the court and its processes, in assisting participants with connecting with the court and its personnel, each other, and even necessary resources otherwise lacking in their lives. However, the respondents in this study conveyed such ideals in a slightly different light. Namely, they noted the importance of an *air* of military culture, but not the need for the court and its personnel and resources to be military in nature. Participants noted the importance of a court specifically for veterans, as well as the importance in conveying military socialization and ideals in the courtroom as they spoke of the benefit of “returning to military comradery,” and as many spoke of their contemporaries in the court as “battle buddies.” But they asserted there was no need for every aspect of the court to be military related. In fact, certain aspects of the court—namely, therapy sessions—are perceived as serving better when approached from a more civilian perspective, as noted in the quote above by the participant who was failed by the VA therapist but succeeded in working with a civilian therapist.

Mentor Programs Provide Prosocial Relationships Between Veterans. One of the most unique aspects of VTCs, and a program component that relies solely on military socialization, is the mentor program. Responses from participants and facilitators echoed previous research that the mentor program greatly contributes to the success of the program. Two of the courts evaluated in this study seem to use mentors as a manner of probation, a process that many respondents derided while singing the praises of the place of the mentor in the program. Whether the role entails any semblance of *probation monitoring* or not, this study reiterated that the use of mentors is imperative to the success of the participant. This facet of the program interjects a new, pro-social relationship into the life of the participant who has almost instant rapport, and is able to *connect* with the participant through a common bond of prior military service, while being part of the VTC process without presenting as part of the judiciary. One facilitator expressed the importance of the mentor program:

I would not do this program if we didn't have them. I think that's one of the most important parts is to have somebody not connected to the judicial system to help walk them through this...and that's been there. That's why I like them to be veterans.

This juxtaposition of military relatability countered against the impact of this person being appointed by the court seems to demonstrate significant influence on ensuring the success of the participant, often attributed to the mentor's status as a veteran.

The downfall to the mentor program, as noted in this study, lies in the lack of standardization. Clashes were noted between one participant and the mentor:

I left the state and had to let them know 'hey, I'm going to work this morning, I'll be back this afternoon.' Like, to me it was just pointless for me to have to do that. I understand where it comes from. Having let them know like what's going on with my life but I felt like that was a little micromanaging.

A considerable variance with regard to the approaches of the mentors to their responsibilities and obligations—both in fervor and effectiveness—was noted as others spoke of only having occasional conversations or meetings with their mentor rather than *checking in*. Additionally, it was noted that a lack of screening and training of the mentors prior to allowing them to engage participants provided impetus for disastrous effects. A participant conceded that training existed but that it was not enough, “you can see it in the boot-camp [training]. You can learn some things, but even then, you're not going to learn as much as what you see in the courtroom.” Nonetheless, the value of the program was described such that one respondent (noted above) cited they would not be a part of the program if not for the assistance of the mentors.

Veteran Participants. In addition to the importance of the military culture to the overall court, the very nature of a cohort of justice-involved persons all being veterans greatly lends to the success of the participants. The military culture draws out certain personality traits relative to personal accountability and its confluence with accountability *to the whole*. Having a cohort of veterans all going through the same process aids each in regaining a certain military comradery and personal accountability that participants indicate the loss of which greatly provided for their propensity towards criminality:

I didn't have any structure, so I was just kind of, you know, flapping in the wind, and I just kind of got myself into trouble. So, you know, VTC kind of helped me get back into that military life.

As participants embed themselves in this cohort of persons they can relate to through past experiences, they find themselves also relating to each other in that they are all struggling—or have recently struggled—with similar issues and concerns relative to their involvement in the court. Participants see this as an opportunity to return to their military lifestyle, and back to the mantra of *no man left behind* as they recognize “[the program] is about the veteran to my left and my right.” In a similar manner, this steers the court towards a common mantra within VTCs of *vets helping vets*.

