

Healing the Wounds: An Examination of Veterans Treatment Courts in the Context of Restorative Justice

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Abstract

Controversy exists regarding whether specialized courts, specifically drug courts, adhere to the restorative justice model. Veterans treatment courts (VTCs) are the newest programmatic innovation in the specialized court arena and have not been widely studied to date. This study utilizes data from the first in-depth case study of a VTC and explores whether it embodies the restorative justice ideal. Using both quantitative and qualitative data, we find that the VTC does not fully embody the restorative justice agenda, but it adheres closer to the ideal than drug courts.

Keywords

veterans court, veterans treatment court, restorative justice, restorative practice, specialized courts, criminal justice policy

Introduction

The veterans treatment court (VTC) is the specialized court movement's most recent addition to the criminal justice system. The general goal of the VTC is to address the underlying causes and correlates of a veteran's criminality (e.g., mental illness, lasting effects of trauma, substance abuse) to reintegrate and restore the veteran to society and reduce or eliminate future contact with the criminal justice system. VTCs are not military courts (courts-martial) because they operate within the public court system, dealing with the public criminal laws. They are modeled after drug courts¹ and have emerged due to (a) an increase in veterans in contact with the criminal justice system

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and (b) the understanding that veterans experience a constellation of issues related to military experience and/or training that may lead, directly or indirectly, to contact with the criminal justice system.

VTCs aim to divert veterans from the criminal justice system into non-traditional channels of justice, providing veterans with appropriate treatment as determined by the VTC team. The VTC team generally consists of the judge, attorneys, and Veterans Affairs (VA) and non-VA treatment and service providers. For example, if a veteran enters the criminal justice system in a jurisdiction where a VTC is in operation, his or her case may be transferred to the VTC docket. Once transferred, the VTC team evaluates the veteran and the case to determine eligibility, and if the veteran and the case are eligible, the VTC offers the veteran participation. If the veteran accepts the offer, the veteran is expected to participate in and receive certain treatments and services, as well as comply with specific court mandates, in lieu of incarceration. If the veteran chooses not to participate or is continually non-compliant in the program, the case is terminated in the VTC and transferred back to the traditional court of origin.

Although few systematic examinations of VTCs have been conducted to date (see Baldwin, 2013a, 2013b, in press), this examination explores whether the VTC fits the restorative justice model. Restorative justice is a conceptual umbrella encompassing a wide range of practices, approaches, definitions, and theoretical roots (Shapland, Robinson, & Sorsby, 2011). It has been argued to have multiple birthplaces, and its applications can be found in the corporate, civil, political, and criminal arenas (Roche, 2006). As we specifically examine a VTC in the context of restorative justice, we are concerned with restorative justice in the criminal arena because the VTC exists within the criminal justice system. We use Braithwaite's conceptualization of restorative justice due to its focus on both process and outcomes and its use in the area of criminal justice/criminology.²

Restorative justice has emerged as a response to the often-perceived failure of legal interventions to lower crime rates, and it features diversions from the formal criminal justice procedures. It is an outgrowth of Braithwaite's (1989) shaming theory. Braithwaite contends that criminal justice sanctions primarily fall into two categories, retributive and rehabilitative. Believing neither of these methods is satisfactory as a long-term strategy for enhancing public safety, Braithwaite (1999) argues that restorative justice represents a much-needed third path. In contrast to punitive punishment and therapeutic jurisprudence, restorative justice takes a holistic approach, bringing offenders, victims, and community stakeholders together with the goal of productively reintegrating offenders back into their communities. Key to achieving this objective is the group conference where offenders meet with victims and stakeholders to work out plans to restore those affected by the offenders' criminal activities. It is this inclusiveness and desire to make parties whole that Braithwaite believes gives restorative justice the potential to create better outcomes for all involved (Braithwaite, 1999).

Restorative Justice and the Specialized Court

Controversy exists as to whether specialized courts adhere to the restorative justice agenda. Specifically, drug courts, which VTCs are modeled after, have come

under scholarly scrutiny. Advocates argue that, unlike traditional incarceration, drug courts can turn a criminal justice sanction into a beneficial intervention, resulting in reintegration. When effective, drug courts give offenders the space they need to address their addictions and obtain employment, which benefits all stakeholders (Fulkerson, Keena, & O'Brein, 2013; Heck, Rousell, & Culhane, 2009; Lutz & van Wormer, 2007). However, critics contend that drug courts have strayed too far from the restorative ideal. O'Hear (2009) finds court mandated and supervised treatment regimens coercive and that the high level of judicial involvement gives the judge too much power over the process. In addition, O'Hear fears that drug courts place many participants in worse situations because defendants can face longer terms of incarceration in comparison with traditional court sentences if participants are unable to meet treatment goals—a major concern as failure rates can reach as high as 66% in some drug courts (General Accountability Office, 2005).

Braithwaite (2001) hedges on the issue stating, "Some would say this program of criminal justice reform [restorative justice] could be implemented by drug courts. Perhaps it could. That is an empirical question" (p. 243). In contrast to O'Hear (2009), Braithwaite is only minimally worried about the coercive elements often involved with a drug court transfer. Instead, he views drug-based contact with the criminal justice system as a signal that an intervention is warranted and strong persuasion from legal actors to accept a drug court alternative as a means to a beneficial end. Quoting Braithwaite in regard to substance abuse, "All the criminal justice system needs to provide is the gravitas, perhaps even the sword of Damocles, to trigger the ritual movement where the just and loving engagement of family and friends might motivate rehabilitative resolve" (p. 243). However, he contends that if the resulting restorative conferences and treatment regimens that emanate from a forced criminal justice intervention fail to take into account the voices and needs of all stakeholders, including victims and defendants, such interventions may not succeed, a common issue faced by restoratively oriented programs (Wood, 2013). In this vein, Braithwaite shares O'Hear's concern regarding the role of the judge and fears the hierarchical nature of a process led by an omnipotent judge. "Family love and empowerment seem crucial ingredients to success, and a court controlled by a judge seems an unlikely place for these to flourish" (Braithwaite, 2001, p. 243). Braithwaite's vision of court-coerced substance abuse treatment is to nudge troubled defendants to a point where they voluntarily and willingly accept the resources offered to them. However, VTCs have unique characteristics that may address some of Braithwaite's and O'Hear's critiques.

The Present Study

Using quantitative and qualitative results from an in-depth case study of a VTC, this study explores whether the structure, process, and effect of a VTC embodies Braithwaite's idea of restorative justice. First, we examine whether the characteristics of the restorative justice ideal are present within the structure, composition, and

function of the VTC. Second, we address O’Hear (2009) and Braithwaite’s (2001) concerns regarding the restorative ideal in drug courts and show how the VTC deviates from drug courts, resulting in a stricter adherence to restorative justice. Third, we review the experience and perception of VTC participants to determine whether their experience is more restorative than punitive.

