American’s Problem-solving courts:
A Veteran’s Outlet for Help and an Alternative to Incarceration

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Abstract

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Statement of the Problem

Problem-solving courts, used to address the offender’s problems along with their crime, has shown a reduction in recidivism rates and cost per offender, in the criminal justice system. These courts focus on many of the epidemic problems, that our country faces, that directly or indirectly impacts crime. Accountability is the goal, and every crime has a consequence, therefore, the problem-solving courts, can render a specific solution to the specific problem, which directly addresses the underlying cause for the crime.

The focus of this research will be conducted with the Veterans Court. Veterans Treatment Courts are designed to give an alternative to incarceration and place the focus on veterans’ underlying related issues, like mental health, PTSD and substance abuse. Relationships and life-long connections can be fostered between the veteran and the Veterans Administration; a vital resource and advocate for those who service our nation.

Veterans, exposed to the physical and mental devastation of combat warfare, attempt to return to a society that once understood and accepted them, however, their concealed, internal scars still exist. Veterans of war attempt to self-medicate, and dismiss their mental health issues, which leaves them susceptible to engage in criminal and antisocial behaviors.

The rising population of Veterans in the United States affected by their military combat
service prompted an ingenious approach, to address their specific needs, when involved in the criminal justice system. Veterans, impacted by mental health, homelessness, strained family relationships, unemployment, and substance abuse, when reintegrating into civilian living from the military life they were accustomed, may find themselves involved in the judicial system (2009).

Presiding Judge, R.T. Russell, over the Buffalo, New York’s, Drug Treatment and Mental Health Treatment Courts, in 2008, noticed a surge of Veteran offenders on his docket (2009). Judge Russell, devised the plan of establishing a court, formulated to address the specific needs of the Veteran. The Veterans Treatment Court, constructed on the foundational premises of the drug and mental health treatment courts, was instituted. This problem-solving court not only provided an outlet for incarceration, but an opportunity. The Veterans would receive intervention services and treatment, for their issues and maladies, while assuming accountability for their crime (2009).

This is a restoration opportunity for Veterans to accept accountability, retain stability, and benefit from the services offered by the Veteran Treatment Courts. The strict regimen and compliance with the Veterans Treatment Court's requirements, creates an accountable atmosphere, for Veterans involved in the criminal justice system to right their wrongs, while receiving lifelong tools to become productive, law abiding American citizens.

In lieu of the overwhelming, favorable results, that this problem-solving court has exhibited, by decreasing recidivism rates and substance abuse amongst combat Veterans exposed to the criminal justice system, there are some that oppose this specialized court, citing that it gives veterans an enhanced civil liberty, not afforded to everyday civilians. This group expresses, that there is a need, for not only Veterans Treatment Courts, but individualized, specific courts, that
would benefit society. They extend their validation, of not having a specialized court, by expressing that no special privileges should be given to citizens, because of their military status.

**Methods of Approach**

Information for this study will come from content analysis or secondary sources. These sources will be retrieved from peer-reviewed, academic articles and journals, textbooks, agency related websites, and government provided statistical data. Since Veterans Treatment Courts, are new to the problem-solving courts era, data for their long-term success rates, regarding mental health treatment, substance abuse, and their lives as civilians, after being involved with the criminal justice system, are still in the processing stage.

**Anticipated Outcomes**

It is anticipated that data, retrieved from peer-reviewed, academic articles and journals, textbooks, agency related websites, and government provided statistical data, will identify the need for Veterans Treatment Court. This research is expected to identify the significant benefits, that Veterans involved with the judicial system will receive, by having their case assigned to a Veterans Treatment Court instead of an adult traditional criminal court. Future research, from the Health Care for Reentry Veterans program’s data, will show the effectiveness and long-term success rates of the Veterans Treatment Courts. There are no expectations, that this research will not validate the ideal, that these specific courts, are not necessary for the Veterans.
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INTRODUCTION

History of Problem-Solving Courts

Problem-solving courts are not new to the court movement. The first drug court, erected in 1989 in Dade County, Florida, was identified as the creation of the problem-solving courts, however, the juvenile court which started in Cook County, Chicago in 1899, would be considered the first problem-solving court. Reformers from this time advocated on behalf of the juveniles to have a separate court to address the specific needs of the juvenile and why they are committing crime. Rehabilitation was the focus in lieu of punishment ("Problem Solving Courts", n.d.).

With the expansive court dockets and high recidivism rates, the traditional criminal court’s approach was not satisfying or deterring the influx of low-level criminal offenders. The problem-solving court movement would be relevant in addressing these offenders and the underlying causes of their criminal acts. The traditional court’s administered sanctions were not relieving the victims and communities, in which these offenders were released from jail after a brief time to reoffend. A more plausible effort had to be made when considering the ideal goal of safety for society ("Problem Solving Courts", n.d.).

