

# IDENTIFYING THOSE WHO SERVED: MODELING POTENTIAL PARTICIPANT IDENTIFICATION IN VETERANS TREATMENT COURTS

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## VALUE STATEMENT

This study enhances the operational knowledge of practitioners and researchers through the identification and assessment of the processes and mechanisms currently used to identify potential participants across multiple veterans treatment courts (VTCs). To inform VTC development, implementation, and research, strengths and challenges in the identification and referral of potential VTC participants are reviewed and potential recommendations provided. Ultimately, this study calls attention to the need to identify and develop efforts to increase the reliability and efficiency of identification processes and move initial identification and referral earlier in the criminal justice process.

## ABSTRACT

Despite the rapid implementation of the veterans treatment court (VTC) concept by jurisdictions across the country, research evaluating their processes and operation is sparse. As such, this study is the first to focus on identification procedures to obtain pools of potential VTC program participants. Specifically, the study analyzes primary data from the National Institute of Justice's multi-site evaluation of VTCs to explore the identification procedures of eight VTCs, discerning a total of 13 identification models or referral chains. Specifically, two sets of identification agents (six initial identifiers, six VTC identifiers) employed varied mechanisms across eight direct and five indirect referral chains. Successes and challenges in the implementation of these mechanisms and models are identified and discussed to produce preliminary recommendations for a variety of VTC programs to consider. The unique VTC target population makes the identification of potential participants highly important yet equally challenging, arguably more so than for other types of specialized courts. These factors elevate the current study's timeliness and significance for the more than 400 operational VTC programs and their potential participants across the US.

## KEYWORDS

Veterans treatment court, veterans court, process evaluation, offender identification, military history

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## INTRODUCTION

With the implementation of more than 400 veterans treatment courts (VTCs) across the United States and their continued growth in popularity since the concept's emergence in the mid-2000s, the wide variability in VTC program structure, policies (including eligibility criteria), and participant characteristics has been documented over time (see Baldwin 2015, 2017; Holbrook and Anderson 2011; Johnson et al. 2016; Justice Programs Office 2016; McGuire, Clark, and Blue-Howells 2013; Timko et al. 2017). Additionally, VTC program operations have been generally described to provide context for several single-site studies focusing on various aspects of VTCs, such as efficacy (Erickson 2016), courtroom workgroups (Lucas and Hanrahan 2016), program outcomes (Hartley and Baldwin 2017; Knudsen and Wingefeld 2016), and theory (Baldwin and Rukus 2015; Huskey 2017). Leaving much of the inner-workings of VTCs unknown, the extant body of VTC literature—at the time of this writing—lacks process and implementation research, let alone the identification of any procedural models to investigate (Shannon et al. 2017).

To begin to understand the black box of VTC operations, research must focus on the initial processes of these programs, which begin with the identification of potential program participants. The process of identification creates a pool of potential participants who are then screened for program eligibility and admission. Early research revealed that a common concern among VTC personnel is the lack of protocol to identify and refer offenders with a history of military service to VTCs (Shannon et al. 2017). Given the rapid expansion of VTC programs, researchers have expressed the need for process evaluations of the identification, as well as selection, of program participants to better inform program planning and evaluation (Douds et al. 2017; Slattery et al. 2013).

The current study aims to provide insight into the early processes of VTCs, specifically the ways in which potential VTC participants are initially identified. As previously noted, identifying a pool of potential participants is the first procedural stage relevant to the operation of VTCs. To explore this initial procedure, process data collected in the National Institute of Justice's on-going multi-site evaluation of VTCs is initially deconstructed to determine the identification agents and mechanisms in eight VTCs operating in three states. Identification models, or referral chains, are then developed, and inter-court themes in agents, mechanisms, and referral pathways are discussed. These results are examined to assess procedural successes and challenges. Based on the discussed strengths and obstacles, preliminary recommendations for potential VTC participant identification processes are developed, and implications for the field are discussed.

## IDENTIFICATION PROCEDURES IN SPECIALIZED COURTS

Although a large body of evaluations and meta-analyses on drug courts generally indicates that drug courts reduce substance use and recidivism, Belenko and colleagues (2011) stressed for consumers to exercise caution when interpreting evaluation findings. A growing collection of studies suggest that the positive outcomes found for specialized courts might be due to targeting and admission procedures or selection bias rather than the intervention program (Belenko, Fabrikand, and Wolff 2011; Wolff, Fabrikant, and Belenko 2010). Eligibility procedures implemented by the court result in participation being offered to a select group of offenders who then self-select program admission. These eligibility and admission procedures directly influence the types of participants in a program, which then could affect program outcomes. Further, researchers have argued that early identification and prompt place-

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ment into treatment are critical for drug court success (e.g., Cooper and Bartlett 1996; Granfield, Eby, and Brewster 1998). Therefore, it is not only vital to examine these procedures and account for them in outcome and impact evaluations but to also recognize that only those in a pool of potential participants are screened for program eligibility and admission.

However, few studies have explored the particular identification processes implemented by treatment court programs. For example, scholars have noted that, while a small number of studies have explored the referral to admission process within mental health courts and produced inconsistent findings, only one study focused on the initial identification and referral process (Frailing 2011; Luskin and

Ray 2015). Steadman and colleagues (2005) examined the referral and admission processes in seven mental health courts over three months. When exploring the referral process, the researchers found that referral agents were mostly similar across all courts with the majority of referrals coming from defense counsel and the judiciary. Participant demographics of individuals in the courts varied. While older White women were more likely to be referred, there were no significant demographic differences among clients accepted into the six mental health courts (Steadman et al. 2005).