This study is unique for several reasons. While restorative justice evaluations have primarily focused on youth offenders (Shapland et al., 2011), this study’s sample is solely comprised of adults. In addition, as every restorative justice event is distinct (Shapland et al., 2006), the detailed qualitative data utilized in this study allow for insight into the nuances of interactions within the VTC’s complex processes. Furthermore, the qualitative data provide a depiction of the experiences and perceptions of VTC participants, which allow for an examination of whether the VTC model is producing a more punitive or restorative experience.

VTCs are a new and evolving phenomenon in the criminal justice system. The model examined in this study is one of the many emerging models across the country—specifically, 114 VTCs were in operation in the United States as of November 2012 (see Baldwin, 2013a, 2013b, in press). To put the study in context, we briefly summarize this specific VTC’s process. This explanation is derived primarily from the observations and personnel interviews (discussed in “Method” section).

Operation of the VTC

The current study examines a VTC in the Southern United States. Public defenders and judges in the county are aware of the VTC and ask defendants whether they are veterans. If the defendant is a veteran, either the defendant is asked if he or she would like the case to be transferred to the VTC or the case is automatically transferred to the VTC where the veteran is asked if he or she would like to participate at the first appearance in VTC. The VTC team reviews the cases on the docket at their weekly team meeting prior to the weekly court session. This VTC’s target population is very inclusive in comparison with those nationally as it accepts veterans with any type of discharge status, both veterans and active duty military personnel, and both misdemeanor and felony charges with the exception of homicide and rape categories (see Baldwin, 2013a, 2013b, in press).

Eligible veterans are asked at their first VTC appearance whether they want to participate. If they agree, participants work with the Veterans Justice Outreach Specialist (VJO); the VJO creates a treatment plan custom tailored to the unique needs of the veteran (e.g., mental health, substance abuse). Treatment plans normally include programming believed to be beneficial (e.g., treatment for substance abuse, post-traumatic stress disorder treatment, anger management). The prosecutor, in concert with VTC team, may impose legal mandates (e.g., probation, restitution, community service). If believed to be helpful, the mentor coordinator assigns a veteran mentor to assist the veteran in navigating the system and providing a support system, and the mentors report progress and challenges to the mentor coordinator. The plan is agreed on by the VTC team and then presented to the veteran in either court by the team or

prior to court by his or her attorney. Some veterans request changes to the plans, which are then discussed in court, and changes may be made by the VTC team. If the veteran does not want to participate, the case is immediately transferred back to the court of origin. If the veteran chooses to participate, he or she begins the tailored and agreed-upon program.

Participants are then required to make regular court appearances (i.e., 1 to 2 times a month in the beginning), and the VTC team evaluates offender progress during team meetings and in court. Dissimilar to many drug courts, there is no set path through the program, as a whole, through specific phases or a set reward and sanction ladder. Figure 1 illustrates this process; this figure also lists some of the rewards and sanctions that may be applied. Graduation from the program is entirely dependent on the judge and prosecutor's definitions of success. Definitions of success vary among the VTC team members and are listed in Table 1. If the veteran successfully completes the plan, charges are reduced or dropped. Individuals consistently failing to comply with the treatment and legal mandates are terminated and sent back to the case's court of origin where they are adjudicated within the traditional judicial process.

Method

The data used in this study come from an in-depth case study of a VTC in the Southern United States and were collected through observations of team meetings and court sessions and interviews with VTC personnel and veteran offenders. The data were collected in two phases. In Phase 1, the exploratory case study method was employed because no research existed on VTCs at the time. Exploratory case studies are used to obtain an understanding about various programs, policies, or other subjects of inquiry where there is uncertainty or no current knowledge (Datta, 1990; Davey, 1991). Between September and December of 2011, informal direct observations of team meetings and court sessions and informal interviews and conversations with the VTC team members were conducted. The exploratory data from Phase 1 informed the construction of the formal observation and interview instruments used in Phase 2.

Phase 2 consisted of the formal interviews and observations. From May through September of 2012, formal interviews of VTC team members and formal observations of team meetings and open court sessions were completed. From June through September of 2012, interviews with veterans appearing in the VTC were conducted. Veterans appearing before the court were handed a recruitment letter. After review of the letter, either interview appointments were immediately scheduled, the principal researcher recorded their contact information and contacted them at a later date to schedule interviews, or the principal research provided the veterans with her contact information and waited to be contacted by the veterans. At the interview, the researcher provided the participants with and read aloud the letter of consent; they then signed one for the researcher and kept a second for themselves. Audio file names were titled as the corresponding veteran code numbers and were transcribed by a team of research assistants. Names and nicknames of the veterans, if contained within the audio files, were not transcribed. The transcripts were independently triple-checked by a team of

