

ARTICLE

THE VETERANS TREATMENT COURT CALL REVISITED: WHERE WE ARE NOW IN THE WAKE OF RAPID ADOPTION¹

JULIE MARIE BALDWIN* & ERIKA J. BROOKE**

INTRODUCTION

In 2019, our article titled “Pausing in the Wake of Rapid Adoption: A Call to Critically Examine the Veterans Treatment Court Concept” was published in the *Journal of Offender Rehabilitation*.² At the time of its writing in 2017, the veterans treatment court (VTC) was the fastest growing problem-solving court program in the United States (US) but was grounded in anecdotal evidence with little empirical research. While initial examinations of structure, operation, and limited program outcomes (e.g., program graduation) were available, the concept itself, let alone impact (e.g., recidivism, behavioral health improvements), had yet to be critically examined.³ “Pausing in the Wake of Rapid Adoption” noted this absence and began to fill this void by first providing context with a description of the

1. A preliminary draft of this article was presented on November 10, 2023, at the University of St. Thomas (Minnesota) Law Journal’s Fall 2023 Veterans Law Symposium entitled “After Their Service: The Intersection of Veterans and the Law.” Many thanks to Hank Shea and the student editors of the *University of St. Thomas Law Journal* for their patience and their continued dedication to this topic. We also thank Jesse McCarter, Mandi Muse, and Lillian Tuttle for their contributions in finalizing this article.

* The authors are listed alphabetically and contributed equally to this article. Research Professor in Justice, Law & Criminology, American University – School of Public Affairs; Ph.D., 2013, University of Florida; M.A. with specialization in criminal law and procedure, 2017, John Jay College of Criminal Justice; B.A., 2004, University of North Florida.

** Assistant Instructional Professor in Criminology, University of Florida – Department of Sociology and Criminology & Law; Commissioned Officer, US Army Reserves; Ph.D., 2015, University of Central Florida; M.S., 2010, University of Cincinnati; B.A., 2009, University of Florida.

2. See generally Julie Marie Baldwin & Erika J. Brooke, *Pausing in the Wake of Rapid Adoption: A Call to Critically Examine the Veterans Treatment Court Concept*, 58 J. OFFENDER REHAB. 1 (2019).

3. While there were two recidivism studies available at the time, neither were rigorous impact evaluations including a true comparison group. See Richard D. Hartley & Julie M. Baldwin, *Waging War on Recidivism Among Justice-Involved Veterans: An Impact Evaluation of a Large Urban Veterans Treatment Court*, 30 CRIM. JUST. POL’Y REV. 52, 52–78 (2019); see also Justin Holbrook &

VTC concept and its emergence, followed by identifying several assumptions at its core.⁴ Next, we assessed the validity and potential effects of those assumptions through a critical review of discourse and criticism in the criminal justice and VTC-specific literature.⁵ We then identified and investigated the VTC policies and practices that are based in those assumptions, focusing on their potential for discriminatory nature, through an examination of their current (at the time) implementation and effects.⁶ Additionally, we explored whether those assumptions and practices aligned with various punishment philosophies.⁷ Finally, we assessed how much was empirically known about VTC effectiveness, fidelity, and models in the wake of their widespread dissemination.⁸ Our conclusion highlighted several of this work's key findings from our examination and offered potential recommendations for policy and research, calling for them to be scrutinized by much needed future critical inquiry.⁹ Because this was the first work to identify and begin to explore assumptions at the core of the VTC concept, we called for the field to further examine the presented assumptions philosophically, theoretically, and empirically to assess their validity and appropriateness for future implementation of these programs, as well as broadly disseminate findings and encourage interdisciplinary discourse to further advance this line of inquiry.

Specifically, we called for the field to (1) further examine the presented assumptions philosophically, theoretically, and empirically to assess their validity and appropriateness for future implementation of these programs; (2) determine whether additional assumptions are inherent in the VTC concept and assess their validity and effects; (3) identify whether inequalities do or could exist and propose recommendations to address them; (4) conduct rigorous implementation, outcome, and impact evaluations of VTCs, especially the "mentor/model" courts; (5) assess the impact of training delivered and standards/guidance given by training and technical assistance providers; (6) pursue research on individuals with a history of military service and contact with the criminal justice system; and (7) broadly disseminate findings and facilitate and engage in interdisciplinary discourse.¹⁰ Further, due to the variance across programs, we noted that outcome and impact results must be accompanied by a note on the generalizability of results and a description of the program examined and its environment.¹¹

Sara Anderson, *Veterans Courts: Early Outcomes and Key Indicators for Success* (Widener L. Sch. Legal Stud. Rsch. Paper Series No. 11-25, 2011).

4. Baldwin & Brooke, *supra* note 2, at 2–12.
5. Baldwin & Brooke, *supra* note 2, at 4–12.
6. Baldwin & Brooke, *supra* note 2, at 12–15.
7. Baldwin & Brooke, *supra* note 2, at 15–17.
8. Baldwin & Brooke, *supra* note 2, at 17–20.
9. Baldwin & Brooke, *supra* note 2, at 20–24.
10. Baldwin & Brooke, *supra* note 2, at 20–23.
11. Baldwin & Brooke, *supra* note 2, at 22.