Problem-solving courts use incentives to promote positive behavior and compliance from the offender. The incentives may allow the offender to take fewer drug test, lessen their court appearances, and reduce their charges and sentences. However, if the
offender’s behavior is not compliant with the recommendations of the court’s treatment plan, the offender could receive harsher sanctions (Frailing, 2016).

Problem-solving courts allows the offender a much-needed face-to-face interaction with the judges and multidisciplinary team they are assigned to. This interaction impacts the offender’s criminal justice involvement in a positive way. The support, while ensuring that the offender is accountable for their actions, have proven to be beneficial and cost effective (Frailing, 2016).

Reports from problem-solving court offenders, who complete their treatment plans, have shown to be favorable with the court. The offender, a voluntary participant, engages with the court officials, in an informal manner, is praised and encouraged for their progress. When the offender feels respected and can have an active input into their treatment, the likelihood of them reoffending is minimalized (Frailing, 2016).

Problem-solving courts that address issues of substance abuse, mental health, domestic violence, veterans, and the community, are gaining great momentum in the legal criminal court system. The favorable results and benefits that problem-solving courts offer, could impact how offenders are handled in the future of the United States Justice System. More research will have to be conducted to learn and understand how the benefits will positively impact the future legal system.

Veterans Treatment Courts

Veterans, who have combat experience, my experience post-traumatic stress disorder, mental health issues, traumatic brain injuries, and/or substance abuse problems. Veterans who served in the Operation Enduring Freedom or Operation Iraqi Freedom have a one in six chances of suffering from a substance abuse issue, and one in five veterans who served in non-combat military service have
a one in five times chance of suffering from some form of mental health disorder. If these combat and non-combat maladies, suffered only by veterans, are not treated, the veteran may become involved in the criminal justice system (“Veteran Treatment Courts”, n.d.).

The problem-solving, Veterans Treatment Courts, serves the justice-involved veteran population with all their legal and any underlying issues and maladies that contribute to the offense. These courts benefit those who have served the United States Armed Forces by offering a legal and multidisciplinary team to support them throughout the court process. Due to the combat trauma and substance abuse issues that plague many combat and military veterans, Veterans Treatment Courts offer programs, benefits, and services specific to their needs (“What is a Veterans Treatment Courts?”, n.d.).

Veteran Treatment Courts was founded in 2008, under the judgeship of Robert Russell in Buffalo New York. Based on the paradigms of the drug and mental health courts, Veteran Treatment Courts provide continuous support through veteran’s justice outreach specialists. Veteran’s justice outreach specialist helps the veteran to complete their treatment plans, which are recommendations the veteran must follow to graduate the program (Marlowe, Hardin & Fox, 2016).

The judges, who preside over the veteran’s cases, are unlike those in the traditional criminal courts, they have a better understanding of the experiences and maladies of the veteran. The multidisciplinary team that is on site, can assist the veteran with not only legal help, but also benefits like the Veterans Health Administration, State Department of Veterans Affairs, community service organization resources and provide them with a peer mentor. These services are provided by non-criminal justice personnel and would not be readily available if in a traditional court. (“What is a Veterans Treatment Courts?”, n.d.)
The veteran must appear before the judge, for progress reviews and be subjected to drug and alcohol testing. Incentives are given for their progress and sanctions are given if the veteran have not adhered to the guidelines and rules of the court. The interaction between the judge and multidisciplinary team, alleviates the stigma of court which provides a more favorable, law-abiding outcome for the veteran (Marlowe, Hardin & Fox, 2016).

There are many benefits for completing the Veteran Treatment Court’s program. The graduate could have their sentences for their criminal charges dropped or reduced. If probation is granted, the time of probation could be lessened, or the terms minimized. Veteran Administration services and benefits will continue to support the veteran after their involvement with the legal system (Marlowe, Hardin & Fox, 2016).

**The Need for Veteran Treatment Courts**

The Veteran Treatment Court, an emerging specialized problem-solving court, which handles veterans with justice-involved issues, is still in the early phases of existence. Responding to the needs of veterans, Judge Robert Russell, initiated the start of the first Veteran Treatment Court in 1989, in Dade County, Florida. Judge Russell’s ideas of helping veterans involved in the justice system, by alleviating the underlying causes of their criminal actions, is on the rise in many counties of the states.