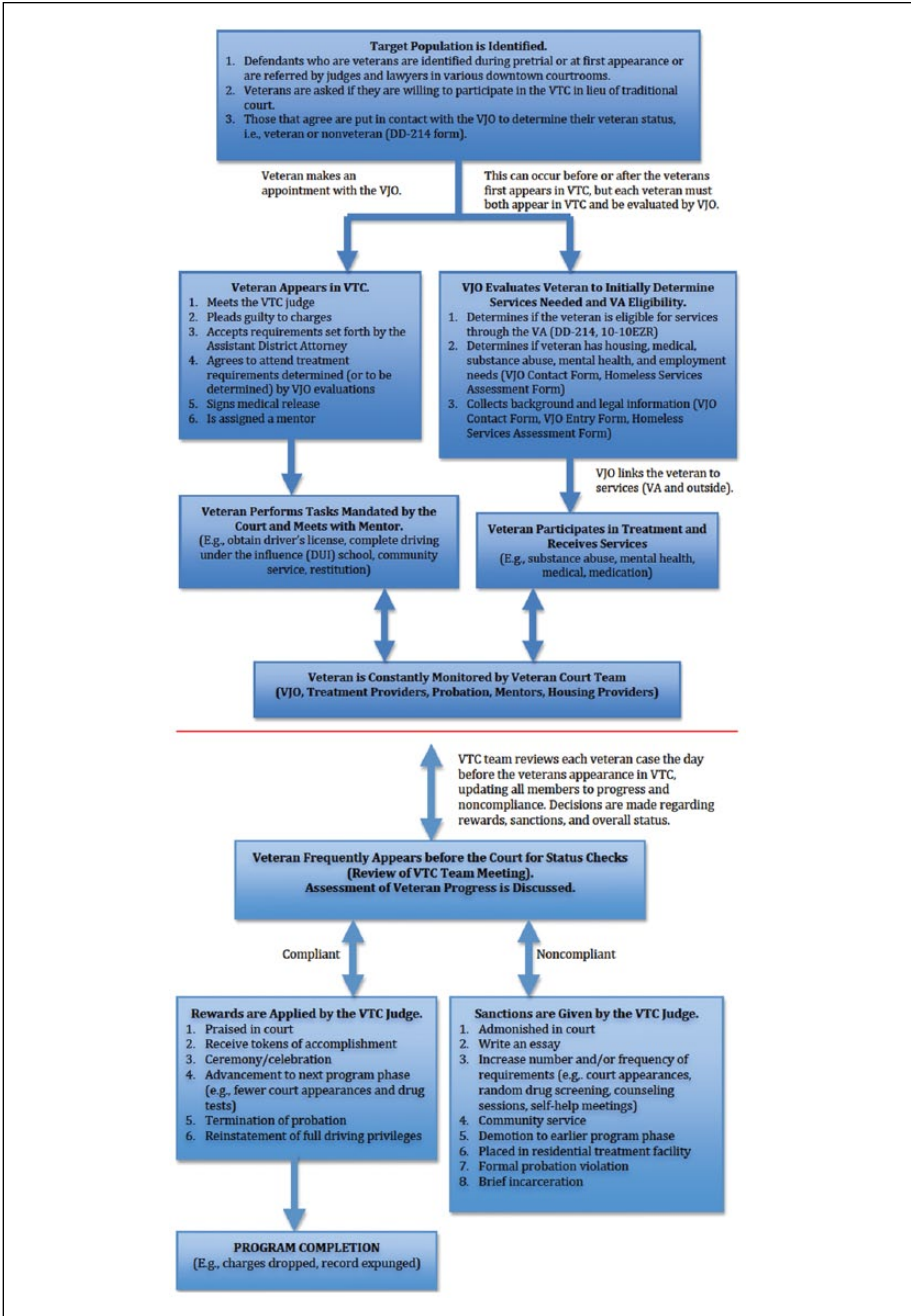


Figure 1. Service Utilization Plan.
Note. VTC = veterans treatment court; VJO = Veterans Justice Outreach Specialist; VA = Veterans Affairs

Table 1. VTC Team Members' Definitions of Success.

VJO and community treatment coordinator	Clinical compliance: Attended all treatment appointments
Probation	Remains in compliance under terms of probation
Public defender and prosecutor	Completed all court obligations and clinical compliance
Mentor	Readjustment, acknowledgment of issues, change in attitude
Judge	Has achieved clinical and court compliance, had a change in attitude

Note. VTC = veterans treatment court; VJO = Veterans Justice Outreach Specialist.

research assistants. Once all transcripts were complete and deemed accurate, the audio files were destroyed.³

Several steps were undertaken to ensure accuracy in data coding and entry. The research team entered the quantitative data from all of the instruments, which underwent three independent checks. For the qualitative data contained in all of the instruments and transcriptions, the research team thematically coded all responses independently. Once all responses were coded by each team member, the principal investigator compared each response code for accuracy and combined codes where necessary.

The Samples

Team meeting and VTC session observations. Results pertaining to whether the structure, composition, and function of VTCs embody the restorative justice model use data from the informal (Phase 1) and structured (Phase 2) observations of the VTC team meetings ($n = 19$ meetings) and of the court sessions ($n = 21$ sessions). Of the 19 team meeting observations, 12 were informal, and 7 were structured. Of the VTC session observations, 13 were informal, and 8 were structured. The lower number of structured observations resulted from the timing of Phase 2 occurring over a 14-week period during the summer of 2012. The VTC was expected to conduct 14 meetings and 14 sessions, but approximately half were canceled at random due to team member vacation schedules. The formal and informal observations were combined because the items related to components of restorative justice were located in both the formal and informal observations.

Personnel interviews. All VTC personnel ($n = 10$) were interviewed twice (once in Phase 1 and once in Phase 2), and the data related to restorative justice ideals used in this study come from the formal interviews in Phase 2. VTC team members include one judge, two public defenders, one assistant district attorney, one treatment/service coordinator, two mentor coordinators, one VJO, and two probation officers. Six team members are male, and four are female. Six of the team members (i.e., the judge,

Table 2. Participating and Non-Participating Eligible Veterans by Group ($n = 123$).

Group	Participated ($n = 59$)	Refused outright ($n = 5$)	Initially agreed but did not schedule ($n = 24$)	No show ($n = 12$)	Unable to be interviewed ($n = 23$)
Began participation in Phase 2 (Group 1)	20	1	—	3	3
Already participating at Phase 2 (Group 2)	26	1	9	8	15
Opt out	7	1	7	—	—
Drop out	—	—	—	—	—
Terminated	1	—	1	1	3
Graduated	5	2	5	—	2
Unknown	—	—	23	2	—

primary public defender, treatment and mentor coordinators, and primary probation officer) are veterans.

Veteran interviews. Items obtaining information on the experience and perception are located in the veteran interviews ($n = 59$), which averaged approximately 1.5 hr. During Phase 2 of data collection, 129 veterans (94% of the VTC case population, $N = 138$) were on the VTC docket and were thus discussed in the team meetings and called in court sessions. These 129 veterans consisted of five groups; Table 2 displays the participating and non-participation numbers by group. “Group 1” entered VTC during Phase 2, while “Group 2” was already participating at the start of Phase 2. The “opt out” group was offered the opportunity to participate but chose not to participate in VTC. The “graduate” group graduated during Phase 2, and “terminated” includes veterans who were terminated by the VTC during Phase 2. No veterans who appeared during Phase 2 dropped out of the VTC.

After eliminating for VTC ineligibility and recruitment restrictions,⁴ the sampling frame was reduced from 129 to 100 veterans. These 100 veterans were approached and provided a recruitment letter. While 95 agreed to be interviewed,⁵ this population was difficult to contact outside of court. Sixteen did not return any of the three contact attempts. Twelve scheduled interviews but neither showed up nor returned the subsequent contact attempts. Twenty-four veterans who provided their contact information were unreachable, and eight had phone numbers that were not in service at the time of attempt.

A total of 59 veterans were interviewed, resulting in a 48% overall response rate and 42% of the VTC’s participant population at that time ($N = 138$). To achieve a more accurate picture of the response rate and to calculate the cooperation, refusal, and contact rates, we utilized the American Association for Public Opinion Research’s (AAPOR) Response Rate Calculator for the 129 veterans (appeared on the docket during Phase 2). Using the information on eligibility, participation, refusal type, and other exclusions, outcome rate categories were created and used to compute the AAPOR rates, which are listed in Table 3. Cooperation rates varied greatly with COOP1 at 60%

Table 3. Rate Estimates.