Since 2017, the number of operational veteran-focused court programs has grown to more than 600.¹² With 480 of those being VTCs,¹³ we now revisit this call to discern how far the field has progressed in these veins over the last seven years. In this article, the four VTC assumptions are reassessed in light of field advancements to date, including empirical research, philosophical and theoretical examinations, and general discourse. Using current knowledge on implementation and effects, we re-examine potentially discriminatory policies and practices and follow with a reassessment of whether the assumptions and practices align with various punishment philosophies. Finally, we examine how much is now empirically known about VTC effectiveness, fidelity, and models. In conclusion, we evaluate how far the field has moved the needle since 2017 and provide a revised roadmap for future advancement.

I. Reassessment of the Underlying Assumptions of the VTC Concept

Four justifications or rationales for the VTC concept were identified in literature and commentary: (1) “a link between military service and crime exists,” (2) “the current court system is not equipped to address military combat and trauma and engage these participants,” (3) “veterans constitute a class,” and (4) “those who have served in the U.S. Armed Forces deserve special consideration for their service and sacrifice.”¹⁴ We classified these as assumptions as they were either partially supported by empirical research or not yet critically evaluated and argued that they warranted examination. In the original article, we defined each assumption, described its presence in the extant literature and discourse, and examined the validity and potential effects of each through a review of available research.¹⁵ Additional questions and issues were then presented for the field to consider and further investigate in the future. Here, we re-examine these assumptions in light of developments since 2017.

A. Assumption 1: Link Between Military Service and Crime

In our initial work, we identified the assumption of a link between military service and crime as a basis for the VTC concept.¹⁶ In examining the validity of this assumption, the empirical evidence as of 2017 suggested

12. VA Office of Public Affairs Media Relations, *Veterans Treatment Courts and Other Veteran-Focused Courts Served by VA Justice Outreach Specialists*, U.S. DEP’T OF VETERANS AFFS. (Mar. 2022), <https://www.va.gov/HOMELESS/docs/VJO/Veterans-Treatment-Court-Inventory-Update-Fact-Sheet-March-2022-508.pdf> [<https://perma.cc/SG4Y-3PE8>].

13. KRISTEN DEVALL, CHRISTINA LANIER & LINDSAY J. BAKER, NAT’L DRUG CT. RES. CTR., *PAINTING THE CURRENT PICTURE: A NATIONAL REPORT ON TREATMENT COURTS IN THE UNITED STATES* 87 (2023).

14. Baldwin & Brooke, *supra* note 2, at 4.

15. *See generally* Baldwin & Brooke, *supra* note 2, at 4–12.

16. Baldwin & Brooke, *supra* note 2, at 5–6.

an indirect association: Military service mediated the connection between certain behaviors (e.g., substance misuse, mental health issues) and criminal behavior.¹⁷ Direct correlations between military service and criminal behavior were found to be minimal, if present at all.¹⁸

While ongoing efforts to explore the potential link between military service and criminal behavior persist,¹⁹ the research landscape has not significantly changed over the last seven years. A comprehensive literature review spanning from 2001 to 2021 revealed that mental health emerged as the strongest predictor across various criminal justice outcomes for veterans.²⁰ Substance use, low educational attainment, and mental illness predicted incarceration, while Post Traumatic Stress Disorder (PTSD), a combination of Military Sexual Trauma (MST) and/or Traumatic Brain Injury (TBI), and clinical levels of pain, along with heavy alcohol use, correlated with law enforcement encounters.²¹ Homelessness, substance use, and mental health issues were associated with criminal offending.²² The results prompted the authors to call for further research into mental health conditions before, during, and after military service.²³

Similarly, Blonigen et al.²⁴ and Edwards et al.²⁵ conducted comprehensive reviews focusing on the central eight criminogenic risk factors for recidivism among veterans through the risk-need-responsivity model. They found that histories of antisocial behavior and substance use were the strongest risk factors for justice involvement, with modest to limited evidence for the remaining risk factors.²⁶ Further, in their analysis of the literature on veteran criminal justice involvement, Edwards et al. outlined that the body of research could be broken into three key findings: (1) individuals with or without military backgrounds have similar rates of involvement, (2) veterans usually face longer sentences due to a higher incidence of serious interpersonal crimes, and (3) incarcerated persons who report military experience often exhibit better behavior while incarcerated.²⁷ More-

17. Baldwin & Brooke, *supra* note 2, at 6–8.

18. Baldwin & Brooke, *supra* note 2, at 5–7.

19. See generally Kristine A. Huskey, *Reconceptualizing “the Crime” in Veterans Treatment Courts*, 27 FED. SENT’G REP. 178 (2015).

20. See generally Kweilin T. Lucas, Catherine D. Marcum, Paul A. Lucas & Jessica Blalock, *Military Veteran Involvement with the Criminal Justice System: A Systematic Review*, 66 AGGRESSION & VIOLENT BEHAV., Sept.–Oct. 2022, at 1, 1 (2022).

21. *Id.* at 3–6.

22. *Id.* at 6.