Veterans, who are eligible to have their case transferred to a Veteran Treatment Court, will follow the nontraditional channels through the justice system. The veteran will bypass the traditional court setting in lieu of completing a specialized treatment plan with the Veteran Treatment Court. Services, along with legal help, will be provided by a multidisciplinary team who supports the veteran through their progression through the Veterans Court (Baldwin, 2015).
The veteran will benefit immensely from their case being transferred. They will have access to mental health, substance abuse and housing services. The Veterans Administration is also readily available to link them with veteran services. This new court movement to the problem-solving courts, founded on the concepts of the drug and mental health courts, will focus solely on the veteran and their needs (Baldwin, 2015).

Antisocial behavior, in veterans, is an underlying consequence of the trauma they experienced during combat. Without the Veterans Treatment Court’s services, the veteran’s aggression, substance abuse, unemployment, and homelessness may increase their chances to participate in criminal acts (Baldwin, 2015).

Due to the Veteran Treatment Courts being in the beginning phases, empirical research on this court is at a minimum. The research that exists have been performed on limited geographical areas or a certain underlying issue, and updates to the research have not been published. However, from the finite data that is accessible, the reviews are favorable for the need of Veteran Treatment Courts (Baldwin, 2015).

Research conducted, in A National Study of Veterans Treatment Court Participants: Who Benefits and Who Recidivates, studied the veteran’s outcomes in housing, employment, income, and their criminal justice involvement outcome and identified characteristics that predicted the veteran’s outcomes. This research published, in May 2018, used national data on seven-thousand thirty-one veterans in the Veterans Affairs Veterans Justice Outreach program. With over four hundred Veteran Treatment Courts in operation as of now, one hundred fifteen were registered for this research from March 2011 to November 2015 (Tsai, Finlay, Flatley, Kasprow, & Clark, 2018).
The research showed that in housing, employment, Veteran Affairs benefits and criminal justice involvement, positive outcomes were noted. Veterans spent, on average, one year in the treatment program, with 20% receiving jail sentences, and only 14% incurring a new sentence. These rates are lower than the national recidivism rates amongst the United States prisoners who were incarcerated for a year (Tsai, Finlay, Flatley, Kasprow, & Clark, 2018).

Veterans, who had a history of criminal involvement, however, were found to become incarcerated again. This predictive characteristic, along with alcohol and substance abuse issues, also had a bearing on the veteran’s recidivism rates. Since drug offenses are the more common of the criminal offenses, with 60% of those arrested, testing positive for drugs, this predictive characteristic is not alarming (Tsai, Finlay, Flatley, Kasprow, & Clark, 2018).

Veterans, with probation/parole violations, were at risk to have a new incarceration. This predictive characteristic could be related to their unwillingness to follow the rules and guidelines of probation or parole. Property offenses, which covers an extensive range of offenses, was found to be another predictive characteristic for a veteran’s outcome. The association that the researchers contributed this to be was the veterans lack of employment (Tsai, Finlay, Flatley, Kasprow, & Clark, 2018).

Mental health and substance abuse issues are prominent amongst the combat veterans. The Veterans Treatment Courts provide mental health and substance abuse treatment services as part of their treatment plan for the veterans. These veterans were less likely to be employed by the end of the Veteran Courts program, however, they will continue to receive Veteran Affairs benefits to assist them in their civilian life (Tsai, Finlay, Flatley, Kasprow, & Clark, 2018).
Veterans and military service members have shown to have a higher risk of intimate partner violence and family conflict. Due to their psychological, social, and environmental factors that they experience(d) as military service members, family conflict is more prevalent. The veterans, who participated in combat, are prone to underlying issues like post-traumatic stress disorder, mental health and substance abuse issues. If left untreated, the likelihood of them encountering the judicial system is very probable. The Veteran Treatment Courts are more likely to refer the veteran to the proper services to receive individual and family counseling for their issues. Veterans Affairs has in operation, The Domestic Violence Task Force, to help veterans with domestic violence issues (Gierisch, Shapiro, Grant, King, McDuffie, & Williams, 2013).

Comorbidity is a reoccurring existence in the life of a veteran with combat trauma. They are subjected to serious maladies that can occur individually, however, they usually face comorbid conditions. Any biopsychosocial event can trigger a surge in other antisocial behaviors. Many diagnoses like post-traumatic stress disorder, traumatic brain injury, and other mental health diagnosis can hinder the veterans normal functioning pattern in life. These maladies can cause a disruption and escalation in the veteran’s behavior, making them more susceptible to finding an outlet in criminal behavior or suicide (Committee on the Assessment of…, 2013).

The Veteran Treatment Court, if the veteran found themselves involved in the criminal justice system will help with services through Veteran Affairs. The multidisciplinary team with the judge’s recommendations will provide the veteran with a specific treatment plan that would evaluate the services needed and link the veteran with the proper resource services. Unlike a traditional court, who would offer sanctions opposed to rehabilitation, Veteran Treatment Courts supports the veteran by holding them
accountable for their actions while providing them with treatment options (Committee on the Assessment of…, 2013).