Estimates	%
Response rate	
Response rate 1 (RRI)	48.0
Cooperation rate	
Cooperation rate 1 (COOP1)	59.6
Cooperation rate 3 (COOP3)	92.2
Refusal rate	
Refusal rate 1 (REF1)	4.1
Contact rate	
Contact rate 1 (CON1)	80.5

and COOP3 at 92%. COOP3 rate is higher because it defines those who are unable to be interviewed as incapable of cooperating. The refusal rate is low at 4%, and the contact rate is 81%. This group of individuals was difficult to contact with 24 being unreachable after agreeing to participate.

The participant sample’s demographics and military characteristics are displayed in Table 4. The majority of the sample is male (95%), White (56%), or above 50 years of age (31% between 51 and 60, 20% 61 or older). The majority have been honorably discharged (93%), served in the Army (37%), or served in the Vietnam (37%), or post-Vietnam (32%) eras. The majority did not serve in a legally classified combat zone (61%), were deployed (54%), or suffered some type of mental or physical injury in service (75%), but were not discharged due to these injuries (only 25% of those with injuries were discharged due to those injuries).

Results and Discussion

Results discussed here address whether the VTC adheres to the restorative justice model. In addition to examining whether the characteristics of restorative justice are evident within this VTC, we address O’Hear (2009) and Braithwaite’s (2001) concerns of restorative justice in drug courts. Specifically, we compare certain aspects VTCs and drug courts through the lens of restorative justice because drug courts have been examined (arguably unsuccessfully) using the restorative justice framework. In addition, we explore the experience of VTC participants, focusing on whether their experience is more restorative or punitive.

Variety of Stakeholders: Bringing the Community, Victim, and Offender Together Voluntarily

Restorative justice holds that stakeholder inclusivity is a vital ingredient in achieving positive outcomes and involves a variety of stakeholders in the process, transforming the sanctioning ritual into an experience that benefits both individual and community stakeholders. A wide range of stakeholders are brought together in the VTC process. In the VTC studied, the civilian community (community treatment providers, offender’s

Table 4. Veteran Participant Demographics.

Demographic	% (n = 59)
Sex	
Male	94.9
Race/ethnicity	
White (non-Hispanic)	55.9
Age	
18-20 years of age	—
21-25 years of age	6.7
26-30 years of age	8.4
31-40 years of age	13.5
41-50 years of age	11.8
51-60 years of age	30.5
61+ years of age	20.3
Missing	8.4
VJO's evaluation diagnosis (not mutually exclusive)	
Substance abuse	45.8
Mental health	44.1
Homelessness	11.9
Physical health issues	5.1
Need benefits	1.7
Transportation	1.7
Mentoring	1.7
Does not apply—Never evaluated	22.0
Veteran status	
Enlisted	1.7
Honorable discharge	93.2
General discharge on honorable conditions	1.7
General discharge	3.4
Branch	
Army	37.3
Navy	20.3
Air force	18.6
Marine corps	16.9
Army national guard	3.4
Army reserve	3.4
Era	
Operation Iraqi freedom/operation enduring freedom/ operation new dawn	20.3
Gulf war/desert storm	10.2
Post Vietnam	32.2
Vietnam	37.3

Note. VJO = Veterans Justice Outreach Specialist.

support network), victims, and the military community (mentors, VTC team members) work with the legal and correctional actors. In addition to the harm inflicted on the victims, the civilian community and the military community are also harmed. The crime committed by a veteran/soldier violates the social contract of the civilian community and tarnishes the reputation of the military. The bonds the offender has to the civilian and military communities are weakened by the violation. Furthermore, the contract between the military and civilian communities is harmed as an agent of the military has caused harm to the community at large. The VTC brings these communities and offenders together, and the integration of these stakeholders is explored here.

Military community. It is this inclusion of the military community as a stakeholder that makes the VTC unique. In addition to all defendants being veterans, the military community is represented in the VTC team by the judge, primary public defender, primary probation officer, mentor coordinators, mentors, community treatment provider, and VJO. The legal and correctional actors play a dual role because they are part of the traditional court system but also veterans themselves. However, the mentors and VJO are part of the military community but not inherently a part of the criminal justice system.⁶ The veteran mentors are all volunteers. In addition, military support networks (e.g., commanding officers and enlisted and veteran friends of the offender) are permitted to attend court and provide the court information regarding the offender's character, progress, and challenges. The VTC team uses this information in their decision-making process.

Most participants (92%) commented on the camaraderie of the military community evident in the VTC.

You can tell they [legal and correctional actors that are also veterans] are all soldiers. They know how soldiers are, you know?

Everyone is a veteran, they understand you, what you've been through, and what's happening to you now.

They respect you. Everyone has respect for you in the veteran court because they are soldiers and I'm a soldier. They understand me.

The judge is a military personnel and my public defender is military personnel and they both relate to the military.

It just seems like they are basically genuinely there to help you. Once you leave vet court, you're on your own, you a regular person, you know. But in vet court, they understand you; you're all part of the military brotherhood.

Civilian community. While the inclusion of the military as a stakeholder adds a community element to the court, the military community is not a substitute for the traditional civilian community. However, the civilian community is also present and is

represented by the prosecutor, secondary public defender, secondary probation officer, civilian treatment providers, and the offenders' civilian support networks. The prosecutor is an active VTC team member—but not a veteran—and is tasked with making sure the community interests (e.g., safety, monitoring, restitution, sanctioning of the offender) are protected and restored. While the prosecutor, public defender, and probation officer are a part of the traditional court system, the other civilian community representatives are not. In addition to or in place of the veteran treatment providers, civilian treatment providers assist in the rehabilitation of the offenders and provide feedback on progress and issues that the VTC team uses in their assessments and status checks. Finally, the civilian support networks of the offender, such as family and friends, are able to attend court and attest to the offender's progress and challenges in court. This information is utilized in the team's assessment of the offender.

The presence and participation of the entire VTC team is voluntary. These team members from the criminal justice and civilian communities, as well as the military community, have volunteered to work with the VTC. This commitment is in addition to their circuit court, Department of Corrections (DOC), and community treatment organization duties.

Victims. The victim does play a role in the VTC process; however, we believe the size of the role is small. In crimes where specific victims exist (in addition to the general victim of society), the victims must provide consent before a defendant can be offered the opportunity to participate in the VTC, and they are permitted to provide or deliver statements to the VTC. However, during Phases 1 and 2 of data collection, all victims informed the prosecutor that they consented to the state offering the offender the opportunity to participate in the VTC, and none provided or delivered victim impact statements. Only one defendant could not participate because the prosecutor was unable to make contact with the victim to request consent. The victims appear to support the VTC's mission in their statements of consent. They stated that the defendants should be transferred to VTC because these veterans "needed help," were "in need of treatment," "must deal with demons," or "need to finally be connected to the services they should have gotten a long time ago."