In all of this, the veteran status of the participants as a collective provides for a greater understanding of the VTC as a necessary alternative to other special treatment courts. While the VTC does fall under the auspice of the DTC in many regards, it does serve a unique community with unique needs. This sets it apart from other special treatment courts. Respondents noted not only the comradery of veterans and its impact on success, but also the discipline and past experience of a veteran that provide for their success. One facilitator described recognizing and using the very nature of this offender population to the end of effective treatment for the justice-involved veteran:

You have every different type of person that's in drug court. It's not just veteran related. And I think the difference is, you know, no matter what branch of service these folks are in, they all still have that discipline inside their mind. And I don't think they would get that elsewhere.

The prior military and life experience provides the court with *something to draw from* as it decides best therapeutic practices.

Veteran Facilitators. Despite the overwhelming concession that military culture is important to the VTC overall and the success of the participants, there was less consensus when addressing the need of the facilitators to be veterans. The facilitators who were veterans were more likely than those who were not veterans, and the participants themselves, to see their veteran status as important to the success of the participant. The facilitators who were veterans described being able to better establish rapport with participants, allowing them

to be a voice for them as part of the treatment team. But those who were not veterans and the participants themselves did not see the same importance in facilitators being veterans. Rather, a respondent who had been a participant previously and is now a facilitator stated, "I don't think they care if they're veteran or not, it is about a need to see true care and concern." Ultimately, it became apparent, again, that demonstrating care and concern for the veteran was more important than being a veteran one's self.

Factors Precluding Success

Attempts to recognize factors that help to ensure the success of VTC participants cannot be considered without also recognizing those factors that detract from that success. Contrary to the previous *umbrella* of programmatic factors, the metathemes that follow are the result of an open critique of the evaluated programs. The findings addressed here reflect factors that respondents conveyed would do well to be eliminated or reconsidered in their use, or those that are completely lacking and need to be provided for or implemented. These implications, while addressing factors relative to the data garnered, have to be considered with due caution. The perspectives from which these implications were drawn are somewhat lacking. As these implications are best summarized as those that would likely result in failure of or termination from the program, it would stand to reason that the most reliable insights to this end would come from those who had failed or been terminated from the program. Unfortunately, those perspectives were not available to this researcher. Nonetheless, such implications are presented as those interviewed were able to provide some insight whether through their own struggles or by conveying experiences observed in those who did fail or were terminated.

Lack of Standardization is Recognized by Participants as a Weakness of the Court.

The National Association of Drug Court Professionals (NADCP) facilitates a model program for VTC programs. Given the autonomy of judicial jurisdiction in the United States criminal justice system, though, even those programs subscribing to principles of being a VTC are not required to subscribe to any standard or model. Thus, despite the model being available to courts, it is not always employed, as was demonstrated across these three courts. One court, as reported by the respondents, did subscribe wholly to the model, while the other two merely referred to the program as an *ideal*. It was clear the two South Carolina courts function in a very arbitrary manner, resulting in many indications by respondents that the program design and structure could pose a risk for failure and termination merely by its lack of standardization.

Arbitrary Enrollment and Termination Standards. Perhaps the most notable finding arising from the themes relative to this particular discussion do so from the arbitrary nature with which admission to, and termination from, the programs are determined. While the

