

## RESEARCH ABSTRACT

### National Institute of Justice's Multisite Evaluation of Veterans Treatment Courts<sup>1</sup>

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Extensive research indicates that a distinct constellation of issues and needs may be related to military service or training, and that veterans have a higher prevalence of specific challenges shown to be related to illegal or hostile behavior, potentially increasing their risk for contact with the criminal justice system. Of all the publicly funded responses to the intertwined problems of crime, mental illness, trauma, and substance misuse among veterans, the most recent programmatic innovation has been the rapid rise and diffusion of the veterans treatment court (VTC). VTCs are a type of problem-solving court program that targets persons with a history of military service (military veterans and servicemembers) who are in contact with the criminal justice system. Their purpose is to address participants' unique needs and the underlying causes of their criminal behavior through services and treatment, as well as enhanced supervision. VTCs aim to improve participants' quality of life, reduce recidivism, and improve community safety. There are now over 600 VTCs and veteran-focused court programs operating in the majority of the United States. Although VTCs continue to rapidly propagate, empirical research on these programs is significantly lacking.

#### Research Questions

The purpose of this study was to better understand the various VTC program approaches, populations served, participant substance misuse and mental health needs, and basic program and participant outcomes. We conducted a comprehensive longitudinal multisite process, implementation, and short-term outcome evaluation. The study was designed to address four general research questions: (1) What are the structures of the VTC programs? (2) What are the policies and procedures of the VTC programs? (3) What populations are the VTCs serving? (4) What are the basic program and participant outcomes? Outcomes examined include graduation and termination rates, as well as recidivism in terms of self-reported arrests.

#### Methods

This study is exploratory in its examination of a convenience sample of eight VTC programs across three Southern states (Florida, North Carolina, and Texas) between July 1, 2016, and June 30, 2019. Study sites were chosen due to differences in caseload, length of operation, eligibility and admission requirements, treatments and services provided, and county demographics. We triangulated information collected through program document review, researcher observation and survey, participant interviews, and VTC team member surveys across the eight sites, as well as data from archival records on participant characteristics and program status provided by seven of

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the VTC programs. The research protocol, including informed consent and all instrumentation, was approved by the appropriate university Institutional Review Board (IRB) and federal entities and archived with the desensitized data for public access.<sup>2</sup>

### *Secondary Data*

Secondary data sources included program documentation, docket lists, and progress reports obtained from all eight VTCs, as well as archival agency records available in seven sites.

**Program Documentation.** All available program documentation (policy manuals, participant handbooks) was obtained before the field data collection began (July 2016), and new documentation was received as it was created or revised throughout the project period.

**Docket Lists and Progress Reports.** All eight VTCs provided the researchers with the courts' docket lists and/or progress reports. Progress reports typically provide the team with participant profiles (military branch, criminal offense, program phase, treatments mandated, and plea status), and compliance and progress information of those who were scheduled to appear in court that day (those who are listed on the docket). Some of these data were (and are still being) input into research datasets, which has become increasingly valuable as one of the eight VTCs was unable to provide archival data and recordkeeping was not standard across the other programs. These data are only minimally utilized in this report, specifically for comparative analyses between participants who were successfully recruited for interviews and the overall sampling frame.

**Agency Records.** Archival agency records were obtained from seven of the eight VTC programs between December 2019 and February 2020, after field data collection ended.<sup>3</sup> These data are comprised of information related to participant characteristics, progress, and compliance. The information contained varied by program as recordkeeping was not standard; variables ranged from participant demographics to military status and history to legal charges and VTC status (graduated, dropped out, or terminated). The agency records identified a total of 1,267 participants in seven of the programs during the full calendar years within which the study fell (2016-2019). Because this group was larger than the sample of 318 interviewed participants, this allowed us to create a more general depiction of the types of participants in these programs. The agency record data were used to both confirm self-report interview data and contribute additional variables for analysis.

### *Primary Data*

Primary data was collected through interviews with VTC participants, surveys of team members and research affiliates, and observations of both VTC sessions and VTC team meetings (staffings).

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<sup>2</sup> See forthcoming data deposit at ICPSR (<https://www.icpsr.umich.edu/web/pages/NACJD/index.html>).

<sup>3</sup> One site was unable to provide agency data in time for this research due to extenuating circumstances. In that program, only one team member had access to these data. Although the team and on-site researcher made extensive efforts to retrieve the data, their efforts were futile. Because information on all variables are not available across all courts, its use for outcome and comparative analyses is limited. For a summary of limitations, please see the Conclusion, Limitations, and Future Research section, and the final report for a more detailed discussion.