Victims are also invited to attend VTC sessions, and they can participate in counseling with the defendant if they are part of the veterans' family. During the observation period, some familial victims attended the proceedings with the offender, but no non-familial victims attended any court proceeding. In addition, the veterans interviewed rarely referenced the victims. As such, it is difficult to see how victims could achieve a sense of personal empowerment besides being a determining factor in whether a veteran receives the opportunity to participate.

The inclusion and restoration of the victim in the process is one of the explicit goals of a restorative justice process. While the process allows for some participation, the victims do not appear to be participating beyond providing consent or family victims attending VTC sessions. However, it should be noted that the two most prevalent types of charges in this VTC were traffic- (137) and drug-related (59) charges, which are traditionally considered "victimless" crimes. Violent offenses were the third most prevalent with 32 charges.

Offenders. The offender is obviously involved in the process; however, there is debate as to whether participation in specialized courts is truly voluntary. Generally, participation in restorative justice programs should be voluntary. However, in Braithwaite's (2001) conceptualization, the use of an interaction with the criminal justice system as a catalyst for jumpstarting the process is an acceptable means to accomplishing a potentially beneficial intervention.

Participation in the VTC is intended to be voluntary. According to this VTC's procedure, once the VTC team deems the offender eligible for participation (consent is given by the victim, eligibility requirements are met), the offender must voluntarily choose to participate and is free to opt out at anytime. Only 12% (15 offenders) chose not to participate when offered the opportunity, and none of the veterans who appeared on the docket during Phase 2 dropped out after initially agreeing to participate in the program.

In the veteran interviews, veterans ($n = 59$) were asked several questions regarding voluntariness and coercion. They were specifically asked (a) whether someone asked them if they wanted or agreed to participate in VTC; (b) how much time they had to make a participation decision; (c) whether they felt this was enough time to decide whether to participate; (d) whether they felt pressure to make a decision about participation (and why they felt this way); (e) were they allowed to ask questions at their first VTC appearance; and (6) did they feel comfortable enough to ask questions at their first VTC appearance (and why they felt this way).

The majority of veterans were asked whether they wanted to participate—primarily by the public defender or judge (both are veterans themselves). Most of veterans in VTC welcomed the invitation and voluntarily accepted, believing that working with fellow veterans would be a more appropriate fit.

Well, cause the way it was explained to me, it would be in my best interest. They said listen, "You are a veteran, there's no reason to see a civilian judge when there's a judge who can help you and sorta relate with you." What I thought was yeah, no reason, there's no question.

Well, she [the VJO] asked me if I was interested in being in veterans court because I was a veteran and I have always trusted the VA, so you know I just jumped on it. There were no questions in my mind about whether to participate.

For a minority, the primary motivator for participation seemed to be a reduction in sanctioning. As expressed by offenders below, this appeared to have a slightly coercive effect—something O'Hear (2009) has criticized.

Because the other court was not gonna grant a continuance and was going to suspend my new license for 6 months and charge me \$270 and I said no and the public defender said let's transfer to veteran's court and that will have the same effect as continuing so I said why not.

Because he [the public defender] asked me. He asked me if I wanted a trial, could either do that or go to trial, so I figured it's an easy way out—to just have to do probation. I didn't think I was in trouble. Just the wrong place at the wrong time, so I did.

More problematic from a restorative perspective is that 10 veterans (17%) indicated their cases had been transferred to the VTC without being fully informed of their options or even granting consent. However, according to procedure, they are supposed to be asked whether they want to participate when they first appear in VTC. As explained by one semi-voluntary participant:

No [they did not ask me about participation before my case was transferred]. They didn't tell me specifically that uh it had a lot to do with my probation. I was told later that I had the choice of either going to the veterans court or to go to probation officer. At the time, they didn't really specify the difference until recently and that's because they were saying that if I stay with the veterans court I wouldn't have to pay the legal fee every month. I definitely said I would stay with the veteran court . . . I'm only living on a disability . . . they say it [transferring the case] was [discussed] but it was not discussed. Why would I wanna pay money that I don't have?

Of those that were asked about the opportunity to participate, the majority (73%) reported that they felt they needed to decide immediately on being asked (usually occurred in the courtroom). Although they felt the need to immediately respond, the majority felt that the time they had was enough time to make a decision (79%). Of those who were asked to participate, the majority (86%) did not feel any pressure to make a decision about participation. The majority reported that they were allowed to ask questions at their first VTC appearance (61%), felt comfortable enough to ask questions (68%), and felt comfortable appearing in VTC (81%).

Comfortable because everyone is a veteran. Even the judge. They understand me.

Because I knew I was gonna get, I wasn't gonna be treated like, you know, like a criminal. I was gonna get respect, and they were helping me to drop my charges. It's just part of what I had to do to prove myself in the program, so I was comfortable.

Just the atmosphere there. You could tell they're there to help you. They're not there to crucify you. I recommend it [VTC] highly. I think all courts should work like that.

You know the way they handle it. I was scared the first time, everybody get here, they all in for the same thing, no pressure, wouldn't be so bad, they all veterans. It's not like downtown where everybody is up in your business, get it all over the street, you know and um ain't nobody but veterans. You see them . . . more, other veterans now, people from out of town, everybody sitting up in the courthouse know your name. Veterans court ain't nothing but veterans.

The judge was extremely friendly, I didn't know officer . . . at the time, but he appeared to be very friendly. It was a very efficient system . . . The judge was very, I won't say lenient, but when people spoke out of turn, he would give them a lot of latitude to say their things, time to find their things.

The attitude at veteran court is um completely different than regular court. It's more of a man up, admit what you did, and let's figure out how to mitigate it. It's just a complete attitude difference.

Regardless of the perceptions of voluntariness, in a national study of VTCs, Baldwin (2013b) found that VTC members noticed certain changes in participants that could arguably qualify the offender as stakeholder in some instances. Over time, some offenders became supportive of other participants and admonished their non-compliant peers. This shift in focus from personal responsibility to the progress of others makes them a stakeholder in the process.

Expands the Focus to Extralegal Needs and Healing

This VTC defined its mission as “to improve public safety by providing meaningful treatment to address the needs of veterans while reducing recidivism.” The VTC’s causal hypothesis is that military experience results in specific problems for veterans, mainly mental health and substance use, and these problems, in turn, lead to contact with the criminal justice system. The VTC’s intervention hypothesis is that veterans who receive the appropriate treatment needed to improve their mental, behavioral, and social issues will have a reduced likelihood of offending. In the personnel interviews, each of the VTC team members indicated a belief in the VTC’s mission and that a relationship between military service, personal challenges, and contact with the criminal justice system exists.