Identification has been tangentially addressed in the limited literature on eligibility and admission screening in specialized courts. In their examination of drug court participants, Cooper and Bartlett (1996) indicated that early identification was important to their program success and that the identification processes varied between the 24 drug courts examined (Cooper and Bartlett 1996). However, the study focused more so on screening and other drug court operations than on identification. More recently, Wolff, Fabrikant, and Belenko (2010) deconstructed pathways in which clients were selected for and admitted into six different mental health courts. With their primary focus on eligibility screening and then admission, they did not specifically examine identification but did reference identification procedures by noting that referrals came from a variety of sources such as the court team, attorneys, arraignment courts, law enforcement officers, correctional officers, family members, and advocacy groups (Wolff, Fabrikant, and Belenko 2010).

The lack of research on identification processes may be related to specialized court programs' target populations. Traditionally, specialized court target populations are based on more observable characteristics, such as offense types. For example, in jurisdictions with operational drug courts or drug treatment diversion programs, the District or State Attorney's Office may automatically funnel drug cases to create a potential participant pool, which is then screened for program eligibility. This has also occurred for domestic violence cases for domestic violence courts, prostitution cases for prostitution courts, weapons offenses for gun courts, and sex offenses for sex offender courts. In these instances, identification procedures may be, in a sense, automated and initiated in early case processing based on offense type.

Conversely, VTCs generally target offenders with a history of military service, and this initial criterion is not routinely found in criminal justice data. Therefore, VTCs must develop procedures to identify

the military status of offenders for the generation of potential participant pools. Despite their attempts to identify clients in the earliest stages of criminal processing (Holbrook and Anderson 2011), national studies have revealed that the identification of potential participants remains a challenge for many VTCs (Baldwin 2015). A majority of VTCs have reported the absence of a set procedure for identification (nearly 90 percent) and an informal reliance on other agencies to identify military service and share this information (Baldwin 2013; Holbrook and Anderson 2011), resulting in identification frequently occurring throughout different phases of the criminal justice process both within and across programs (Baldwin 2015). While the majority of VTCs reported identification of military history during early phases of criminal justice processing (70 percent booking, 71 percent arraignment, 62 percent pretrial services interviews), approximately half of VTCs (49 percent) also indicated that identification also occurs at later stages, including probation violation or revocation reviews, sentencing, and post-sentencing while incarcerated or on probation (Baldwin 2015).

A recent study began to explore the identification process of potential VTC clients. In their statewide examination of VTCs in Pennsylvania, Douds and colleagues (2017) explored the common components of the VTC structure and operation to determine how they differed from the original drug court model. Though not a standardized process across Pennsylvania, five identifiers of possible VTC clients were discovered: 1) veterans justice outreach officer/specialist (VJO) 2) police and corrections 3) district attorney 4) defense counsel and 5) self. The authors also discovered that military service members' reluctance to self-identify their military status was a major barrier to the identification process, supporting earlier researchers' assertions of challenges facing research focused on VTCs and the relationships between military experience and crime or criminal justice system contact (e.g. Baldwin 2015, 2017).<sup>4</sup>

Component #3 of the 10 Key Components of VTCs holds that "eligible participants are [to be] identified early and promptly placed in the VTC program" (Russell 2009, 365). In the description of one of the earlier and most publicized VTCs, Judge Robert Russell noted that veterans were identified early and "...through evidence-based screening and assessments" (2009, 368). However, there was no elaboration on how veteran defendants were officially identified post-arrest.

## THE CURRENT STUDY

The current study was executed because of the acknowledged potential impact of, but lack of, empirical knowledge on identification procedures within specialized courts. While similarities between

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VTCs and the general specialized court model have been identified, VTCs also feature distinct components that warrant further research focused on uncovering their unique function and operation (Baldwin and Brooke, in press; Douds et al. 2017; Shannon et al. 2017). VTC-specific research has drawn attention to the need for process evaluations of identification, as well as eligibility and admission, of potential program participants to inform programming (Douds et al. 2017; Slattery et al. 2013). For example, Baldwin (2015) called upon future research to examine why some veterans are identified late in the criminal justice process and, in response to those findings, suggest adjustments or the development of standardized identification procedures to increase earlier identification of potential VTC clients. Further, studies have discovered the concerns of VTC staff regarding the lack of systematic identification procedures and their recommendations to have them instituted (Baldwin 2015, 2016; Shannon et al. 2017).

This study is the first to focus on VTC identification processes, as well as examine them across several VTCs operating in multiple states. Using primarily qualitative data, this process evaluation deconstructs and models the identification processes in eight VTCs across three states. Specifically, to determine how potential VTC participants are identified across the eight programs, we first sought to discover the personnel key to identification and the mechanisms they employed for identification. Then, we constructed the referral pathways from initial identification to program identification, including how many stages or persons, as well as their roles, constitute the referral chain. Because the current study presents qualitative findings from a larger multi-site evaluation, inter-program similarities and differences in these processes were of interest. Therefore, the developed identification models are also examined in terms of variability and consistency across the eight VTC sites, and these methods' efficiency and reliability are assessed across our sites to identify program-specific successes and challenges. Finally, the study aimed to assess identification fidelity across programs by comparing the results to the procedures stipulated in program policy. Based on these results, recommendations to help fulfill the mission of these VTCs are presented and discussed. Such recommendations for policy and practice aim to increase the reliability and efficiency of the identification processes and move initial identification and referral earlier in the criminal justice process. Implications for VTC practice and future research are also reviewed.

## Data Collection and Analysis

This study uses qualitative methods to analyze the identification processes that create pools of potential participants for eligibility and admission screening in eight VTCs. As previously stated, the current study's data were collected in an ongoing multi-site evaluation of VTCs funded by the National Institute of Justice (NIJ). As such, the site selection completed for the larger project and the data relevant to this study are briefly described in this subsection.<sup>5</sup>

Because of the highly diverse nature of VTCs discovered through national VTC studies conducted prior to the current study's design (see Baldwin 2013, 2015; Holbrook and Anderson 2011; Justice Programs Office 2016; McGuire, Clark, and Blue-Howells 2013), the VTC programs were chosen to

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<sup>4</sup>For example, reasons behind not self-identifying include: 1) not all who have served in the US armed forces identify with the term "veteran" as various definitions exist objectively and subjectively, 2) potential loss or reduction of VA benefits resulting from various contacts with the criminal justice system, and 3) stigmatization (Baldwin 2015, 2017).