Future, national, up-to-date studies will have to be conducted over time once the Veteran Treatment Court has been in existence a few more years. The developmental phases of this problem-solving court have rendered research that examines the life-long benefits and outcomes for veterans who are involved in the criminal justice system. The longevity of this court proves promising for veterans, their families, communities, and their country.
II. LITERATURE REVIEW OF VETERAN TREATMENT COURTS

Structure

The structure of the Veteran Treatment Court is structured the same way as a traditional criminal court. The collaboration of services promotes the mental and physical well-being of the veteran. The court members present during the Veteran Treatment Court initial assessment phase are the judge, prosecutor, defense attorney, the Department of Veteran Affairs and other community resource organizations. This multidisciplinary team is modeled after the paradigms of the drug and mental health court, with rehabilitation and restoration as their foundation for success (Law for Veterans, n.d.).

The Veterans Treatment Court program is for veterans that are involved in the criminal justice system. The multidisciplinary team creates a treatment plan for the veteran that must be followed to graduate from the program. This treatment plan is specifically catered to address the underlying issues of the veteran’s criminal behavior (Law for Veterans, n.d.).

Veterans, who have been involved in combat situations, suffer from post-traumatic stress disorder, traumatic brain injury, antisocial behaviors, intimate partner violence, mental health and substance abuse. These underlying issues may contribute to the veteran’s criminal justice involvement. The Veteran Treatment Court supports the veteran though the program by providing an outlet from incarceration and an opportunity for rehabilitation (Law for Veterans, n.d.).

Veteran Courts in states function accordingly to the needs of the jurisdiction they service. If a veteran is in a jurisdiction that has no Veteran Treatment Court, the veterans case will be heard in a traditional court. The eligibility for a veteran to attend the Veteran’s Court in their jurisdiction is under the rules and guidelines for that court. Most veterans eligible for veteran
court if they have a misdemeanor or felony offense that is not considered violent or a felony sexual offense (Law for Veterans, n.d.).

Each court devise their own eligibility rules and the judge, prosecutor, and defense attorney decides if the Veteran Treatment Court will be beneficial to the veteran’s specific needs. The veteran does not decide if they can be assigned to Veteran Treatment Court, however, once chosen, they must follow all the rules and guidelines or risk harsh sanctions (Law for Veterans, n.d.).

A veteran may be eligible for veteran court if they have a misdemeanor or felony offense that are not considered violent or a felony sexual offense. Eligible veteran’s cases are reviewed, and The Department of Veterans Affairs Veterans Justice Outreach Specialist will complete an assessment and verify the veteran’s benefits. The veteran will be linked to the Veteran Affairs Medical Facility for an intake assessment and then a specific treatment plan will be assessed for the veteran’s needs. The multidisciplinary team will support the veteran while they complete the treatment plan and prepare for graduation of the program (Law for Veterans, n.d.).

Compliance of the rules and guidelines set by the Veteran Treatment Court, and progression through the treatment plan, will warrant a successful graduation. The benefits of completing the program may include dismissal of the veteran’s case and probation reduced or terminated. If progression is not made during the veteran court’s program, the veteran could face harsher sanctions and incarceration (Law for Veterans, n.d.).

**Veteran Treatment Courts compared to traditional courts**

Veteran Treatment Courts are specifically geared to help veterans who have legal involvement in the criminal justice system. Veterans, who have experienced combat trauma are more prone to be diagnosed with mental health disorders, post-traumatic stress disorder, traumatic brain injuries, and substance abuse issues. The Veteran Treatment Courts address each
of these maladies by providing the veteran with support, services to address their specific needs, and an alternative to incarceration.

The Veteran court focuses on rehabilitation and accountability, while the traditional court uses sanctions as a deterrent for crime. The traditional court’s setting is more formal and relies on prewritten sanction’s rules to sentence an offender. Veteran courts are informal and cater to the specific need of the individual veteran by creating a treatment plan to address the issues of the veteran. In a traditional court, services may be offered, but not mandated, however, in a veteran’s court, services are mandated, and compliance and progression of these services determines a successful graduation.

Veterans will complete a treatment plan congruent with their underlying issues that contributed to their criminal behavior. The completion of the Veteran Treatment Court’s program has many benefits for the veteran. The veteran may have their case dismissed and their probation lessened or dismissed. However, if the veteran does not complete the program, harsher sanctions and incarceration may be an outcome, along with having their case transferred back to the traditional court.

Programs Offered

The Department of Veterans Affairs serves each veteran in an individual way. They are focused on repairing the relationship of the veteran, their family, and community. A veteran’s mental health is at the helm of their commitment to the veteran. The Veterans Justice Outreach program provides services to help with the veteran’s recovery (U.S. Department of Veterans Affairs, n.d.).