Yes, for many veterans, adjustment to civilian life is extremely difficult. Mental health and pressure can increase risk of substance use. Mental health and substance use increases your likelihood of contact with our [criminal justice] system . . . Our VTC connects the veterans in need to services, which are aimed at addressing those problems related to contact with the system.

Our success stories are because of the treatment they [participants] receive. Our court got them the help they needed, and it has changed their life. Not everyone wants help, but the ones that do or agree to the forced treatment get the help they need. I wish they could all succeed.

This belief is consistent with the majority of VTC team members and partnering agencies in VTCs across the country (see Baldwin, 2013a, 2013b). Furthermore, their presence and participation denotes their interest in the cause because, again, these team members have volunteered to work with the VTC.

While one of the long-term goals of the VTC is to reduce offending, the immediate focus is on the personal challenges facing defendants. In addition to handling the legal issues with which the traditional criminal justice system is concerned, this VTC evaluates participants in the areas of mental health, substance abuse, homelessness, vocational skills, employment, social support, and transportation, and participants are required to attend the treatment prescribed. Participants are able to address the issues related to their offending, expanding the legal focus of the traditional court. This expansion, the process to address the extralegal challenges facing these offenders, is not only what heals the offenders but also the community and legal stakeholders.

The process is healing. It's good for all of us. This is more than just addressing their legal problems like in the normal court. They get real help, and we get to give it to them. It's [the VTC process is] good for them, the community, the military brotherhood, their families. It's good that the system can actually help, and seeing that [the system helping] is what helps us. [VTC team members]

However, there is the notable absence of the victim in this healing process. As previously discussed, while victims are invited to attend VTC sessions and can participate in counseling with the defendant, only some familial victims attended the VTC proceedings, and no non-familial victims attended any session. The only activity the victims participated in was providing consent for the offenders to be offered participation, which is not considered a fulfillment of the healing process.

Shift From Traditional Adversarial Proceeding to Reintegration Through Group Conferences

Group conferences. In most instances, treatment plans were created in the team meetings by the VTC team members, and offenders' feedback was not sought until the plans were presented to the offenders in court. While a treatment plan may be drafted in the team meeting, it must be accepted by the veteran. The plan is discussed with the veteran in open court, and adjustments can be made in court. The veterans make the team members aware of their concerns, challenges, and progress in the court proceedings, as well as in meetings with the VJO. The veterans' perceptions of their challenges and progression are taken into account during team meetings and in court. Changes can be made based on team member and offender input. However, in a disagreement, the VTC team member always prevails. For example, if the VJO determines the veteran is in need of mental health and substance abuse treatment but the veteran expresses the belief that he or she does not need such treatment, the VTC will mandate the veteran to participate in the treatment recommended by the VJO. Such a procedure could be viewed as a take-it-or-leave-it situation, which severely limits a defendant's ability to influence plan creation.

In some aspects, the courts sessions and team meetings resemble group conferences, and in other aspects, they do not. A court session in the traditional sense is not a group conference; however, the VTC session can be considered such due to its nature. The court sessions in the VTC consist of the presentation of treatment plan, discussion by all members (again) and the defendant of the plan, input by the offender, statements by civilian and/or military friends or family, and updates from all stakeholders. The discussion of progress and challenges occurs in the court session. However, the victims, during the observation period, did not participate in the court sessions. Thus, the court sessions included all stakeholders except for the victims (due to the victims' choice). The team meetings included the civilian and military communities and the criminal justice system personnel. However, they excluded the offenders and victims (the victims' statements and thoughts regarding consent were relayed when available). Thus, there are two important elements missing from the group conference process in the creation of treatment regimens that would concern restorative justice advocate: the lack of inclusion of victims and the minimal input by defendants.

Non-adversarial nature. The legal actors in the VTC process, from the judge to the service providers, were often veterans themselves—a structure that would be akin to drug courts being run by recovering addicts. There is a rich body of literature documenting the bonds that are created through military service (Ahronson & Cameron, 2007; Johns et al., 1984; King, 2006; Kirke, 2010; Oliver, Harman, Hoover, Hayes, & Pandhi, 1999; Seibold, 1999, 2006, 2007, 2011; Stewart, 1988). From basic training to combat, the military system is designed to build group cohesiveness at the expense of the individual (Elder & Clipp, 1988). This military-style shift in focus from personal responsibility to the betterment and restoration of the collective arguably changes the nature of the adversarial process in VTC proceedings to better fit the restorative justice model.

Generally, team members worked together in a non-adversarial manner. In the structured team meeting and court session observations, levels of confrontation of the meeting overall and of each team member were recorded using four-point Likert-type scaled items (1 = *not at all*, 2 = *somewhat*, 3 = *mostly*, 4 = *completely*). While subjective, the scale rankings were calibrated among research team members to assure consistency in ratings. In addition, an open-ended item captured the reason(s) for each confrontation score. Levels of confrontation between the team members and the veterans were also recorded, utilizing the same format.

Overall, confrontation levels between each team member and the offenders in court were low (see Table 5) with the most confrontational member scoring between “not at all” (1) and “somewhat” (2). The prosecutor was the most confrontational with the veterans (average score of 1.62), followed by the judge (1.37). The data revealed that the sources of conflict between team members and veterans were variable and unpredictable. Reasons for confrontation between the judge and veteran offenders ranged from talking in the audience, to continually speaking out of turn, to lying (“wouldn’t be swayed by veteran(s) whose story did not match the info he had in front of him, making it known that he did not appreciate being lied to”). In an interview, one veteran stated that the assistant district attorney (ADA) “is strict, harsh” in the interactions with offenders. Such conflict might be expected because of the prosecutor’s role in the judicial process (protect the interests of the civilian community). In the context of the VTC, this natural tension was more noticeable because of its stark contrast with the attitudes of the other actors.

The prosecutor. I would change [the prosecutor] . . . [The prosecutor] should be a veteran. She doesn’t know what it’s like to be a veteran.

[At] my first appearance the ADA, the State Attorney absolutely said “no” right off the bat . . . didn’t even have the file on me at that point. The judge did and after a couple times the following week I met with [my public defender] . . . He said that he would try and conference on Wednesday and apparently that didn’t go well. The judge encouraged [the prosecutor] to take the case [but the prosecutor wouldn’t] . . . the judge on the record expressed some dismay with that decision, that [prosecutor] wouldn’t approve that decision.

Confrontation was also measured solely between the VTC members both in court sessions and the team meetings. Most disagreements in the team meetings and court

Table 5. Confrontation Levels Between Team Members and Veterans in Court Sessions.