<sup>5</sup>As this article targets a general audience, individuals interested in particular research design elements are encouraged to contact the lead author.

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provide an adequate sample with which to make comparisons based on key characteristics. When chosen in the design phase (early 2015), the sample of eight VTCs represented both large and small programs (caseloads ranged from 11 to 100; graduates ranged from 0-270), as well as newly started and well-established programs (1 to 6 years in operation at data collection start). The eight locations were also representative of urban, mixed, and rural settings with county veteran populations ranging from 8 percent to 25 percent and various racial and ethnic makeups ranging from 30 percent to 81 percent White, 6 percent to 38 percent Black, and 6 percent to 60 percent Hispanic. The programs and sites also varied in terms of structure, resources, access to VA hospitals and treatment providers, and proximity to military bases, in addition to other characteristics.

The qualitative data come from the first 18 months (July 2016-December 2017) of field observations, VTC team surveys, and personal queries to VTC team members across the previously described eight sites.<sup>6</sup> The research team observed team meetings (staffings) and court sessions (dockets), completing semi-structured observation instruments and taking field notes. At each site, all staffing and court sessions were observed for the first 12 months and then once a month in months 13-18. The observation instruments included items and additional field notes related to the identification and referral of potential participants.

Also from July 2016-December 2017, a self-report survey was administered to all members of the eight VTC teams; as new members joined a VTC team, researchers provided them with the survey to independently complete. The team survey contained items addressing the identification policies and practices from initial identification to VTC contact. Additional items asked respondents to identify and describe strengths and weaknesses in the identification and referral processes, as well as any recommendations they were willing to provide. As of December 2017, 100 VTC team members across the eight programs completed the survey. Respondents included key VTC team roles including VJOs, court coordinators, case managers, probation officers, defense counsel, prosecuting attorneys, judges, treatment providers, and mentor coordinators.

Process data were deconstructed to ascertain how pools of potential VTC participants were created. In our initial analyses, we discerned three primary elements of the process of identification: 1) identifying agents, 2) identification mechanisms, and 3) referral chains. Beginning the process, identification agents were defined as those individuals who first discover the offenders' history of military service. In discerning who those initial identification agents were, we also determined the various mechanisms utilized by the initial identifying agents to obtain knowledge of offenders' military history.

Because our preliminary analyses revealed that the initial identifying agents were not associated with the VTC, we proceeded to examine whom the VTC-related identifying agents were and how they became aware of potential participants. After determining the VTC identifying agents, we proceeded to construct the different pathways that ultimately lead to identification by the VTC. Therefore, these referral chains represent different pathways of offender or case movement from initial identification to

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<sup>6</sup>Informed consent was obtained from respondents, and the research protocol and instrumentation were approved by the appropriate university and federal entities. The Missouri State University Internal Review Board approved all research protocols (IRB-FY2016-83), including, but not limited to, consent forms, instrumentation, and recruitment materials and procedures, for the larger study of which the present is a component. NIJ's Human Subjects Protection Officer has approved MSU's privacy certificate concerning protection of data and other information. Given the involvement of the US Department of Veterans Affairs (VA), approved research protocols and the instruments related to the current study were also reviewed by the Veterans Health Administration's Research and Development Office.



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VTC identification. VTC identification completes the referral chain because it is the point at which the offender/case is a part of the VTC program's potential participant pool that then undergoes the eligibility screening process. In sum, we distinguished referral chains that begin with the identifying agents and end with the first point of contact at the VTC.

These identification agents, mechanisms, and pathways were then assessed themselves and in conjunction with additional data for inter-program continuity, efficiency, and reliability. Results revealed both similarities and variability across the eight VTC programs. Incorporating additional information from field notes, official data, and subjects' responses, procedural strengths and weaknesses were discovered. Program characteristics were then used to contextualize these results for the development of preliminary recommendations aimed at improving the efficiency and reliability of VTC identification procedures for a variety of VTC programs.

To assess how closely practice matched policy, VTC policy manuals were analyzed to define the identification procedures for each program. The authors aimed to compare these policy results with those of the practice results to assess fidelity.

## RESULTS

As previously noted, our analyses revealed numerous identifying agents, mechanisms, and pathways. Specifically, our deconstruction produced two types of primary identifiers: initial identifying agents and VTC identifying agents. A total of six initial identifying agents and six VTC identifying agents were discovered across the eight sites. Regarding how initial identification occurs, four general mechanisms were found to be employed by the six initial identifying agents at varying points in the criminal justice process. Beginning with the initial identification agent and ending with the VTC-related identifying agent, 13 referral chains were constructed. Inter-program continuity and dissimilarity are evident in these agent, mechanism, and pathway results.

It should also be noted that these findings constitute the primary identifying agents, identification methods, and referral pathways for the majority of potential VTC participants. A potential participant of any of the programs may be identified by someone or referred in a way not presented herein; as such, these results are representative of the typical identification agents, mechanisms, and referral chains that create the majority of potential participant pools in the eight VTC programs. However, these results are anticipated to be applicable to numerous VTCs due to the diversity of the eight programs and locations.

### Initial Identifiers

Agents of initial identification begin the identification process by initially identifying offenders with a history of military service. The six initial identifying agents across all eight courts are listed in the first column of Table 1. With the exception of the agents of initial detention, all other initial identifiers recognized potential participants throughout various stages of criminal justice case processing; therefore, these results are not representative of when the identification process begins (addressed later).