The outreach specialist is designated to a Veteran Affairs Medical Center, and links together the Veteran Affairs Department, veteran and the justice system. The medical center cannot treat
the veteran while they are incarcerated, but the outreach specialist, acts as the mediator, and provide services and resources to the veteran. The outreach specialist speaks with the court about the veteran and the veteran’s progression through the program (U.S. Department of Veterans Affairs, n.d.).

Veterans who are incarcerated will eventually be released and will have to reintegrate back into their communities. The Healthcare for Reentry Veterans program provide assessments for veterans who are in prison, resources to specific services like medical, mental health and substance abuse and case management, to help the veteran when they are released (U.S. Department of Veterans Affairs, n.d.).

Volunteer Veteran Mentors volunteer their time to help a fellow veteran in need. They provide support for helping the veteran find housing, employment, education services, transportation, filing out necessary paperwork for benefit claims, and any other service that they may need. These volunteer mentors are members of local associations, veteran organizations, higher education institutions, and other community veteran services. They support the veteran with their legal issues by attending court and speaking on their behalf regarding their progression through the program (Justice for Vets, n.d.).

**Arguments Against Veteran Treatment Courts**

The Veteran Treatment Courts offer many benefits to veterans who successfully complete the program. The focus of the veteran court is rehabilitation with accountability. Veterans are given an outlet from incarceration with an opportunity for rehabilitation. The benefits of rehabilitation in lieu of incarceration should be a turning point for the veteran to reintegrate back into civilian life (Lithwick, 2010).
Several arguments have arisen regarding why veterans are given a specialty court due to their issues, and why are not all individuals given a court that addresses their issues? Their argument poses the question of why Veterans should not be given special privileges just because of their service to their country? Lee Rowland of the American Civil Liberties Union of Nevada stated that “Veteran Courts provide free passes to veterans due to their military status to certain criminal defense rights that others don’t have.” (Lithwick, 2010).

Another ACLU director, Mark Silverstein, objected to the Veterans Treatment Courts due to which veterans are eligible for the court. He proposed that nonveterans should be inclusive of the legal help when involved in the criminal justice system if they have post-traumatic stress disorder. Also, civilians with mental health disorders, and substance abusers, should be allotted the same benefits as military service members (Lithwick, 2010).

The argument is not with Veteran Treatment Courts and their effectiveness, or who should or should not receive specialized services for their underlying issue that led to their criminal justice involvement, but with how the criminal justice system needs to be corrected. The traditional courts should take into consideration the success rates regarding recidivism and substance abuse (Lithwick, 2010).

The mass incarceration number alone should provide proof that incarceration is not a deterrent to crime. Non-violent offenders are incarcerated at substantial numbers. The non-violent veteran is given an alternative to incarceration and they have a remarkable success rate. The criminal justice system that is working for justice-involved veterans should be replicated in the traditional court system (Lithwick, 2010).
III. THEORETICAL FRAMEWORK

Problem-solving courts are not a new phenomenon in the criminal justice innovations of courts. Researchers may equate the problem-solving court’s foundation, to the first juvenile court in 1899, in Cook County, Illinois. The juvenile court focused on rehabilitation of the young offender instead of punishing them (American Bar Association, n.d.). Through therapeutic interventions, the juvenile would work through a program that addressed the underlying causes of the offense, and upon completion, return to society with a rehabilitated mindset, to live as a law-abiding citizen.

The problem-solving courts or specialty courts would be organized under three principles – orientation, collaboration and accountability. The orientation principle will address the underlying issues of the offender, victim or the community. A multidisciplinary team formed by both internal and external justice court officials and community service providers, will collaborate on justice focused ideals. The last principle, accountability, will hold all the parties involved in compliance and the court’s accountability to the communities they service (Porter, Rempel & Mansky, 2010).

The theoretical framework of problem-solving courts rests on the premise of therapeutic jurisprudence, accountability and the restoration ideals of justice. The Veteran Treatment courts uses these paradigms as a guide to help restore the Veteran to a law-abiding, civilian lifestyle. Each of these ideals, for justice, may be utilized together or deemed exclusive to the offender’s needs. Keeping society safe, is always the primary goal of the judicial system.

Specialty courts, like the Veterans Treatment Court’s theoretical framework is impacted by the therapeutic jurisprudence and restorative justice model. These models, similar in their response to the goals of justice, differ however, in how the law is applied to the offense. The therapeutic jurisprudence theory focuses on how the law affects and impacts the individual’s
psychological well-being, while restorative justice focuses on restoring the offender to their pre-crime state through rehabilitation and accountability for their actions and to the individuals who were harmed.