**Participant Interviews.** Across the eight VTCs, a total of 318 VTC participants completed in-depth baseline interviews for a response rate of 55%. A portion of participants also engaged in in-depth follow-up interviews at 12 and 24 months post-baseline. During the baseline interview recruitment phase, the Principal Investigators (PIs) worked with the on-site researchers to recruit study participants through in-court announcements and recruitment flyers. Incentives were gift cards in incremental amounts: \$20 at baseline, \$40 at 12-month follow-up, and \$60 at 24-month follow-up. Of the 318 participants who completed baseline interviews, 134 agreed to sit for a 12-month follow-up interview for a response rate of 42%. Finally, 48 of the participants interviewed in the study's first year participated in the 24-month follow-up interview. Interview lengths ranged from 45 to 120 minutes. The length was dependent on participant responses in terms of how detailed their responses were and which skip patterns were triggered by their responses. Skip patterns were used to bypass or initiate items and ancillary packets. Interview topics include race/ethnicity and other demographics, military service, criminal case history, alcohol and other substance use and misuse, housing stability, mental health, and VTC program, treatment, and ancillary service experiences.

**VTC Team Surveys.** Surveys were completed by 99 team members in the eight VTCs (a response rate of 82%). Throughout the study period, each team member was asked to complete a confidential survey (once per team member). As new individuals joined VTC teams, they were asked to complete the survey. Surveys covered respondent demographics, VTC program information, contingency management procedures, interactions with the VTC, and perceptions of: the team and team dynamics, defense and prosecution, participant eligibility and referral, treatment and ancillary services access, alcohol and drug testing, monitoring and graduated sanctions, continuing education and VTC team improvement, community support for the program, and VTC program operation.

**Treatment Provider Surveys.** Surveys were constructed specifically for treatment providers with any VTC participants on their caseloads; each treatment provider serving VTC participants was asked to complete a confidential survey in the same fashion as the team member survey. However, these response rates were low with a total of 12 treatment providers across sites completing the survey, and these data are excluded from this study. Inability to obtain adequate response rates was likely due to the on-site researchers having little to no direct contact with the treatment providers, the vast majority of these providers having no part or connection to the VTC team, and their caseloads being largely comprised of non-VTC participants. In the rare cases where a treatment provider also served on a VTC team, they were requested to complete both a team member survey and a treatment provider survey.

**Fidelity of Implementation Surveys.** The fidelity of implementation (FOI) survey was developed independent of this study.<sup>4</sup> The instrument is comprised of 13 scaled items related to the Ten Key Components of VTCs, as well as the role that mentors play in participants' lives, whether the VTC uses a comprehensive assessment for treatment and trauma, and whether the

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<sup>4</sup> In 2015, Dr. Kevin Baldwin of Applied Research Services Inc. copyrighted the Veterans Treatment Court Fidelity of Implementation Goal Attainment Scale developed for the Georgia Criminal Justice Coordinating Council with support from the Bureau of Justice Assistance. He gave his express permission for the PI to utilize his instrument in the current study. The instrument was not altered for this study and has not been validated.

VTC has relationships with the U.S. Department of Veterans Affairs (VA) and the Veterans Justice Outreach (VJO) Program. These surveys were completed quarterly by the team members and on-site research affiliates across the eight VTCs, resulting in 476 data points over 3 years.

**VTC Docket and Staffing Observations.** The on-site researchers observed staffings and dockets for the eight VTCs, and recorded key elements using semi-structured instruments throughout the study period. Data are being compiled but are not yet analyzed.

### *Analytic Plan*

Research analyses are ongoing with a portion of the data remaining to be examined. Data analyses conducted include content analysis, as well as thematic coding to quantify themes and other variables in qualitative information. Quantitative analyses include univariate and bivariate descriptive statistics that describe single and correlated variables, and Chi-square tests of hypothesized relationships between variables.

### **Results**

Results indicate both variabilities and similarities across programs. Across all eight VTCs, team members included the following roles: judge, prosecution, defense counsel, probation, court coordinator, and VJO. However, 11 additional roles were present on the VTC teams across sites. Programs used different eligibility and exclusion criteria across five areas: military discharge status, criminal history, current charges, extra-legal issues (underlying causes of the criminal behavior, such as substance use disorders and misuse, mental health issues, and homelessness), and nexus (offense or issue is related to military service). Although identification of potential participants varied, team members across many programs felt that the identification processes could use improvements. While all VTC programs utilized incentives and sanctions, issues reported related to the implementation of sanctions in a graduated or consistent manner, and to whether participants were fully aware of behaviors that would result in sanctions. Additionally, team members reported that their programs needed to identify a wider array of incentives. Across the eight VTCs, the majority of participants were required to participate in random drug and alcohol testing (90%), mental health treatment (73%), and substance abuse treatment (72%) as a condition of their VTC participation. Slightly less than half reported having to plead guilty to an offense (the offense they were charged or a lesser offense) to enter the VTC program, and nine out of ten reported receiving a written contract upon entering their respective VTC program.