The prevalence of these initial identifying agents across the eight sites and across the 13 referral chains (presented later) are both depicted in Table 1. Attorneys were initial identifying agents in all eight sites. Specifically, defense counsel served as the most prominent by acting as an initial identifier across all eight sites (100 percent); prosecuting attorneys contributed to initial identification in two

VTCs (25 percent). Completing initial identification in seven of the sites (88 percent), the judiciary and initial detention personnel (e.g., central magistrate office or jail) were the second most prevalent roles across sites. The offenders themselves comprised the last initial identifier category common among sites as they self-initiated the referral chains in half of the sites (50 percent). Less consistent were initiators across the 13 identification pathways with the most prevalent being those in the roles of initial detention for 38 percent of the models, followed by judges in 23 percent and attorneys in 15 percent of chains. While diversity is evident across sites, it is important to note that none of the sites had a single identifying agent; instead, multiple agents identified offenders' military history across various time points within each site.

### VTC Identifiers

While initial identification agents are the first to recognize potential VTC candidates, VTC identifiers constitute the first point of identification by the VTC program. The lower portion of Table 1 displays the prevalence of the VTC identifiers across the eight sites and the 13 referral chains. Similar to the results for initial identification agents, a single VTC identifier was not evident in any of the sites, meaning that each site also had multiple VTC identifiers.

In 63 percent of sites, VTC coordinators and VJOs were each the first VTC team members to be notified of potential VTC participants. Other common VTC identifiers included the state or district attorney in more than a third of programs (38 percent) and their assistant state or district attorneys in a quarter of the sites (25 percent). Across referral chains, VTC coordinators were the most popular as they completed nearly a third of the referral chains (31 percent). State or district attorneys ended the identification paths in 23 percent of the models, followed by VJOs and assistant state or district attorneys who each did so in 15 percent of the referral chains.

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**TABLE 1**  
Identifying Agent Types across Sites and Referral Chains

	VTC Sites n=13	Referral Models n=8
<b>INITIAL IDENTIFIERS</b>		
Attorney	8 (100.00%)	2 (15.38%)
Judge	7 (87.50%)	3 (23.07%)
Initial Detention	7 (87.50%)	5 (38.46%)
Offender	4 (50.00%)	1 (7.69%)
Probation	1 (12.50%)	1 (7.69%)
Treatment Provider	1 (12.50%)	1 (7.69%)
<b>VTC IDENTIFIERS</b>		
Coordinator	5 (62.50%)	4 (30.77%)
VJO	5 (62.50%)	2 (15.38%)
State or District Attorney	3 (37.50%)	3 (23.07%)
Assistant State or District Attorney	2 (25.00%)	2 (15.38%)
Judge	1 (12.50%)	1 (7.69%)
Probation/Parole	1 (12.50%)	1 (7.69%)

### Referral Chains

Involving the identification agents (previously described) and identification mechanisms (next subsec-



tion), a total of 13 referral pathways (eight direct and five multi-stage) were constructed to illustrate the identification processes occurring across the eight sites, starting with an initial identifier and ending with a VTC identifier. A maximum of five and a minimum of three identification chains were operating within a single location, meaning that numerous referral chains were evident within each site.

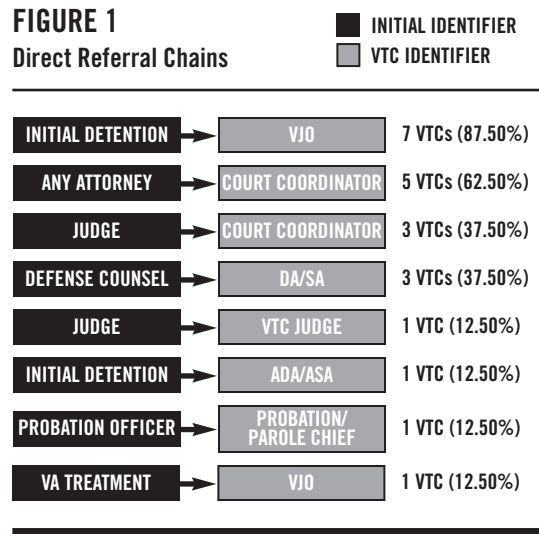
Figure 1 displays the direct referral chains. Nearly all sites have a direct link from initial detention identification to the VJO (88 percent). The majority of VTCs also have a direct referral path from any attorney (as well as defense counsel more specifically) to the VTC coordinator (63 percent). Occurring in 38 percent of sites each, the following two direct links were third most prevalent: 1) judge to VTC coordinator and 2) defense counsel to the district or state attorney.

The remaining four direct referral pathways were only evident in one site each (Figure 1). In one site, non-VTC judges consistently contacted the VTC judge directly to notify him/her of potential offenders and cases for the VTC program. Initial detention agents in one site directly notified the prosecuting attorneys (i.e., assistant district attorneys, assistant state attorneys) on the VTC team. At one location, probation officers notified their chief probation and parole officer who was also a VTC team member. Finally, VA treatment providers in a site consistently notified the VJO of VA clients who had contact with the criminal justice system.

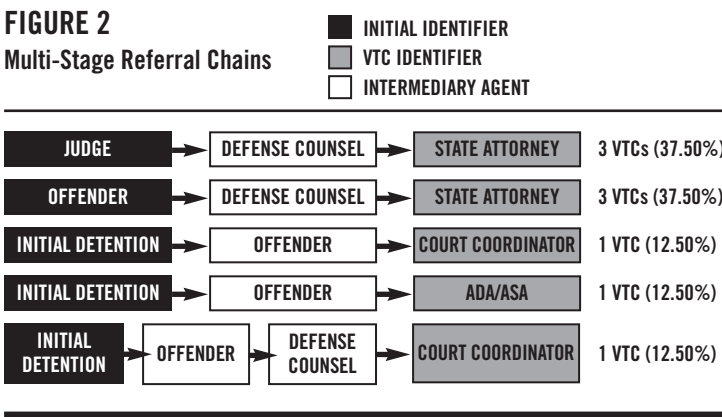
Figure 2 illustrates the five multi-stage referral chains evident across the sites. The majority of multi-stage pathways were initiated by those initial detention roles. Most multi-stage referral chains involved a single intermediary contact between the initial identifying agent and the VTC identifying agent, while the fifth pathway is comprised of four steps. More than a third of sites (38 percent) have a defense attorney as the intermediary before reaching the state attorney where VTC eligibility screening begins.