North Carolina court does give due consideration to all criminal charges not precluded explicitly by law, even they subjectively screen potential participants. Fault is not inferred in the use of screening process per se, but in the non-standardized and subjective nature of the screening. This court allows the prosecutor to screen without input from the rest of the treatment team, and does so merely by evaluating what they see as the most appropriate factors to evaluate to the end of this screening; specifically, the prosecutor is described as screening for “prior criminal histories that look unfavorable to success.” The South Carolina courts further the concern for arbitrariness in that they openly state that certain criminal acts are not even considered for admission due to “optics” and “the stigma of the offense.” When this was brought up in the interviews, it was with regard to the preclusion of certain violent crimes, as well as driving under the influence (DUI). It became apparent during the interview process that respondents were aware of the correlations between veterans’ justice involvement and drug and alcohol abuse, but many—including one respondent charged with screening potential participants—were not aware that approximately 64% of all justice-involved veterans are justice-involved veterans for the commission of offenses labeled *violent*. It was quickly realized the offense category that accounts for the majority of justice-involved veterans’ criminal offenses, that of violent offenses, is precluded for “optics.” One respondent pointedly indicated “I’ve used my discretion on who I let in” as they described a screening process that ensured only those most likely to succeed were admitted to the program—*creaming*. The courts’ enrollment of those participants that best serve the *appearances of efficacy* certainly make their efforts appear seemingly effective in inflated success rates and garnering approval of the public, but they subjectively marginalize large populations of justice-involved veterans. Similar concerns can be raised with regard to precluding offenses such as DUI as well, and although one case does not *prove the rule*, one of the participants in this study successfully completed the program despite a DUI charge being the predicated offense.

Likewise, there is no definitive standard for what warrants termination from the program. Respondents across all three courts indicated that the bedrock of evaluating for termination from the respective programs rests not in an objective standard, but in a subjective evaluation of whether every effort had been taken to ensure success:

We have to say to ourselves, ‘have we tried absolutely everything at our disposal to support this veteran?’ And if we can say yes, then termination’s on the table. But if we haven’t tried every single intervention and therapeutic response and sanction response, if we can’t answer, ‘we’ve tried everything,’ then we can’t terminate them and that puts the onus back on us.

The onus of success in this regard rests with the treatment team to continually seek new ways to approach the plight of the participant, but gave no consideration to objective

evaluations of the participant and their efforts towards a similar end. If the participant is not succeeding, the question becomes one of whether the court can find another opportunity for them to succeed, rather than whether the participant has made appropriate use of the opportunities provided. While this does seem to align with practices relative to restoration and rehabilitation, it opens the door for emotionally driven decisions such as one described by one respondent in that, "...there was one guy I was, in fact, considering letting out in a year. But he did something that made me mad. 'You're staying a year. Okay.'" Admittedly, the emotion was driven by the participant not meeting the prescribed conditions, but as there was no established protocol to address the violation of these conditions, it led to a subjective and anger-fueled determination as to how to approach the matter. These findings are not rooted in cynical assumptions based in the data, but data derived from the study. One respondent saw this as a major issue with the program and expressed concern for the impact it has on both success and due process. They, like others in the study, indicated that the program is a restorative process, but still one of justice regulated by principles of due process. If participants are to be held judicially accountable for their actions, the determinations of success or failure in the program must be approached from a perspective of due process—fair, equitable, and objective. Amongst the key components of VTC, as published in *Justice for Vets* guiding literature, is the use of judicial objectives and ensuring compliance. Compliance rests with the participant, not the treatment team. While a balance must certainly be struck between effective and holistic treatment, objective evaluation of compliance to judicial mandates on the part of the participant cannot be ignored.

A Lack of Standardized Benchmarks and Programmatic Timelines. Along a similar thread as arbitrary enrollment and termination is a finding that two of the three courts had no definitive measure of progression and success within the program. Determination of successful completion of the program was as arbitrary as enrollment and termination. Most of the respondents indicated the need for phases or benchmarks to be the guiding principles for determining success through the program, but only two of the three courts implement such a model, even though this is a suggested aspect of the *Justice for Vets* model. Providing a definitive pathway and marked progression through the program through benchmarks to be achieved serve as a guide and motivator to the participant. One respondent said it best in indicating that the smallest of gestures indicative of success are helpful but were lacking in the program, "you've got to have some sort of reward system throughout the program in cycles... So, you gotta have something like that, you know, gotta get your pat on the back at some point, right."