23. *Id.*

24. See generally Daniel M. Blonigen et al., *Risk of Recidivism Among Justice-Involved Veterans: A Systematic Review of the Literature*, 27 CRIM. JUST. POL’Y REV. 812 (2016).

25. See generally Emily R. Edwards et al., *Understanding Criminogenic Risk Factors Among United States Military Veterans: An Updated Literature Review*, 49 CRIM. JUST. REV. 495 (2024).

26. Blonigen et al., *supra* note 24, at 824–25; Edwards et al., *supra* note 25, at 504.

27. See Edwards et al., *supra* note 25, at 506.

over, Rowen has argued that there is nothing inherently criminogenic about having joined the military.²⁸

Studies examining service member and veteran perceptions of the military and crime association were also previously examined, which revealed little belief in a direct relationship.²⁹ Although recent research has investigated perceptions of the military-crime relationship, it has predominantly focused on the views of those operating VTCs and largely overlooked the perspectives of participants—the veterans and service members themselves. In fact, since our initial publication, only one study has examined the viewpoints of military veterans and service members with criminal justice involvement.³⁰ Herzog et al. interviewed thirteen participants within a single VTC.³¹ All interviewees reported substance issues directly linked to their arrests, and nearly all experienced mental health issues stemming from their military service.³² Most respondents (76.9%) believed there was a direct or indirect connection between their service and crime, while fewer than a quarter did not perceive such a link.³³ Additionally, some participants (30.8%) suggested that their military training, either directly or indirectly, contributed to their subsequent involvement in criminal behavior.³⁴ Although these findings should be viewed with caution due to the study's small sample size and limited generalizability, they highlight the need for further exploration of service members' perspectives.

VTC practitioners often question the necessity of establishing a “nexus” between some combination of military service, an extralegal issue (e.g., substance misuse, mental health issue), and the crime related to program consideration, which some programs require for eligibility. Luna and Redlich found that court actors generally opposed this requirement, and only 30 percent of the programs sampled required a connection between the charge and military service.³⁵ There is also an ongoing debate about the appropriate definition of a “nexus” and who is tasked with determining its presence.³⁶ As stated previously, there has yet to be an established direct correlation between military

28. See generally Jamie Rowen, *Worthy of Justice: A Veterans Treatment Court in Practice*, 42 LAW & POL'Y 78 (2020).

29. See Baldwin & Brooke, *supra* note 2, at 7.

30. See generally Joseph R. Richard Herzog, Frank V. Ferdik, Diane L. Scott, Andrew S. Denney & Sabrina I. Conklin, *Participant Perceptions of Veterans Treatment Courts: A Qualitative Assessment and Systems Model*, 4 J. VETERANS STUD. 78 (2019).

31. *Id.* at 80.

32. *Id.* at 86.

33. *Id.*

34. *Id.* at 87.

35. Samantha Luna & Allison D. Redlich, *A National Survey of Veterans Treatment Court Actors*, 32 CRIM. JUST. POL'Y REV. 132, 150 (2021).

36. See, e.g., Don Hummer, James M. Byrne, Sabrina S. Rapisarda, Kelly M. Socia & Kimberly R. Kras, *No Veteran Left Behind? Perspectives on VTC Eligibility Criteria for Justice-Involved Veterans in Multiple Jurisdictions Across the United States*, 19 VICTIMS & OFFENDERS 59, 63 (2024).

experience, trauma, and subsequent criminal behavior in research. Moreover, Hummer et al. argued that there is no evidence supporting a link between demonstrating a military-crime “nexus” and deriving benefits from VTC treatment services, which function similarly to other problem-solving courts like drug court or mental health court.³⁷

Yerramsetti et al. raised a concern that having a court program dedicated solely to veterans with mental health issues furthers negative stereotypes about veterans.³⁸ Given this logic, it could also perpetuate negative perceptions of military experience and service. As the empirical evidence and perceptions continue to support an indirect relationship between military service and crime via extralegal issues, one may continue to question why potential VTC participants are not directed to existing programs that address many of these indirect issues (e.g., homelessness, mental and behavioral health issues). As noted in our previous article, VTCs operate because they are thought to address the unique aspects of the military experience in ways that other courts may not be equipped to handle (Assumption 2).³⁹ In light of this context, it raises the question of why a separate program specifically for those with military history, based on the premise that their military experience contributes to criminal behavior, is necessary when there is no direct link found in the empirical research. Essentially, are VTCs functioning as parallel programs for veterans and service members?

B. Assumption 2: Traditional Court Systems Are Not Equipped to Deal with the Effects of Military Experience and Engage This Offending Population

1. Assumption Validity in Light of Additional Research

This assumption was derived from arguments that the traditional judicial system is not equipped to deal with the military population⁴⁰ and that they would better engage in programs that foster military camaraderie, have officials or providers who also have a military history, provide veteran-specific services, and have veteran-specific treatment providers (e.g., the VA).⁴¹ In our 2017 assessment of assumption validity, research was limited but lent support to these assertions, and thus this assumption.⁴²

37. *Id.*

38. See Ashok Papparao Yerramsetti, Daniel David Simons, Loretta Coonan & Andrea Stolar, *Veteran Treatment Courts: A Promising Solution*, 35 BEHAV. SCIS. & L. 512, 517 (2017).