These two most popular multi-stage pathways only differ in their initial identification agents (judge v. offender). Conversely, the remaining two chains with a single intermediary are only prevalent in one court each (13 percent of sites). In both of these pathways, the initial identifying agent is in the role of initial detention, and the offender is the intermediary. These chains only vary in their VTC identifiers (VTC coordina-

**FIGURE 1**  
Direct Referral Chains



**FIGURE 2**  
Multi-Stage Referral Chains



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tor v. prosecuting attorney). The last multi-stage referral chain involves two intermediaries, specifically the offender and defense counsel, both of which also served as intermediaries in the three-stage paths.

Although evident in only one site each, the last three referral chains warrant additional explanation. These three pathways begin with initial detention agents conducting initial identification by asking offenders whether they have a history of military service based on a form the agents must complete. After noting the offender response on the form, agents provide identified offenders with VTC information (either verbally or give them a VTC pamphlet) and instruct them to contact someone at the VTC. What the offender does next with the information is where the three paths diverge. As

seen in Figure 2, the offender then either contacts: 1) the VTC Coordinator, 2) the prosecuting attorney on the VTC team, or 3) his/her defense counsel (not affiliated with the VTC) who then contacts the VTC coordinator (four-stage process).

### **Identification Mechanisms**

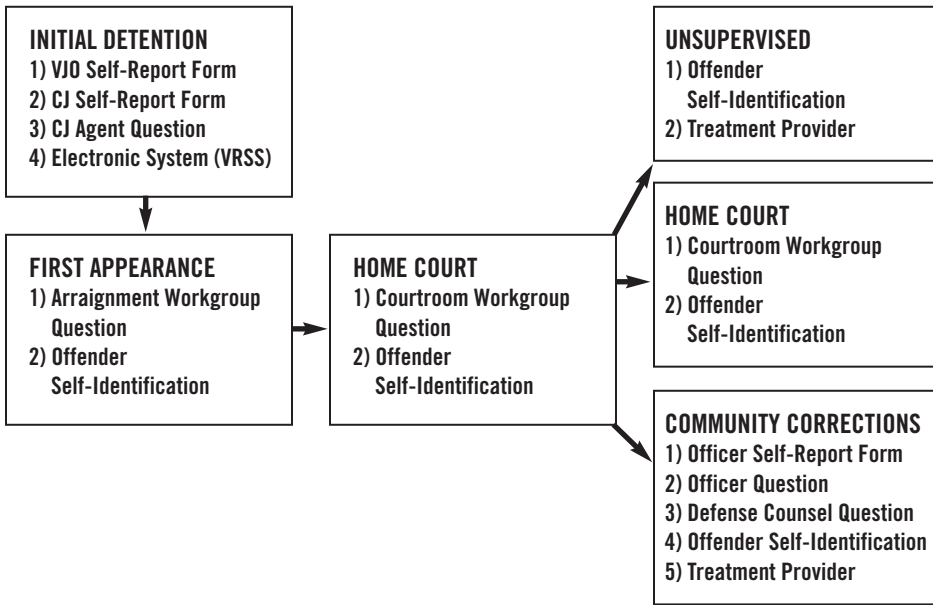
The initial identification agents were found to employ several mechanisms to obtain military history from offenders that then initiated the referral pathways. Similar to the previous results, multiple methods were used at each site. Across the eight sites, four general mechanisms were discerned: 1) verbal questions and prompts, 2) written questionnaires, 3) criminal justice agent paperwork, and 4) Veterans Reentry Search Service (an electronic database operated by the VA/DoD).<sup>7</sup> Because identifying agents employed these mechanisms across various criminal justice phases, we developed Figure 3 to depict which mechanisms were in effect across the different phases of the criminal justice process. Specifically, the flow chart (Figure 3) chronologically illustrates the post-arrest criminal justice process with the identification mechanisms listed at each stage. The following results are reviewed in order of the initial identifiers' prevalence across the sites reported in Table 1.

Using a variety of mechanisms, attorneys acted as initial identifiers in all eight VTC sites (100 percent), and judges did so in the majority of locations (88 percent). Figure 3 outlines when attorney and judicial initial identification can occur, which is across a majority of stages from first appearance throughout the adjudication process. Attorneys and the judiciary asked offenders if they had a history of military service, while some offenders volunteered the information to defense counsel unprompted. In cases of continued contact, defense counsel also initially identified through solicited and unsolicited offender self-report post-sentencing during incarceration and probation. Additionally, one site maintained an iden-

**Nearly all sites have a direct link from initial detention identification to the VJO.**

<sup>7</sup>For more information on the Veterans Reentry Search Service (VRSS), please see the VRSS User Guide at <https://vrss.va.gov>.

**FIGURE 3**  
**Identification Mechanisms across the Criminal Justice Process**



tification form in the courthouse, which offenders would pick up, complete, and submit to any attorney or the local bar association.

Initial detention agents were also primary initial identifiers across the majority of sites (88 percent), and they used self-report cards, questions, and an electronic database to obtain information on offenders' military history. At several jails, booking staff provided cards or self-report forms to offenders at initial detention that inquired about military history; offenders then indicated their military status on these cards/forms. Similarly, at several sites, booking staff verbally asked offenders about their veteran status. However, these self-report forms and questions were administered by both correctional staff and VJOs throughout incarceration periods while the case was being processed, as well as after sentencing. Additionally, some offenders mentioned their service history to correctional officers at initial detention and subsequent time points throughout incarceration. Finally, at two jails, booking agents submitted lists of booked offenders to an electronic database that cross-referenced those offenders with a VA database to flag those with military history (VRSS). These reports were then sent back to the jail and to the registered VJOs (see Baldwin 2016).