No Exposure to the Program Prior to Enrollment. Extant literature does not seem to address the impact exposure to the VTC has on success, but the logic of those concerns expressed by respondents in this study cannot be ignored. For participants, one of the

factors that might preclude success is the extent to which they feel overwhelmed by the very nature of the program. It stands to reason that affording participants the opportunity to observe the court and become familiar with its practices and protocols prior to enrolling would afford them the opportunity to fully know what they are agreeing to when they enroll in the program. Similarly, it was expressed that facilitators and mentors engage in the VTC program without fully recognizing the gravity of their commitment, or the gravity of their actions through the program. Like participants, exposure to the VTC program prior to being brought on as a facilitator or mentor would afford these two populations so vital to the VTC program the means to better engage the participants to improve the likelihood of success. As is expressed in the findings of this study, this is not a common practice in these courts or other VTCs, but one that warrants further empirical evaluation to the end of potentially implementing this as a common practice.

Training for Mentors and Facilitators is Available but Not Used. Those charged with facilitating the VTC program are afforded an awesome opportunity when successful. Conversely, ineffective efforts in fulfilling their roles can have devastating results for the participant. A lack of effective and consistent training for those in these roles leads to another arbitrary approach of the court. In the courts evaluated, the available training was not consistently required of those facilitating the evaluated VTC programs. One facilitator described a scenario in which a mentor employed “tough love” and steered a participant away from the program as a direct result of not being properly trained in their role. They described the training received as being “exposed to PowerPoints but not the real court process.”

Lacking Resources Sets the Program up for Failure. While components of the program must reflect standardization, perhaps more detrimental to success is the result of programmatic expectations not aligning with the availability of resources to match or facilitate those expectations. These courts demonstrate several issues as their practical facilitation does not align with their conceptual development. Findings relative to these courts specifically demonstrated a lack of necessary community based treatment resources in the North Carolina court, and a lack of VA provided treatment resources in the South Carolina courts. As one of the established roles of the VTC is to connect justice-involved veterans with necessary resources to facilitate their rehabilitation, this proves rather debilitating to the court’s mission, and a hurdle to the participant’s success. It was found that it was not uncommon for the unavailability of necessary resources to stifle the meeting of those expectations. Returning to the concepts of benchmarks and phases, when the participant’s progression through the program is stifled, this negatively impacts their motivation to complete the program. Respondents described stifling conditions such as “a high turnover rate and lack of consistency in community care” and limited availability of VA resources.

A Thin Staff Provides a Disservice to Participants. Lacking resources is not limited to treatment programs, or even to direct resources for veterans. This notion also relates to lacking the personnel necessary to connect veterans to the necessary treatment resources. In the context of the two South Carolina courts specifically, this is referring to the availability of the VJO to facilitate the necessary connections between justice-involved veterans and the resources identified by the treatment team as most conducive to their rehabilitation. The VJO is responsible for aligning needs with resources, but when the VJO becomes too taxed in their duties due to a lack of necessary personnel to fulfil this role, it reduces the effectiveness of those trying to carry out this process. This issue is part and parcel to the lack of treatment resources, as the inability to connect veterans to the necessary resources becomes akin to simply lacking those same resources, and proves just as detrimental to their success. In addition to the failing in ascertaining other resources, the VJO was described as a resource in and of themselves. The VJO is expected to build a certain rapport as a confidant and assistant to the VTC participant while maintaining a dual role in reporting to the court on the needs of the participant. To overtax this facilitator with too many clients (VTC participants) strains their ability to fully fulfill their roles. Just as lacking community resources undermines the restorative approach of the court, this lacking resource precludes and undermines the therapeutic approach. In turn, it stands to reason that any court espousing a therapeutic approach must ensure the ability to provide for all necessary therapeutic modalities in every way possible. And it is just these scenarios described by respondents in this study. One facilitator indicated:

There's only one VJO, for the entire [redacted]. So you're looking at someone who's working five counties, and she's helping schedule appointments for all these different justice-involved veterans. And then she's also having to work with the participants.