	Average score	Not at all (1)	Somewhat (2)	Mostly (3)	Completely (4)
Judge (<i>n</i> = 8 sessions)	1.37	62.50%	37.50%	—	—
Prosecutor (<i>n</i> = 8 sessions)	1.62	37.50%	62.50%	—	—
Public defender (<i>n</i> = 8 sessions)	1.25	75.00%	25.00%	—	—
VJO (<i>n</i> = 5 sessions)	1.00	100.00%	—	—	—
Probation–DOC (<i>n</i> = 8 sessions)	1.00	100.00%	—	—	—
Probation–PRIDE (<i>n</i> = 8 sessions)	1.00	100.00%	—	—	—
Community treatment provider (<i>n</i> = 6 sessions)	1.00	100.00%	—	—	—
Mentor coordinator (<i>n</i> = 6 sessions)	1.00	100.00%	—	—	—
Public defender–drivers license (<i>n</i> = 7 sessions)	1.14	85.70%	14.28%	—	—

Note. VJO = Veterans Justice Outreach Specialist; PRIDE = Pride Integrated Services, Inc.

sessions emerged between the prosecutor and another team member. Specifically, disagreements during team meetings occurred between the prosecutor and the judge, public defender, and/or probation regarding the interpretation of violations (i.e., probation or contract violations), non-compliance, or whether to offer participation to a veteran offender. For the court sessions, the public defender and the prosecutor had noticeable disagreements in three sessions. In one session, the probation officer openly disagreed with a decision made by the prosecutor to terminate a participant.

The overall and individual confrontation scores between team members for the team meetings are in Table 6, and these scores for the court sessions are in Table 7. Again, the confrontation levels remained between “not at all” (1) and “somewhat” (2). The average confrontation level of the team meetings was 1.57. In the team meetings, the most confrontational team member was the prosecutor (1.71), followed by the public defender (1.57). These attorneys were the most confrontational members in the court sessions as well (prosecutor 1.87, public defender 1.50). Again, due to the nature of their legal roles, these results could be expected, but overall, the confrontation levels were low, indicating an overall environment of collaboration and a non-adversarial nature.

One of the major concerns espoused by critics of restorative justice’s existence within drug courts is the role of judge. In drug court, the judge has the ability to sanction participants and enforce treatment plans. However, the team meeting and court session observations revealed a clear yet unexpected power-dynamic within the operation of the VTC. The judge rarely acted as a potentate over a participant’s fate. Instead, in team meetings, the judge normally acquiesced to the wishes of the team. When conflict arose, the judge deferred to prosecutor—the only non-veteran legal actor in

Table 6. Confrontation Levels of Team Members in Team Meetings.

	Average score	Not at all (1)	Somewhat (2)	Mostly (3)	Completely (4)
Overall meeting (<i>n</i> = 7 meetings)	1.57	57.14%	28.57%	13.28%	—
Judge (<i>n</i> = 7 meetings)	1.14	85.71%	14.28%	—	—
Prosecutor (<i>n</i> = 7 meetings)	1.71	42.85%	42.85%	14.28%	—
Public defender (<i>n</i> = 7 meetings)	1.57	42.85%	57.14%	—	—
VJO (<i>n</i> = 5 meetings)	1.00	100.00%	—	—	—
Probation–DOC (<i>n</i> = 6 meetings)	1.16	71.42%	14.28%	—	—
Probation–PRIDE (<i>n</i> = 6 meetings)	1.16	71.42%	14.28%	—	—
Community treatment provider (<i>n</i> = 7 meetings)	1.00	100.00%	—	—	—
Mentor coordinator (<i>n</i> = 3 meetings)	1.00	100.00%	—	—	—

Note. VJO = Veterans Justice Outreach Specialist; PRIDE = Pride Integrated Services, Inc.

Table 7. Confrontation Levels Between Team Members in Court Sessions.

	Average score	Not at all (1)	Somewhat (2)	Mostly (3)	Completely (4)
Judge (<i>n</i> = 8 sessions)	1.12	87.50%	12.50%	—	—
Prosecutor (<i>n</i> = 8 sessions)	1.87	25.0%	62.50%	12.50%	—
Public defender (<i>n</i> = 8 sessions)	1.50	50.0%	50.0%	—	—
VJO (<i>n</i> = 5 sessions)	1.00	100.0%	—	—	—
Probation–DOC (<i>n</i> = 8 sessions)	1.12	87.50%	12.50%	—	—
Probation–PRIDE (<i>n</i> = 8 sessions)	1.00	100.0%	—	—	—
Community treatment provider (<i>n</i> = 6 sessions)	1.00	100.0%	—	—	—
Mentor coordinator (<i>n</i> = 6 sessions)	1.00	100.0%	—	—	—
Public defender–drivers license (<i>n</i> = 7 sessions)	1.00	100.0%	—	—	—

Note. VJO = Veterans Justice Outreach Specialist; PRIDE = Pride Integrated Services, Inc.

the team meeting. This deference may be related to the prosecutor’s role. While team members shared a common goal of rehabilitating veterans to reduce future contact with the criminal justice, the prosecutor also has the primary responsibility of

protecting the civilian public. While the role of the judge in the VTC may not be a problem for restorative justice advocates, the role of the prosecutor might be. However, protection of the public's safety must be an issue because the program is dealing with criminal offenders. Restorative justice proponents espouse that the morally correct response to crime is to both hold offenders responsible for their offenses and also restore them and their victims while protecting public safety (Schiff, 1998).

Less Punitive Than Traditional Courts and Drug Courts, and Participants Feel Restored

It has been argued by O'Hear (2009) that, in reality, the sentences in drug courts can be more punitive because sentences imposed on those who fail to complete a drug court regimen (often a high percentage) are normally harsher than sentences offenders would have received if they had gone through the traditional judicial process. However, the studied VTC operates differently. The sentences are not increased for those who opt out, drop out, or are terminated. Instead, they are not sentenced by the VTC judge; their cases are transferred back to the traditional court system.

Furthermore, participants are generally satisfied with their experience in VTC. Participants primarily mentioned how they appreciated that the judge and mostly everyone there were veterans, how they gained a support system, or how the VTC addressed their personal issues in addition to their legal issues.

Well first off, I met some great people and the charges were expunged . . . Yes, they have helped me and meeting these great people and being able to call, I can call any number of people and somebody would be right here. Yeah, it was very helpful to get into that warm environment, they do work, they do work there for you, but it's not just a court system, it's the veteran's outreach programs like these mentors and such.

They gave me an opportunity to spend time with my family instead of being locked up for something that was so simple that no one had taken the time to find out why.