Probation officers and treatment providers were the least prevalent initial identifiers (13 percent of sites each). Typically, those in the roles of probation or treatment became aware of their clients' history of military service post-sentencing. During their administration of services and supervision, some probation officers and treatment providers asked about military service and experience, and offenders would also self-report these to probation and treatment unprompted.

The results above reveal diversity in who identifies offenders' history of military service (initial iden-

tifiers), how military history is identified (identification mechanisms), which member of the VTC becomes aware of potential candidates (VTC identifier), and how the VTC team member is notified (referral chain or pathway). Illustrating the actual identification practices transpiring across and within sites, these results alone do not equate to a lack of standardized identification procedures because set policies for identification were not investigated. Because we desired to assess implementation fidelity and discuss the previously presented findings in the context of fidelity successes and challenges, a thorough review of the eight VTCs' policy/procedure manuals was conducted to first discern sites' identification policies. The investigation concluded that procedures or policies related to potential participant identification by or referral to the VTCs were non-existent. Standard operating procedures most closely related to identification were policies on the eligibility and admission screening administered to the pool of potential VTC participant post-identification. The lack of identification-related policies precluded an assessment of implementation fidelity.

## DISCUSSION AND RECOMMENDATIONS

Although implementation fidelity could not be incorporated into the following discussion of results due to the absence of identification policies, team survey data were analyzed to provide additional insight and context in the following discussion of results and recommendations. Data from three survey items directly related to potential participant identification and referral were analyzed, and responses to two potentially relevant items were examined. Providing a five-point Likert scale to the respondents, the first item prompted VTC team members to indicate their level of agreement with the following statement: "Potential program participants are quickly identified for eligibility screening." The second and third items were the following open-ended questions about the referral process: 1) "How do you think the referral process is working?" 2) "Are there barriers to the referral process?" Finally, the qualitative responses to two potentially relevant open-ended items were examined as they requested respondents to list program strengths and weaknesses.

In addition to our failed search for policy, several team members noted the lack of a well-defined procedure for identification and referral of potential VTC participants. Two examples include:

*I feel there is no SOP [standard operating procedure] for the referral process. One needs to be created for it to be effective.*

*I think a spreadsheet or some type of document available to all would be helpful to track referrals as some get lost or confused with others.*

As such, we recommend that VTC teams collaboratively outline how identification both currently occurs and could occur, as well as who the key personnel are and could also be. The team can then develop identification procedures and invite additional key personnel to the table to finalize them for dis-

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semination and training. These efforts could increase early and efficient identification and lend to a further understanding of team roles and increased agency.

Our results indicate that identification was occurring across a variety of stages in the criminal justice process, but that most sites were identifying at initial detention, in addition to many other later stages. The responses from the team surveys appear to coincide with these findings. Overall, the majority of team members indicated that potential participants were quickly identified (58 percent). Approximately a third of team members neither agreed nor disagreed (18 percent) with that statement or did not know (13 percent) whether early identification was occurring, while a minority (8 percent) disagreed or strongly disagreed that early identification was happening. Open-ended responses centered around difficulties in early and prompt identification and referral, such as: “Identifying potential participants early is [an] issue,” “Barriers – attorneys do not refer to VTC promptly,” and “The only barrier is getting referrals in a timely manner.”

Early identification and referral is a best practice for specialized courts and is included as the third element in the 10 Key Components of VTCs. Arrest, booking, or initial detention are early stages in the criminal justice process where veteran arrestees could be efficiently and reliably identified and directly referred to a VTC program team member through set procedure. Despite a dearth of policy to guide practice in this study’s sites, early initial identifications were occurring across the majority of sites with a total of seven sites having initial identifiers at initial detention. Additionally, these seven early identification sites all shared the direct referral pathway to the VJO. However, our analyses indicated direct initial detention to VJO referral chains varied in their identification mechanisms, as well as their reliability and efficiency. Two of the seven pathways that originated by initial detention agents and were referred directly to VJOs (Figure 1) used an electronic identification mechanism at booking (previously described). Theoretically, an electronic identification system at booking is efficient (resource non-intensive) and reliable (not reliant on self-identification), as well as achieves identification early in the criminal justice process (at booking). In practice, however, several limitations were discovered.

While the technological innovation of the VRSS eliminates the problematic reliance on self-identification, the electronic system is not automated. Relying on human intervention, it requires staff to manually submit the jail intake lists to the VRSS. Although the eight sites have access to the system, three sites were mandated by their state to utilize the VRSS, and only two of the three mandated sites used the mechanism due to staffing shortages. Further, the frequency of running the lists varied in the two sites, and there were delays in uploading intake lists to the system. Because the initial detention period can be short, some identified offenders were no longer in jail when the VJO arrived for contact. Additionally, the results are not automatically sent to the VJOs or other eligible entities. VJOs must sign up to have the reports emailed to

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them, and when they do, jurisdiction-specific results are not disseminated. Instead, registered VJOs receive system-wide results; they must sift through them to locate those in their jurisdiction, which can be burdensome in large jurisdictions. However, VJOs can create a rule in Microsoft Outlook™ to limit results to their jurisdictions, but this process was reported to be complicated. These challenges have resulted in some VJOs not registering to receive these reports.