The mean age and characteristics of program participants varied across the VTCs. Participant ages ranged from 22 to 91 years, with average age per program between 37 to 46 years. The majority overall were male and White, although a third or more were Black or Hispanic in any given program; one program had a majority of Hispanic participants. The majority of interviewed participants were veterans of the Army and recent conflicts (i.e., Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn); most had been in combat zones and reported both physical and psychological injuries as a result of their service. Half reported being arrested prior to the offense that brought them to the VTC program. Slightly more than half did not feel that their drug or alcohol use was a problem, but the majority of participants did think that at some point in their lifetime they had a drug or alcohol problem, with

roughly half having previously been in a drug treatment program. Furthermore, nearly half agreed that their substance use was the cause of their legal problems, and more than a third agreed that the VTC treatment program might be their last chance to solve their drug problems. The majority of participants reported use of alcohol and marijuana; and a substantial number reported using stimulants at some point during and after their military service.

The most common mental health issues reported were aggression, depression, insomnia, and post-traumatic stress disorder (PTSD). Half of the participants reported they had experienced hazing, with the majority of these experiences (77%) occurring while in the military. Approximately one third reported experiencing physical abuse in their lifetime. More than one quarter had experienced sexual harassment; just over half of those victims reported that the sexual harassment was experienced during their military service.

Regarding outcomes, archival program data reveal that graduation rates were above 75% for six of the eight VTC programs. Over half of those who participated in the follow-up interviews reported still using alcohol at both 12- and 24-month follow-up interviews; for marijuana, roughly one quarter of the participants reported still using at follow-ups. Among interviewed participants, 10% reported being re-arrested in 12-month follow-up interviews (n=134), and 2% reported re-arrests at 24-month follow up (n=48). Rates of re-arrest varied somewhat across programs.

## **Discussion**

This study was the first to focus on VTC processes using multi-site longitudinal data from VTC programs operating in different states. With the national landscape of VTCs being highly diverse, the eight VTCs were chosen based on the variability of numerous key characteristics to purposely produce an in-depth examination of a variety of programs. The varied research sites provide a diverse picture of VTC structures, processes, and participants, but the findings are not intended to be generalizable to every program. The PIs highly encourage readers to not only critically assess this study's findings and recommendations, but also consider them in conjunction with their own programs' characteristics, resources, and abilities.

Additionally, this study is the first to focus on the identification practices of multiple VTCs. In this examination, we acknowledge that not all persons arrested or convicted with a history of military service want to be identified. Furthermore, this study neither addresses: (1) the ethics of the identification of those with military service histories by the criminal justice system or the VA, nor (2) their feelings, perceptions, or beliefs regarding the identification of military status by any entity, including the criminal justice system or VA.

This study intended to obtain reliable and valid data regarding participant characteristics, program policies and practices, and participant and program outcomes for all eight VTC programs. Although useful, the agency record data had several limitations. First, agency records were only available at and obtained from seven of the eight VTCs; the agency record data was not retrievable by the VTC team in one site. Also, one of the VTC programs was unable to provide criminal history and other agency record data for 2016-2019, which inhibited our ability to examine the sample of participant interviews with the total population of program participants on available demographic and legal characteristics. These issues raise broader concerns

regarding team access to, and availability of, participant data for internal program and external stakeholder purposes. VTC programs should ensure that more than one team member has access to, and knowledge of, all software programs and databases where participant information is stored.

Second, the data obtained from the seven remaining VTC programs were not recorded in a standard manner, so information available for analysis was uneven across the study sites. Four programs were not able to provide information on the military branch or criminal charges for participants. One VTC did not provide data related to the race/ethnicity of the participants, and three sites provided information on race but not ethnicity. It is likely that Hispanic participants in some programs were counted as White, and the percentage of participants who are Hispanic may be slightly larger. Moreover, because information on a set of variables are not available across sites, analysis of participant characteristics and outcomes is limited by smaller sample sizes, and comparative analyses across the full set of VTC programs is not feasible.

The project was successful in collecting primary information via semi-structured site observation and program documentation review, as well as VTC team and fidelity of implementation surveys, but had mixed success regarding response rates for participant interviews and treatment staff surveys.

The study did not focus on those who were not identified as potential participants, were ineligible for VTC admission, or decided not to accept admission into the VTC program. Because we recruited participants to be included in our study from VTC court dockets, very few veterans who were still in the decision-making stage about enrolling in the VTC program are in the study. Future studies should endeavor to capture data on these groups of justice-involved veterans or servicemembers to determine any differences between them and VTC participants with respect to many of the characteristics that were examined here.

From a research standpoint, the descriptive results contained in this report are illustrative of the benefits of a mixed-methodological approach to field-based evaluation research. Because of such vast variation in programs, outcome and impact evaluations must be accompanied by process and implementation evaluations. This study identifies particular areas of program variability and challenges that face researchers, as well as practitioners interested in evaluating their programs. The project deliverables include a final report, executive summary, data package (methods write-up, data sets, code books), presentations (practitioner-oriented and scholarly), and peer-reviewed articles (academic and practitioner).<sup>5</sup>

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<sup>5</sup> The executive summary and final report are archived for public access at the National Criminal Justice Reference Service at <https://www.ojp.gov/ncjrs/new-ojp-resources>.