Yeah, it's got me treatment and then my health . . . just um helped me the most with life itself, ya know. Making that transition you know or realizing you know, he [the judge] had been in the military. Just helped me make the transition from being in military to being in life. You know how to cope with different situations.

As the scores indicated, overall, most veterans had greater respect for the judge because of his veteran status. Many, like the veterans below, indicated that this kinship served as a motivator.

I wasn't treated different than anybody there. It was just that I was treated with more respect than the judges in criminal court, you know what I mean. They [criminal court judges] look down on you like 'ohh you're a criminal.' . . . He [the VTC judge] acknowledged every time you went in that courtroom you know, and he'd ask you again, he's say 'semper fi' he was a Navy Seal that judge. Yeah, he knew where we were coming from, he knew what kind of

training we had to go through, and all that. I mean there were some guys in there that went to court that you know just kept getting in trouble and trouble, you know, and he still didn't look down on them. He still kept their head above the water, you know, giving them that respect, making a mistake, when are you going to straighten out. Well everybody falls and start to hurt then they realize where they are, going to a good Christian veteran judge. Very nice gentleman. Wanted to make you do good.

The judge made me feel like, like we were there to help instead of just you know slamming the hammer down. He made me realize that there were GI's that had the same problem that I had and that he had been in the military and he understood that being in the military and coming back to civilian life uh huh is totally different and people don't uh realize that.

Limitations

While this study is novel as it is the first to explore whether restorative justice exists within the VTC, several limitations exist. First, eight incarcerated veterans were unable to be interviewed due to institutional review board (IRB) restrictions. Second, this VTC is unique in comparison with the national trends of VTCs found by Baldwin (2013a, 2013b), and the results may not be generalizable. Finally, we are unable to determine the reason behind the lack of victim participation (e.g., apathy, not feeling welcome to participate). The only information available was that all of the victims contacted by the prosecutor consented to offender participation in the VTC and believed the VTC would help the offender. The victims were not directly present in the team meetings, and most victims were not present in the court sessions. As stated previously, the issue of victim inclusiveness is a common problem in restorative regimes (Wood, 2013).

However, this study did examine whether and how restorative justice elements were present in this VTC. It exposed areas where restorative justice elements could be incorporated or incorporated more fully into this and other VTC programs. It provides useful knowledge for researchers, scholars, and program creators with an understanding of the type of justice these courts are currently, and capable of, dispensing.

Conclusion

Even though the VTC exists within the criminal justice system, it has its own set of stakeholders, goals, procedures, and participant experiences. Our results indicate that, while VTCs have a greater restorative justice focus than the traditional criminal adjudicatory and drug court processes, there are still a number of important features that need to be added and strengthened before the restorative ideal could be fully achieved within the VTC.

First, victims (and in some cases, the offenders) are not fully present in the process. The VTC primarily involves the offender and the legal, military, and civilian communities. The role of the victim is minimal, at most, if one would consider providing consent for participation as a type of involvement. Hence, this important group of stakeholders is unable to realize the healing benefits that are possible through

participation. For team meetings and court sessions to be truly considered group conferences, the victims and offenders need to have increased involvement.

Second, an element of coercion is present. As part of the criminal justice process, the VTC may never fully extract coercion. Given Braithwaite's views on drug-based contact with the criminal justice system, the coercion evident in the studied VTC may be within Braithwaite's idea of the acceptable judicial push for treatment. Braithwaite (2001) did not reject the use of coercion and punishment in judicious restorative justice because offenders and those who do not endorse these values would not meaningfully participate in the restorative processes without this threat of force. Treatment through mandated programs has historically elicited higher retention rates and longer time in treatment in comparison with rehabilitation rates for treatment delivered outside of the criminal justice system (e.g., Belenko, 2002), and more time in treatment may be related to positive outcomes (e.g., DeLeon, 1991; Hubbard et al., 1989). National Institute of Drug Abuse (NIDA) declared that involuntary drug treatment is an effective rehabilitation tool when individuals complete their mandated treatment (National Institute of Justice, 2006). The force exerted by the criminal justice system on the offender to complete treatment does not appear to hinder the positive impact of the treatment (Farabee, Prendergarst, & Anglin, 1998) and can produce high completion rates, with more than two thirds of participants completing treatment (National Institute of Justice, 2006). That said, the exclusion of offenders in certain group conferences and the lack of true victim inclusion are serious deficiencies in upholding the restorative ideal. VTCs, and their drug court counterparts, need to make a great deal of progress in this area before they can truly be considered restorative justice institutions.

The VTC observed in this study represents just one of the many models currently in operation. As VTCs remain a relatively new judicial frontier, different models will likely produce different findings, especially on examination of the VTCs with stricter eligibility requirements. Our goal in this article is to provide a case study that will help inform those interested in exploring the potential of restorative justice within VTCs. Our results show VTCs can have a profound impact on veterans who avail themselves of the services offered and that a synergy is produced through veterans helping other veterans even though most interactions occur in a judicial setting. As VTCs are in their infancy, extensive data does not currently exist regarding how VTC participation impacts recidivism among veterans. Going forward, longitudinal research should examine implementation and track offender outcomes to determine VTC efficacy and whether restorative justice elements aid in veteran success. We hope this study provides a foundation on which these future evaluations can be built.

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Notes

1. Veterans treatment courts (VTCs) have been declared to be modeled after both drug and mental health courts (e.g., Russell, 2009). However, mental health courts and other subsequent specialized courts were modeled after drug courts (Baldwin, 2013a).
2. Marshall's (1999) definition is also commonly accepted, but it has been criticized for being primarily focused on process. For a more complete examination of the restorative justice concept, we chose Braithwaite's definition.
3. For a detailed description of the larger study and security protocol, see Baldwin (2013a).
4. Of these 129 veterans, 6 were deemed ineligible for VTC participation during the team meetings. Reasons for VTC ineligibility included 1 conflict of interest for the public defender, 1 fugitive felon, 1 did not have enough time in service, 2 were not U.S. veterans, and 1 case was dismissed and sent to residential treatment facility. Of the 123 eligible veterans, 23 were unable to be recruited for an interview for the following reasons: 8 were incarcerated, 6 were in residential treatment, 3 died, 3 resided outside of the jurisdiction (no less than a 4-hr drive away), 2 were deployed, and 1 had a federal case pending regarding conduct at the Veterans Affairs (VA) Medical Center.
5. Five veterans refused to participate. Specifically, three were "too busy," and two were "fed up" or "mad" at the VTC.
6. Although the Veterans Justice Outreach Specialist (VJO) is a civilian, she or he is the liaison for the Department of VA, which provides services to eligible veterans and soldiers and information regarding treatment progress, and is thus considered to be a military representative.

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