Overall, the VRSS is a beneficial mechanism that can be improved to increase efficiency and reliability, as well as publicized to increase its use. First, automating the system to run daily for all sites where available is recommended. In terms of its current construction, VJOs and other eligible entities should be trained on the system in terms of its purpose, how to sign up to receive reports, and how to create the jurisdiction-specific restrictions for reports. The information about the VRSS and instructions could be outlined in a one-page document or flyer and also recorded in a brief video with narration and screenshots. VJO leadership could directly distribute these materials to the VJOs. Additionally, discussions about which other key personnel (e.g., defense counsel, VTC coordinators) are eligible to employ the VRSS are encouraged. Eventually, reports could be converted from email distribution to populate into a database that could then be accessed in real time by VJOs and other key personnel. The recommended changes could be monitored and feedback solicited from those involved to further identify issues and resolutions for further modification. Ultimately, widespread adoption of the revised system and implementation monitoring are recommended.

**Overall, the VRSS is a beneficial mechanism that can be improved to increase efficiency and reliability, as well as publicized to increase its use.**

Of the seven sites with direct referral chains from initial detention to VJO (Figure 1), the remaining five sites that did not employ the VRSS used self-report cards and flyers at the jail and questions by criminal justice staff (Figure 3). One of these seven sites also used these methods in their direct referral from initial detention to the prosecuting attorney on the VTC team. Several issues were identified with these methods. First, this mechanism solely relies on self-report. As previously discussed, stigmatization, potential loss of benefits, and non-recognition of veteran status are threats to the reliability of self-identification. Additionally, these mechanisms require resources in terms of the cards themselves, as well as personnel for administration. Due to resource shortages and human error, card distribution and collection and agents' verbal inquiries may not be consistently implemented. Finally, the relay of information was found to be delayed as it relied on VJOs having to go to the jail to pick up the cards or staff sending the information to the VJOs or VTC state or district attorneys. For example, one site regularly relayed the identification information but did so every two weeks. Recommendations for these referral chains involve increasing the frequency of data transfer, ensuring the use of appropriate terminology to increase the reliability of identification (e.g., not employing the term "veteran" but asking whether one has "ever served in the US Armed Forces"), and revisions to VA benefit policies to potentially increase self-identification by offenders with a history of military service should be considered and empirically assessed by future research.



Also originating at initial detention, three indirect pathways were evident in one site (Figure 2). As the mechanism for identification was a question from the central magistrate soliciting offenders' self-report, these referral chains suffered from the limitations described above. Additionally, these three- and four-stage referral chains were then solely reliant on the self-identified offenders to complete or continue the link to VTC identification. Once the offender was identified in these processes, the information was not then relayed to any VTC team member, but required the offender to contact the appropriate entities. Specifically, these processes merely provided identified arrestees with information on the VTC program. This challenges efficiency as it relies on the veteran offender to read and keep this information upon release and then either contact someone from the VTC team to inquire about the program, in other words self-identification and self-referral, or discuss the option with his/her defense counsel who must then contact a VTC team member for referral or, at least, inquire about eligibility requirements at the VTC. Therefore, this process should be replaced by the direct referral chains that also begin at initial detention.

Originating post-initial detention, the following three direct pathways warrant discussion: 1) any attorney to VTC coordinator, 2) non-VTC judge to VTC coordinator, and 3) non-VTC judge to VTC judge. A strength of these pathways is the direct referral to VTC coordinators and VTC judges. These three pathways were evident in VTCs that either have been around longer or were in smaller jurisdictions. The older VTCs had more notoriety in their jurisdictions as legal actors unrelated to the VTC were aware of the VTC program and, as such, would ask offenders about their military history. Similarly, because the legal actors in a smaller jurisdiction knew the VTC program existed, they would ask offenders about their military status. As these pathways were initiated by questions from counsel and the judiciary, they are still subject to the reliability issues related to self-report and consistency of inquiry. A recommendation specific to these referral chains would be to employ appropriate language and continue to advertise the existence of their VTC programs within their jurisdictions. Additionally, newer VTCs and those in larger jurisdictions should advertise or promote their programs in an effort to increase initial identification agents. Potential advertising can include print media in the courthouse, local bar association, district or state attorneys' offices, public defenders' offices, and public places, as well as emails from court administration throughout the jurisdiction or some local news coverage.

Three referral chains ended with the state attorney, specifically, one direct (Figure 1) and two three-stage (Figure 2) pathways. The three-stage referral chain that was initiated by the offender was also primarily evident in sites where the VTC program was well-established and known, indicating that publicizing the program may also increase self-identification. The two pathways originating from defense counsel and the judiciary are, again, reliant on consistency of questioning, language employed, and offenders' self-report. These pathways are unique in that the state attorney constitutes the VTC identifier and the eligibility gatekeeper (see Baldwin and Hartley, forthcoming). While this may appear efficient, research has shown that this can produce lengthy delays in later eligibility and admissions screening (see Baldwin and Hartley, forthcoming). However, this is beyond the scope of the current study.

Finally, the last two referral chains yet to be discussed are both direct and each occur in separate single sites. The probation officer to probation/parole chief pathway occurs late in the criminal justice process as the identified offenders are already on probation. Because the chief probation/parole officer is a member of the VTC team and the jurisdiction is smaller, the probation officers are well aware of

the VTC program, which results in this identification pathway. However, if identification is initiated by probation, identification is occurring late in the criminal justice process. Further, probation identification may not occur at initial placement but later on under supervision. For example, a team member noted in the survey that “many vets slip through the cracks and are placed on probation. Would like to see a better process for allowing probation officers to identify a vet before he/she violates probation.” Conversely, referrals from VA treatment providers to the VJO occurred in a large jurisdiction throughout the criminal justice process from immediately after arrest through post-adjudication. This pathway may be attributed to the particular VJO being well-known and proactive within that VA site as other sites without this referral chain have noted that “the VA is not as engaged in the referral process as it should be.”