39. Baldwin & Brooke, *supra* note 2, at 8–9.

40. See Michael L. Perlin, “John Brown Went Off to War”: *Considering Veterans Courts as Problem-Solving Courts*, 37 NOVA L. REV. 445, 470–71 (2013).

41. See Tiffany Cartwright, “To Care for Him Who Shall Have Borne the Battle”: *The Recent Development of Veterans Treatment Courts in America*, 22 STAN. L. & POL’Y REV. 295, 302–05 (2011); Perlin, *supra* note 40, at 465–72; Robert T. Russell, *Veterans Treatment Court: A Proactive Approach*, 35 NEW ENG. J. ON CRIM. & CIV. CONFINEMENT 357, 363–64 (2009).

42. Baldwin & Brooke, *supra* note 2 at 8–9.

In the research available today, some of these arguments have been empirically examined. First, camaraderie fostered by and found in VTC programs may have a positive effect on program engagement. In a single program in central Pennsylvania, VTC participants reported that the shared military culture of the program was a motivating factor for choosing to enroll, and they expressed a connection with their fellow VTC participants that was built on their shared experiences from their time in the military.⁴³ Importantly, the interviewed participants believed they would be able to complete the program, even if they did not like the treatment, because of these strong bonds that were formed based on their shared military experience.⁴⁴ Additionally, they viewed the structure and accountability found in that VTC program as being similar to that of their military service, echoing the idea of a collective purpose or mission.⁴⁵

Second, in a large VTC in Florida, VTC participants who had a mentor showed statistical improvements in somatization, obsession compulsion, interpersonal sensitivity, depression, hostility, paranoid ideation, and psychoticism, and overall distress between baseline and follow-up, while there were no statistically significant changes between baseline and follow-up among participants without a mentor. The non-mentored participants showed increased levels of overall distress, somatization, obsession compulsion, depression, anxiety, and psychoticism. While the differences in follow-up scores between mentored and non-mentored participants were not significant, those with a mentor did have lower scores for PTSD, somatization, obsession compulsion, interpersonal sensitivity, depression, anxiety, paranoid ideation, psychoticism, and overall distress at follow-up, as well as higher levels of tangible support, emotional/informational support, affectionate support, and overall support. Between group differences at follow-up were significant for perceived levels of positive social interactions with participants with a mentor having significantly higher levels compared to those without a mentor.⁴⁶ While bivariate analyses showed no relationship between having a mentor and program graduation and rearrest rates, additional analyses revealed that the relationship between mentor satisfaction and rearrest and graduation rates was mediated by social support.⁴⁷ However, it should be noted that having a mentor was optional, so selection bias on the part of the participant is likely related to these findings.

43. Eileen M. Ahlin & Anne S. Douds, *Military Socialization: A Motivating Factor for Seeking Treatment in a Veterans' Treatment Court*, 41 AM. J. CRIM. JUST. 83, 91–93 (2016).

44. *Id.* at 91–92.

45. *Id.* at 91–93.

46. T. Freeman Gerhardt, Melissa Carlson, Kathleen A. Moore & M. Scott Young, *Veterans Treatment Courts: An Exploratory Analysis of the Effect of Veteran Mentors*, 34 CRIM. JUST. POL'Y REV. 581, 590–94 (2023).

47. *Id.* at 594–95.

Conversely, a study with six qualitative interviews with VTC actors and participants from three VTCs (two in South Carolina and one in North Carolina) found that participants valued authentic empathy and attention to their needs more than the military context of the VTC or other aspects of the program.⁴⁸ Although respondents recognized that the VTCs' military culture fosters camaraderie and personal accountability and the mentor program promotes prosocial relationships, as seen in previous research, they suggested that not all aspects of the VTC need to be military-focused.⁴⁹ For instance, some participants found civilian-provided treatment to be more effective than the services offered by the VA.⁵⁰ It is important to note that the study had a small sample size, and its findings focused more on capturing personal perceptions and experiences over testing statistical relationships and program outcomes.

These findings are promising and lend support to the assumption, but they also indicate that more research needs to be conducted as several aspects of the VTC (e.g., military culture) may not have the intended effects on participants. Because only two single-site and one multi-site study with a very small response rate were found, we are hopeful that researchers are either already replicating or will soon replicate these studies. Additionally, studies have not yet examined whether factors such as officials or providers who also have a military history, provision of veteran-specific services, and engagement with a veteran-specific treatment provider have a positive impact on engagement and outcomes. Further, neither of the noted studies had a comparison group of justice-involved veterans and service members not participating in a VTC program. The authors are aware of several ongoing studies focusing on veteran mentorship in VTCs and are hopeful that those studies provide insight into these areas.

2. *Problem-Solving Courts Targeting Specific Occupations*

Additionally, we previously questioned why this rationale had not been adopted to support the creation of court programs for paramilitary professions such as law enforcement and corrections, as they create similar environments, job-related stress, and "nexus" relationships.⁵¹ Despite the similarities with military experience, there was not a problem-solving court that targeted individuals of these, or any type of, occupations at that time.