**Therapeutic Jurisprudence Theory**

Therapeutic jurisprudence, as a therapeutic agent in Veterans Treatments Courts, involves a multidisciplinary team, who indirectly serve as the therapeutic agents of change. The legal officials that impact the rules, procedures, and decision-making process of these courts consist of attorneys, judges, police officers, and other individuals in the legal setting. The Veterans emotional and psychological well-being is susceptible to their encounter with these legal officials. The encounter can be either therapeutic in nature or untherapeutic.

Therapeutic jurisprudence aggrandizes the use of its therapeutic potential regarding the psychological and emotional needs of the Veteran. Due to the Veterans underlying issues, which may consist of mental health disorders, substance abuse, post-traumatic stress disorder, or traumatic brain injury, all aspects of care must be incorporated into the therapeutic framework of treatment. Psychology and other behavioral health sciences provide insight into how to incorporate a therapeutic principle approach to the legal aspect of the problem-solving court.

Integrating the therapeutic jurisprudence model into the law serves as a therapeutic agent in combatting the underlying cause of the criminal offending. This therapeutic approach functions favorably for those Veterans who successfully complete the program of the Veteran Treatment Courts. However, traditional sanctions are given in response to Veterans who violate criminal orders and procedures set by the court (Derrickl & Callahan, 2017).

Judge Melissa Powers expounded on the therapeutic approach during her 2012-2016 judgeship over the Hamilton County Municipal Veterans Treatment Court in Ohio. She was a pioneer in approaching the needs of the justice involved veterans that frequented her court for
various substance abuse or probation violations. Her plight was to get the veteran exposed to help that would benefit them and their civilian society (Castellano & Scott, 2014).

The beginning of the first Veteran Treatment Court in Hamilton County under Judge Powers began April 5, 2012. The chosen multidisciplinary team screened applicants and participants were chosen to either accept or decline the offer of participating in the treatment court. The veterans, who accepted, voluntarily pled guilty and chose to follow the rules and guidelines set by the treatment court. Individualized treatment plans, set by the judge and the treatment team, would be the guiding light throughout the process (Castellano & Scott, 2014).

The treatment team would include a vocational rehabilitation specialist, peer mentors, which were veterans that were asked by Judge Powers to attend court informally, and substance abuse resources from the Veterans Affairs. Judge Powers targeted the veteran population with the highest risk and needs like substance abuse and mental health issues, and those that are homeless (Castellano & Scott, 2014).

The foundation, of therapeutic jurisprudence ideals, rest on how the legal proceedings affect the individual’s psychological and emotional well-being. Judge Powers took these ideals and actively incorporated them into the veteran’s treatment. She provided support not only inside, but also outside the courtroom setting for the veterans. Her approach imbibed these ideals and were effectively activated by her hands-on chosen treatment team (Castellano & Scott, 2014).

Veterans were required to participate in weekly meditation and deep breathing exercises that occurred inside the courtroom to help alleviate the added stress that comes from the justice-involved environment. Judge Powers was the first Veteran Treatment Court judge that required mindful yoga therapy to be practiced as part of their treatment. Since many veterans have experienced trauma, yoga helps calm the mind and body of stress. Many veterans shared that
yoga was beneficial and it helped to relieve their anxiety and insomnia (Castellano & Scott, 2014).

Giving back to the community through service projects and wellness activities was another focus of Judge Power’s treatment court. The veteran was required to participate in community service which allowed them to focus on continuing healthy habits outside of the program. Veterans were also required to present photos they obtained while in service. The courtroom served as the veteran’s photography showcase, and discussions were held with the veterans regarding their experiences on Veteran’s Day. The veteran was also encouraged to find any hobby that interested them and follow it through to help with their transition back into civilian life (Castellano & Scott, 2014).

The completion of three phases were required to successfully graduate, however, Judge Powers required the veterans to construct a life-plan. This plan was presented a week before the graduation ceremonies which allowed the veteran to share their experiences about the program with the other graduates. Maintaining recovery and a low recidivism rate shows the positive impact that the Veterans Treatment Court program had on the justice-involved veteran (Castellano & Scott, 2014).

The Ohio Department of Mental Health reported that there was a seventy-five percent reduction in post-traumatic stress disorders with the veterans who graduated from the program. Judge Melissa Power’s innovative approach to the Veteran Treatment Court graduated sixty-five veterans and had only a seven percent recidivism rate since 2012. Her contributions and therapeutic approach to this problem-solving court helped veterans reclaim and reunify with their families, communities, and civilian life and set the future precedent for judges involved with the Veteran Treatment Courts (Castellano & Scott, 2014).
Veterans, who have experienced war or stationed in a war zone, may be affected by mental illness, post-traumatic stress disorder, substance abuse and social disconnections. The social disconnection and avoidance behavior impedes the Veteran from integrating back into their civilian life. These latent behaviors and disconnect assent to the Veteran becoming involved in criminal activity if left untreated or undisclosed (Castellano & Scott, 2014).