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Several findings have centered on the inconsistency of identification and also resulted in the recommendations of developing systematic identification procedures and increasing awareness of operational VTC programs. Relatedly, team members provided responses specific to these issues, such as the program “needs to be publicized more to ensure no veterans are left out,” “defense bar not really aware of the VTC,” and “lawyers from home court need to know more. It’s the luck of the draw in terms of whether you get an attorney that knows the program.” While increasing local knowledge of the program is recommended, the awareness effort must be continual and consistent as one team member noted a challenge to program awareness was turnover: “The barriers to referral process are uninformed defense lawyers, prosecutors, and judges in the other County Courts. Because of continuous turnover in those areas they have to constantly be educated on the vet court program.” While this study’s results indicate that the role of defense counsel constituted a primary identifier, every defense attorney at each site did not initially identify potential participants. Further, prosecuting attorneys were found to be initial identifiers in only two sites, and not all prosecutors at those two sites were initial identifiers. These findings further support our recommendation for the collaborative development of systematic identification procedures and efforts to increase awareness of VTC programs.

While the lack of program awareness is an issue in some locations, respondents also acknowledged a reluctance on the part of some defense counsel to refer potential participants because it reduces their caseloads or “business” as private defense attorneys. Other responses involved how well these programs are accepted by other courts in the jurisdiction. One respondent exemplified this by stating, “Referrals are sporadic, not all agencies provide them, in-fighting, turf protection, prevents timely referrals.” Another reported that the problem was “The court system itself. Any court of this nature is viewed as taking business from lawyers, thus there is some resistance in its growth.” These issues were reportedly tied to a “lack of referrals” and programs having a “hard time gaining new participants.” Even in a smaller jurisdiction where the VTC program was well known, a team member reported that the VTC “is extremely small. Attorneys, probation officers and specialty courts are not referring.”

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## LIMITATIONS

This study addresses the identification procedures occurring within eight VTCs. Although this is the first study to solely focus on VTC identification and employs multi-site data from VTC programs that vary on numerous characteristics operating in three different states, the national landscape of VTCs is highly diverse and ever changing. As such, these results are not intended to be generalizable to all VTCs nationally. However, the varied nature of the VTCs was chosen to explore a mix of different programs. The authors highly encourage readers to not only critically assess this study's findings and recommendations but to also consider them in conjunction with their own programs' characteristics and abilities.

Additionally, this study focuses on the current identification practices of eight jurisdictions with operational VTCs. The authors acknowledge that not all offenders with a history of military service want to be identified (see Baldwin 2015, 2017; Douds et al. 2017) and that this article neither addresses: 1) the ethics of the identification of military service among offenders by the criminal justice system or the VA, nor 2) these offenders' feelings, perceptions, or beliefs regarding VTCs or the identification of a history of military service by any entity, including the criminal justice system or VA.

## CONCLUSION

The purpose of the VTC is to address the underlying causes and correlates of criminality among offenders with a history of military service through mandated treatment and supervision of compliance. This problem-solving and therapeutic jurisprudence approach has been shown to be effective as a response to prevent relapse and reduce recidivism for a wide range of criminogenic factors underlying involvement in crime (Shaffer 2011; Mitchell et al. 2012). Previous research (e.g., Belenko, Fabrikant, and Wolff 2011) has pointed out that success of specialized court programs might have more to do with who is selected for a treatment intervention than the intervention itself. Limited prior research (Luskin and Ray 2015; Steadman et al. 2005) also indicated that there is no single model or standard procedure for identification and referral of potential program participants. The current study also provides some support for the idea that multiple models of the identification and referral process exist for specialized court programs.

Providing insight into identification and referral processes for specialized courts, specifically VTCs, our results show that there is both variance and similarity in who the primary identifying agents are, the types of identification methods, and the referral pathways for potential participants. In line with results from national studies (e.g., Baldwin 2015; Holbrook and Anderson 2011), our analyses revealed that most sites were conducting initial identification early in the criminal justice process, but that it also continued to occur throughout the criminal justice process. Additionally, the current study identified several issues related to both identification and referral and revealed a heavy reliance on offenders to self-report military status. We proposed several recommendations to overcoming some of these obstacles that were exemplified by qualitative data from VTC team member survey responses.

Some of the issues and resultant recommendations were specific to various types of programs (e.g., smaller jurisdictions or more newly established programs), while others were more generally applicable to a wide variety of VTC programs and locations. For example, because of the VTC's unique target population, identification of potential participants is essential yet presents some equally apparent challenges. Many of the identification processes identified across the VTC programs in this study were re-

liant on self-reported military status from the arrested offender. This is likely a problem for most VTCs across the country; therefore, stakeholders and researchers should partner to identify evidence-based best practices to ameliorate barriers to identification of potential VTC participants in jurisdictions that have VTC programs. This study recommended the use and improvement of the VRSS, an electronic system that cross-references jail intake lists with the VA's database.

Finally, process-focused research is much needed yet lacking in the specialized court program literature. Although most evaluation research is focused on outcomes or impacts, process evaluations focused on identification and referral, such as the current study, are highly important as process and implementation may directly affect program success, more so than the intervention itself. A newly emerging body of research purports that the success of specialized courts might be linked to identification and admission procedures. Therefore, process evaluation research, such as the current study, is critical to truly understand the impact and outcomes of specialized court programs. The current study revealed that there are similarities and differences in identification models across the eight VTC programs studied, and these results must be accounted for in the later outcome and impact studies of the specific programs.

Researchers should continue to work closely with VTC and criminal justice practitioners to model and evaluate identification and referral procedures to not only inform outcome and impact studies but to also develop evidence-based best practices to aid VTCs in accomplishing their goals and fulfilling their missions. Ultimately, we desire for programs to develop set identification and referral procedures to create their potential participant pools. The development of these procedures and subsequent improvements to their efficiency and reliability should result from collaborative examination and implementation by VTC team members and additional key criminal justice personnel. Additionally, partnering with researchers to monitor implementation fidelity and identify procedural successes and challenges should occur and result in policy and procedure modifications to address weaknesses. Through these efforts, best practices for efficient and reliable identification procedures can be developed to capture programs' intended target populations, ensuring the future viability of this latest specialized court incarnation.

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