Today, we see somewhat of a shift, although not in terms of seeing a court program solely dedicated to those who share non-military occupational history, such as paramilitary professions. We conducted a

48. Frederick Lux, Ashraf Esmail, Charlene Cofield & Michelle Phillips-Meek, *A Qualitative Measure of Veterans Treatment Courts Efficacy*, 4 J. CRIME & CRIM. BEHAV. 65, 75–76 (2024).

49. *Id.* at 77.

50. *Id.* at 76–77.

51. Baldwin & Brooke, *supra* note 2, at 9.

review of state legislation (including proposed legislation) related to VTCs in late 2023 and discovered that some legislation extended VTC participation beyond those who have served in the US Armed Forces. For example, the Florida statute on VTC programs recently expanded its definition of “servicemembers” eligible for VTC programs to include “current or former contractor[s] for the United States Department of Defense.”⁵² Florida’s definition also includes those who have served in the military of foreign allied countries and the Florida National Guard, but it makes no mention of individuals who may have served in the National Guard of other states.⁵³ New Jersey extends participation in their veterans diversion programs⁵⁴ to members of their state militia in addition to veterans and service members.⁵⁵ Louisiana and Texas VTC eligibility legislation includes members of the National Guard and State Guard (not location specific).⁵⁶ Louisiana goes further to include commissioned officers of the Public Health Service (PHS), the Environmental Science Services Administration (ESSA), and the National Oceanic and Atmospheric Administration (NOAA), including its predecessor, the United States Coast and Geodetic Survey.⁵⁷ None of which are military organizations.

It should be noted that we are not aware of whether the expanded inclusion per policy has been practically enacted. In our direct work with several Florida and Texas VTC programs and New Jersey veterans diversion programs, we discovered that those programs were not aware of this expanded definition and, thus, did not have any participants without US Armed Forces participation.

We question the rationale of extending VTC eligibility to defense contractors but not others in paramilitary occupations. To date, we have been unable to locate any commentary or research that explains or supports the inclusion of those who have served as defense contractors in VTC programs, or any type of problem-solving court. While the inclusion of service members of foreign allied countries may be supported by similar research used as the rationale for VTCs, there is no data on justice system contact for military members from allied foreign nations, nor is there research on the justice contact among defense contractors.

Research should explore the effects of working as a defense contractor and commissioned officer of the PHS, ESSA, and NOAA similar to that of the research that has been conducted among military service members and veterans (US and foreign), law enforcement officers and other first responders, and correctional officers. Additionally, justice contact among

52. FLA. STAT. § 394.47891 (2024); H.B. 7023, Reg. Sess. (Fla. 2021).

53. *Id.*

54. New Jersey has veterans’ diversion programs instead of VTCs.

55. N.J. REV. STAT. § 2C:43-23 (2023).

56. LA. STAT. ANN. § 13:5364 (West 2024); TEX. GOV’T CODE ANN. § 124.002 (West 2023).

57. LA. STAT. ANN. § 13:5364 (West 2024).

all of these populations should be systematically examined, as it is currently unknown. The question remains as to how the decision was made to include certain groups beyond federal military service in the eligibility criteria outlined in state statutes. What specific characteristics of these populations, most of which have virtually no research, led to or justified their inclusion over occupations with the evidenced effects that are more closely related to federal military service, such as law enforcement or corrections?

C. *Assumption 3: VTC Target Populations Are Based on Employment History (Previously “Veterans Are a Class”)*

1. *Assumption Validity in Light of Additional Research*

Our 2017 examination of VTC policies, practices, and research determined that VTC eligibility is essentially based on having a history of military service; thus, VTCs are the only problem-solving court that uses employment status as its principal requirement for eligibility.⁵⁸ When looking at the eligibility requirements of VTCs across the nation, the only consistent commonality at the time was a history of military service.⁵⁹ This realization led us to distinguish a key difference between VTCs and all other problem-solving court programs: The most basic eligibility requirement for VTC is based on employment status while other problem-solving court models are based on legal charges or extralegal issues (e.g., mental health issues, substance misuse).⁶⁰ If the prime eligibility factor for VTCs was based on legal or extralegal charges, then we would see VTC programs considering those without any military history for admission. While arguments have been made that veteran status is a proxy for mental health or substance use disorder diagnosis, the research shows that (1) some VTC programs accept veterans and service members who do not need clinical treatment or have a mental or behavioral (substance misuse) health issue, and (2) this correlation or relationship is not accurate.⁶¹

Today, based on the current literature and research, the assumption of VTCs considering veterans and service members a class largely still stands. However, as previously described above,⁶² the legislation of several states has expanded VTC eligibility to include other employment histories, specifically: (1) Department of Defense contractors,⁶³ (2) state national guard⁶⁴ or state militia,⁶⁵ and (3) commissioned officer positions in the

58. Baldwin & Brooke, *supra* note 2, at 9.

59. Baldwin & Brooke, *supra* note 2, at 9.

60. Baldwin & Brooke, *supra* note 2, at 9–10.

61. Baldwin & Brooke, *supra* note 2, at 9–10.

62. *See Supra* Section I.B.2.