Burdensome and Unnecessary Program Components Leads to Early Termination. The findings that would likely provide grounds for the most disagreement amongst those identifying best practices are those relative to the participants' perceptions of program components they find burdensome and unnecessary. Given the nature of this study, these findings cannot merely be ignored. Participants were noted throughout the interviews as voicing concerns for the use and frequency of use of drug screenings, the use of GPS monitoring, and the inundation with multifaceted and multiple treatment modalities, and the seemingly excessive intrusion into their lives by the court and their mentors, among other concerns. Nonetheless, it was noted that participants see such conditions as limiting. In speaking directly with those participants who agreed to interviews, even in their success in the program and their eventual realization of components necessary to their success, there were still some components that fostered discontent on their part. One of the first participants to interview conveyed concern for unnecessary drug tests:

doing the test for alcohol would have been fine but then for me it was...I understand it was necessary but...it was more annoying to take actual drug tests because I had never taken drugs before so that was the only problem that that I had with it.

These findings do not necessarily lend to a need for changing program components, but due consideration should be given to the necessity of such components as compared to others, so as to ensure that the implementation of these components to a great degree does not eventually outweigh the desire of participants to remain in the program.

No Means to Measure Efficacy Further Begs the Question of Efficacy. As was addressed previously, the lack of a means to measure efficacy is problematic in any attempt to assert efficacy. Concerns created by a lack of measuring efficacy also create impediments to success. VTCs assert efficacy to the end of therapeutic and restorative justice, and do so by asserting criminal desistance. However, there is no indication that there is any follow-up communication with participants once they leave the VTC program, or other means to truly track desistance. This became starkly apparent over the course of this study, as participants could not be reached and asked to participate due to a lack of means of communication. It was furthered by one facilitator, “the only way I know they’ve stayed straight is not seeing them on the docket.”

The lack of follow-up evaluation lends both to an inability to better the program, as much as it impedes the success of the participant. One of the fundamental objectives of the VTC is to encourage pro-social activities to stave off recidivism. However, once the connection to the court is lost, there is no impetus to engage in pro-social activities. While there is some understanding that a graduate of a VTC program should be capable of their own pro-social engagements, it is also recognized that fully embracing such capabilities comes at different times and stages for some; hence the suggestion of a phased VTC program. Two of these VTCS are lacking in both phased programs and follow-up evaluations while the third is lacking in follow-up evaluations.

Conclusion

While this study did reach data saturation, the fact still remains that the sample was relatively small and rather incongruous in its perspective, given that it spanned multiple courts and multiple roles within those courts. These concerns are cause for questions concerning internal validity, especially given the speculative nature of the data that was garnered from those facilitators who had not participated in a VTC. Likewise, those same concerns, coupled with the fact that the studied courts are in a limited geographic location, are cause for concern regarding external validity and generalizability. Nonetheless, studies of this nature are necessary to truly recognize what factors of the VTC both lend to, and detract from, potential success. It is in this light that it is recommended that this study be approached as a pilot study guiding future studies of a similar nature.

Beyond implications for future research, this study does begin to shed light on understandings that lend to improvements within VTCs. The findings, as noted above, begin to provide insight as to how VTC participants perceive success, and what programmatic factors they realize as lending to that success, as well as which ones they merely subscribed to as a means of *go-along-to-get-along*. In a time of increasingly limited governmental resources—both those provided to and by the VA, as well as those to and by the local court—and in answering the calls for consistent *best practices* amongst VTC programs, it is imperative that VTCs give due consideration to the participants' perspectives as to which programmatic factors are necessary and which are not, as well as those of the facilitators. It is within this frame that understandings garnered from this study begin to shed light on what respondents perceive as the least and most valuable facets of VTC programs. In turn, it is through future studies of a similar nature that efforts can be taken to afford the greatest opportunity to develop those *best practices* that will best serve the participants to the end of their success—ensuring criminal desistance.

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