**Restorative Justice Theory**

Veterans treatment courts, works with a multifunctional team, to restore the Veteran and extinguish any future connections with the justice system. The restorative justice approach is not the ideal province of the criminal justice system, it is only one goal. The traditional criminal justice system sentencing goals are retribution, incapacitation, deterrence, rehabilitation, and restoration (Criminal Justice International, n.d.).

Restorative justice, composed from several movements like the informal justice, victim rights, and the restitution/diversion movements, differ from the traditional criminal justice system regarding its ideals (Center for Justice and Reconciliation, n.d.). The Veterans Treatment Courts adopt these restorative justice ideals as a model for change. The public court system assumes the role of punishing the guilty, with little focus on rehabilitation, while the Veterans Courts’ views restoration and rehabilitation, for the veteran, as their primary role.

The primary role and/or goal of each court system is to protect society from crime. However, the way society is protected, and justice restored, differs with the traditional justice model and the restorative justice model. The rights of the individual are protected, and evidence is presented to the judge or jury, in the traditional criminal justice court, and a verdict is rendered. However, in a Veterans Treatment Court, the restorative justice model is used, and the Veteran assumes the responsibility of their criminal action while working towards restoring justice through various processes.
The enforcement of laws and the discretion of the police, prosecutors, and judges direct the path of the criminal justice system in traditional cases, while the involved parties in the Veterans Court guides the pathway to the restoration for both parties. These parties determine if and how justice is achieved and if both parties are satisfied with the outcome.

The traditional justice system protects individuals by due process, however, the restorative model may not satisfy the right to a fair trial or indulge in the presumption that the veteran may be innocent. Regarding race, ethnicity, and gender; the restorative justice model may be challenging to uphold while remaining non-biased when rendering justice. The traditional criminal justice model provides similar offenses with similar sentences, and the restorative justice model focuses on accountability with restoration at the helm (Center for Justice and Reconciliation, n.d.).

Crime rates have lowered, and this may be credited to either the traditional justice model, the restorative justice model or both. The traditional criminal justice system’s processes do not respond to the retributive and rehabilitative processes like that of the restorative justice model. Long-term success for keeping society safe, have not been proven to be representative of either of these models. However, the restorative justice model encompasses the victim’s rights, offender’s accountability, and the rehabilitation of the offender back to their pre-crime life in society. The restoration of the veteran offender, and their reintegration back into their community, is beneficial to all (Baldwyn & Rukus, 2014).

Julie Baldwin and Joseph Rukus examined the theory of the restorative justice model in the Veteran Treatment Courts in a 2014 article, “Healing the Wounds: An Examination of Veterans Treatment Courts in the Context of Restorative Justice”. Baldwin and Rukus used both quantative and qualitative data to explore if these problem-solving court’s restorative justice ideals are incorporated into goal of the Veteran Treatment Court. Due to the newness of this
specialized court, numerous studies have not been conducted as to whether the success rate of these courts prove to be futile or advantageous for the veteran and the civilian society (Baldwyn & Rukus, 2014).

This current study focused on a Veterans Treatment Court in the Southern part of the United States. Public defenders and judges would ask any defendant if they were a veteran. If the defendant was a veteran, they would then be asked if they would like to participate in a Veteran Treatment Court, or they may be directed automatically. All military personnel, both active and veterans, with any misdemeanor or felony charges (except homicide and rape categories) are accepted after eligibility requirements have been met. The Veteran Treatment professional team works closely with the court to devise a plan that would best suit the Veteran (Baldwyn & Rukus, 2014).

The veteran will work with a Veterans Justice Outreach Specialist who will make a treatment plan regarding their psychological and substance abuse needs. These treatment plans help navigate the multidiscipline professional team through each individual need of the veteran that must be addressed to restore the veteran to their pre-crime self. A mentor is also assigned to the veteran who will be their support through their Veteran Treatment Court’s processes (Baldwyn & Rukus, 2014).

The veteran will make court appearances and follow the rules and guidelines set by the Veteran Treatment Court professionals. Rewards and sanctions are imposed regarding the veteran’s progress through the program. Once the veteran has completed the requirements, graduation is granted solely upon the prosecutors and judges idea of success (Baldwyn & Rukus, 2014).
This case study, examining the restorative justice model ideals regarding Veteran Treatment Courts consisted of two phases – the exploratory phase and the interview and observation phase. The results of this case study showed a profound indication that the focus of the Veteran Treatment Courts has some roots in the restorative justice model, however, more research will have to be explored to state that this model helps with the restoration of the veteran (Baldwyn & Rukus, 2014).