63. FLA. STAT. § 394.47891 (2024).

64. FLA. STAT. § 394.47891 (2024); LA. STAT. ANN. § 13:5364 (West 2024); TEX. GOV'T CODE ANN. § 124.002 (West 2023).

65. N.J. REV. STAT. § 2C:43-23 (2023).

PHS, ESSA, and NOAA,⁶⁶ which are non-military organizations. Although these changes allow programs to accept participants of non-military backgrounds, these modifications are still based on employment history.

While this policy change is evident, it is unknown whether the eligibility expansions have been implemented in programs. As previously noted, the programs that we are working with in several of these states were unaware of these inclusions, and their participant populations are still comprised solely of veterans and service members. Additionally, the most recent national survey results reported in “Painting the Current Picture” (2022) did not include a snapshot of eligibility requirements of VTCs.⁶⁷ We encourage VTC researchers to include state VTC eligibility policy in their descriptions of VTC program eligibility, as well as report veteran, service members, and other statuses present within their populations of study.

2. *Issue of Equal Protection*

Related to our above examination from our 2019 article was the question of whether VTCs are in compliance with the Fourteenth Amendment’s equal protection clause. At the time, we determined the issue to be unsettled as there had been no legal cases or rulings regarding the matter, and a full equal protection analysis employing VTC data had yet to be conducted.⁶⁸ At the time, we had asked why equal protection in the context of VTCs had been unexamined and posited that the reason may be related to the last assumption.⁶⁹ Today, this question remains, and our rationale is unchanged.

D. Assumption 4: US Veterans and Service Members Deserve Special Treatment Because of Their Sacrifice and Service

We discussed in our initial article that there is a prevalent moral sentiment that veterans deserve special protection.⁷⁰ Federally funded or backed benefits often tied to a veteran’s discharge status reflect the belief that military veterans and service members should be treated differently than civilians due to the unique sacrifices they make beyond those required of ordinary citizenship. Critics argue that VTCs may be discriminatory because other high-risk occupations, such as law enforcement, do not have similar occupation-based specialty courts. Additionally, VTC participation is selective, with eligibility criteria that exclude some veterans and service members. Furthermore, as noted earlier, some states have expanded admission beyond those who served in the US Armed Forces to include US Department of Defense civilian contractors, military members from allied

66. LA. STAT. ANN. § 13:5364 (West 2024).

67. See DEVALL ET AL., *supra* note 13, at 87–91.

68. Baldwin & Brooke, *supra* note 2, at 10–11.

69. See *infra* Section I.D.

70. Baldwin & Brooke, *supra* note 2, at 11.

foreign nations, state national guards, state guards and militias, and commissioned officers of non-military entities.⁷¹

There remains a continuing emphasis on considering a veteran's prior military experience when they commit a crime.⁷² Rowen argued that the social status of veterans has shifted, from being less favorable during the Vietnam era to being widely respected and embraced today, largely due to the transition from conscripted service to an all-volunteer military.⁷³ Despite the recent rise in legislative mandates and federal funding for VTCs since our last publication, a considerable research gap remains regarding overall public support for these courts. Our current review has revealed only a limited number of studies on public perceptions of VTC eligibility, most of which focus on the perspectives of those who work directly with VTCs rather than the general public. We identified only one study that surveyed public perceptions using college students as a sample, which is not reflective of the general population, and it indicated an expectation that veterans may face mental health issues and that public support for veterans could be influenced by the nature of their criminal charges.⁷⁴ There was also a sizable divide in perceptions among their sample with approximately 40 percent of respondents being either undecided or believing that VTCs serve as a "get out of jail free" card, while the remaining 60 percent did not share this belief.⁷⁵

When examining the perspectives of VTC actors, opinions differ on who should be eligible for admission. For example, in a national survey of VTC team members, considerations regarding the type of crime outweighed concerns about mental health in admission decisions.⁷⁶ Luna and Redlich reported that respondents generally believed the community would not support the inclusion of violent crimes in VTCs, viewed combat experience as unnecessary for eligibility, and did not require a direct link between military service and the crimes committed.⁷⁷ Likewise, Hummer et al. discovered in their interviews across twenty jurisdictions that VTC actors often downplayed the importance of establishing a "nexus" between military service and criminal behavior as a primary criterion for VTC entry.⁷⁸ Respondents also expressed diverse views on how and by whom the "nexus" should be determined and its implications for VTC participation.⁷⁹

71. See discussion *supra* Section I.B.2.

72. See, e.g., Kristine May Santos, *The Luxury of Rehabilitation: Why District Courts Should Implement Federal Veterans Treatment Courts*, 40 U. LA VERNE L. REV. 176, 201–02 (2019).

73. Rowen, *supra* note 28, at 82.

74. Jenna M. Kieckhaefer & Samantha Luna, *Do You Think Some Veterans Are Receiving a "Get Out of Jail Free" Card? Examining Support for Veterans Treatment Court as a Function of Mental Health and Offense Type*, 16 J. EXPERIMENTAL CRIMINOLOGY 141, 154, 159–60 (2020).

75. *Id.* at 155.

76. Luna & Redlich, *supra* note 35, at 145.

77. Luna & Redlich, *supra* note 35, at 148–49.

78. Hummer et al., *supra* note 36, at 70–71.

79. Hummer et al., *supra* note 36, at 71–72.

Despite varying acceptance of violent crimes and eligibility criteria across programs, Luna and Redlich revealed that the vast majority of VTC actors (93.1%) believed in the necessity of separate courts for veterans.⁸⁰ The study also emphasized the importance of managing public perception for VTCs, noting that a single controversial case could jeopardize the entire program's credibility and sustainability.⁸¹ Similarly, Socia et al. highlighted the collective goal of 145 VTC actors to broaden the reach of VTCs by increasing the volume served, including diverse categories of veterans, and expanding eligible types of crimes.⁸²

Rowen expands on our initial call by questioning why other vulnerable groups do not receive the same level of consideration or engagement regarding the factors that brought them into the criminal justice system.⁸³ VTCs are largely based on an individual's military experiences and how these might relate to their criminal actions (e.g., eligibility requirements). In contrast, for other groups, prior experiences do not carry the same weight in determining the justice process. Borsari et al. argued that VTCs unfairly prioritize veterans, suggesting that existing problem-solving and traditional courts are sufficient for meeting veterans' needs.⁸⁴ For instance, Santos explained that federal VTCs could be effectively integrated into established programs such as CASA⁸⁵ and STAR.⁸⁶ Equally, the VA acknowledges the unique challenges veterans face upon returning to civilian life and has implemented the Veterans Justice Outreach Program (VJOs) to provide specialized case management for veterans in the justice system distinct from VTCs.⁸⁷ However, Yerramsetti et al. point out that, despite the availability of VA healthcare services, veterans may still resist mental health treatment due to stigma.⁸⁸ It could be that VTCs compel treatment at a critical juncture when veterans are more receptive and vulnerable. For some veterans, interaction with the criminal justice system may be a route

80. Luna & Redlich, *supra* note 35, at 149.

81. See Luna & Redlich, *supra* note 35, at 147–48.

82. Kelly M. Socia, Sabrina S. Rapisarda, Kimberly R. Kras, Don Hummer & James M. Byrne, “*God, I Hope It Doesn’t Fade Out*”: *Team Member Perspectives on the Future of Veterans Treatment Courts*, 19 VICTIMS & OFFENDERS 119, 131–32 (2024).

83. Rowen, *supra* note 28, at 94.

84. Brian Borsari, Selby Conrad, Nadine R. Mastroleo & Marina Tolou-Shams, *PTSD, Substance Use, and Veterans’ Involvement in the Legal System: Veterans Treatment Courts*, in *TRAUMA AND SUBSTANCE ABUSE: CAUSES, CONSEQUENCES, AND TREATMENT OF COMORBID DISORDERS* 191, 195 (Paige Ouimette & Jennifer P. Read eds., 2d ed. 2014).

85. *Conviction and Sentence Alternatives (CASA) Program Overview*, U.S. DIST. CT. CENT. DIST. OF CAL., <https://www.cacd.uscourts.gov/judges-requirements/court-programs/casa> [<https://perma.cc/XD2U-A7A6>].

86. *Substance Abuse Treatment and Reentry Program (STAR)*, U.S. DIST. CT. CENT. DIST. OF CAL., <https://www.cacd.uscourts.gov/judges-requirements/court-programs/substance-abuse-treatment-and-reentry-program-star> [<https://perma.cc/VY77-WSU6>]; Santos, *supra* note 72, at 197–98.

87. Faye S. Taxman, *Veterans Treatment Courts: Eligibility, Service Provision, and Future Directions*, 19 VICTIMS & OFFENDERS 1, 1–2 (2024).

88. Yerramsetti et al., *supra* note 38, at 514.

to obtaining healthcare or starting treatment, akin to experiences observed in the non-military population.⁸⁹ Therefore, it can be argued that VTCs are designed to fulfill a societal responsibility.⁹⁰

II. *Re-Assessment of Potentially Discriminatory Practices and Policies*

Our original assessment of VTC eligibility criteria and restrictions and comparisons of populations brought us to conclude that many VTCs are only addressing a portion of the justice-involved veteran and service member populations, with some excluding those who may benefit the most from the VTC.⁹¹ Additionally, we concluded that VTCs may provide access to and expedite services to VTC participants that other veterans and service members (both justice-involved and not) do not receive.⁹²

Given the research since 2017, these issues remain relevant today and still need to be empirically examined. For example, some VTC programs across the country still exclude VA-ineligible veterans and veterans with “bad papers.” As the most recent national survey of VTCs did not request information related to eligibility aside from type of offense,⁹³ we encourage future national surveys to understand the landscape of eligibility requirements to further assess this issue. However, we are looking forward to results of the current National Institute of Justice’s “Multisite Impact and Cost-Efficiency Evaluation of Veterans Treatment Courts,”⁹⁴ which should include an examination of various outcomes across the types of VTC participants. This research should provide some relevant findings that programs can use to guide the development and refinement of their programs’ eligibility requirements.