Problem-solving courts, like the Veterans Treatment court, responds to the direct needs of the Veteran while offering an outlet from incarceration. This specialty court, with future research, will attempt to reorganize the traditional criminal court’s deficiencies when handling the specific needs of the offender. The therapeutic and restorative justice model, used in Veterans Courts, will be an effective way to incorporate a multidisciplinary approach, inclusive of the victim and community, into restoring the veteran.

Through therapeutic interventions, the Veteran will receive specialized treatment for their specific, underlying issues, which in turn, will help reduce the likelihood of them reoffending. The Veteran will be under close supervision by the multidisciplinary team, allowing for any concerns to be addressed promptly. The specialized dockets and the collaborative efforts of those involved should render a positive outlook for the veteran, their families, and communities.
IV. MEASURING LONG-TERM SUCCESS/FAIL RATES OF VETERANS TREATMENT COURTS

Veteran Treatment Courts are in the premature stages, of the problem-solving courts. The long-term success or fail data rates are in the process of being obtained. Since their beginning in 2009, the data collected have shown favorable results by providing the veteran with their own problem-solving court. By addressing the underlying causes of the veteran’s antisocial behavior, which may result in their involvement with the criminal justice system, veterans can receive and are linked with resources that are beneficial (DeAngelis, 2016).

Research conducted by Andrea K. Finley, PhD, of the Veteran Affairs Department of Palo Alto Health Care System, found that the veterans who were assigned to the Veteran Treatment Court, utilized the services provided by the Veteran Affairs Department. The veterans, with a mental health diagnosis, used the department’s services, ninety-five percent of the time, while eighty percent, who had substance abuse issues, utilized the services. Further research into these veteran’s treatment outcomes, showed that the veterans continued to seek treatment with the Veteran Affairs Department (DeAngelis, 2016).

Another study performed in Ohio, in 2014, reported that from the eighty-six veterans that participated in the study, only nine was rearrested during the 12 months of the program. While after six months of the program, only seven of the veterans were rearrested, and after twelve months, four veterans were rearrested. The recidivism rates shown in this study is shows a promising outcome for the veterans assigned to the Veteran Treatment Courts (Knudsen & Wingenfeld, 2016).

These success rates may be contributed to the various service opportunities that the veteran is linked to if their case is assigned to the Veteran Treatment Courts. The Veteran Affairs Department provide resources and services for the veteran regarding their mental health,
substance abuse, employment, and housing issues. The Veteran Treatment Courts are a beneficial asset to not only the future of the veteran, but their families, communities and countries. Future research is needed to validate the success or fail rates of these emerging courts.
V. RECOMMENDATIONS

The Veteran Treatment Courts have proven effective regarding recidivism and substance abuse rates. Veteran Courts, which focuses on the specific issues that a combat, justice-involved veteran encounter, based on the paradigms of the drug and mental health problem-solving courts, provides help and resources for the veteran. They implement a multidisciplinary contracted treatment plan to address all the issues that may have contributed to the veteran’s antisocial behaviors, which in turn led to involvement with the justice system.

The eligibility guidelines and requirements may hinder or deter a veteran in need of these services. These guidelines should be revisited to be more inclusive of all veterans. Veterans who have been charged with a violent or sexual crime, is not serviced by the Veteran Court. Due to the rising assault and intimate partner violence numbers, these veterans are in dire need of the Veteran Court programs that address this underlying issue.

Admission to the Veteran Treatment Court should also be revised to include all veterans. If a veteran finds themselves involved in the criminal justice system, they should be afforded the same right as any other veteran, regardless of who approves the admission. The Veteran Treatment Court links veterans to resources and support services that would benefit any service member regardless if they are combat veterans or active duty military service members.

If admission to the Veteran Treatment Court is not approved for the veteran, resources should be provided at a lower cost for the veteran. Traditional courts could also appoint veteran-specific attorneys to defend the veteran. They are more familiar with the veteran’s issues and would be more helpful as a legal defense. Veteran Justice Outreach Specialists, who offer support and connects the veteran to the Veteran Affairs Department, should be present in every courtroom. Their services would help the veteran with benefits from the Veteran Affairs, substance abuse, mental health, employment, and housing resources.
These recommendations would benefit the military service members, who serve the country. The underlying issues that service members experience could be addressed and controlled through the services of the Veteran Treatment Court’s program. The veteran, their families, community, and the country would be a support and resource to the family when the program has proven and will continue to prove successful while they reintegrate into civilian life.
VII. BIBLIOGRAPHY