III. *Re-Assessment of Congruence with Punishment Philosophies*

In 2017, we explored how the concept of VTCs aligns with the two main punishment philosophies in the criminal justice system—retributive justice and utilitarianism. Under a utilitarian approach, we argued that VTCs could mistakenly stigmatize defendants as violent veterans with serious issues necessitating a separate court program.⁹⁵ This view could lead to the perception that the incentives provided to VTC participants (e.g., expedited

89. See Claire Ramsay Wan, Beth Broussard, Patrick Haggard & Michael T. Compton, *Criminal Justice Settings as Possible Sites for Early Detection of Psychotic Disorders and Reducing Treatment Delay*, 65 *PSYCHIATRIC SERVS.* 758, 761–62 (2014).

90. Yerramsetti et al., *supra* note 38, at 514.

91. Baldwin & Brooke, *supra* note 2, at 15.

92. Baldwin & Brooke, *supra* note 2, at 12–13.

93. See DEVALL ET AL., *supra* note 13, 79–91.

94. *NIJ Multisite Impact and Cost-Efficiency Evaluation of Veterans Treatment Courts*, NAT’L INST. OF JUST.: ADVANCING JUST. THROUGH SCI. (July 26, 2022), <https://nij.ojp.gov/funding/awards/15pnij-22-gk-00035-vtcx> [<https://perma.cc/RZM5-TD7S>].

95. Baldwin & Brooke, *supra* note 2, at 16.

access to the VA, service linkages, incarceration diversion) represent a less severe sentence compared to traditional criminal justice measures. From a retribution perspective, we argued that VTCs might shield their participants from deserved punishment because their military status affords them additional or more lenient punishment options not available to similarly situated nonveterans.⁹⁶ Additionally, individual responsibility is diminished by portraying participants as nonautonomous actors who require mandated and supervised treatment through court orders, implying that service members cannot be trusted to make appropriate decisions regarding their health and resource use. At the time of our initial writing in 2017, the available research suggested that VTCs instead fall into the categories of penal populism and communitarian and participatory models of justice.

In examining the congruence with punishment philosophies today, VTCs continue to deviate from traditional punishment approaches and raise additional ethical questions. For example, Rowen described VTCs as extending the categorization of “treatable” versus “untreatable” seen in other problem-solving courts (e.g., drug courts, mental health courts) by adding labels such as “worthy” or “unworthy” based on eligibility requirements that distinguish potential participants based on specific military experiences (e.g., discharge status, criminal charges).⁹⁷ This introduces an ethical concern, as it makes punishment appear selective.

Moreover, VTCs are unique in acknowledging the connection between state behavior (treatment by/during military service) and individual behavior. This approach reduces individual blame for legal transgressions by attributing some responsibility to military participation, while encouraging societal conformity through access to essential social welfare services. Beyond addressing current criminal activity and psychological well-being, it considers whether veterans were treated fairly during and after their service.⁹⁸ Yerramsetti et al. highlighted that VTCs provide a humanitarian option by diverting veterans from traditional punishment, acknowledging that the lasting adverse effects of their military service (e.g., mental illness, homelessness, unemployment, and strained support systems) may have contributed to their criminal charges and/or would be exacerbated by a criminal charge.⁹⁹ Although VTCs aim to rehabilitate by linking veterans to community services and benefits earned through military service and offering potential charge reductions or dismissals, they also face criticism for potentially imposing stricter or extended sentencing and court supervision compared to conventional legal proceedings, since veterans must comply to stringent program rules to qualify for reduced sentencing.¹⁰⁰

96. Baldwin & Brooke, *supra* note 2, at 16.

97. Rowen, *supra* note 28, at 92.

98. See Rowen, *supra* note 28, at 92–93.

99. Yerramsetti et al., *supra* note 38, at 514.

100. See Yerramsetti et al., *supra* note 38, at 516–17.

VTCs continue to embody elements of penal populism and communitarian and participatory justice models, as evidenced by recent research. Rapisarda et al. emphasize the political dynamics influencing the design and operation of VTCs, highlighting varying degrees of government engagement and funding sources.¹⁰¹ In a nationwide review of VTC legislation, they discovered that while most states (34 out of 48) have established VTCs through statutory measures, only a small fraction (12 out of 34) include specific eligibility criteria in their statutes.¹⁰² In most of these states, eligibility decisions are left entirely to the courts, highlighting a continued reliance on judicial discretion despite statutory frameworks.¹⁰³ Hummer et al. further explained that in cases where state statutes mention a “nexus” in decision-making processes but do not define its parameters or designate responsibility, VTC teams must depend on local court resources and the views of key stakeholders like judges and prosecutors.¹⁰⁴ This ambiguity contributes to significant variability in eligibility determinations across programs, even in states with well-defined statutory guidelines.¹⁰⁵ Additionally, the involvement of community stakeholders like mentors, the VA, and veteran organizations in the justice process raises ethical concerns about the role of non-legal professionals in sentencing decisions. Given the substantial subjectivity and latitude across VTCs, even where clear statutory guidelines exist, there is no consensus on which team member should be responsible for determining the “nexus.”¹⁰⁶ Despite the collaborative nature of VTCs, decision-making frequently remains concentrated with a single gatekeeper (e.g., judge or prosecutor), which can lead to tensions among team members regarding adherence to the court’s goals, mission, or policies.

Despite the efforts of VTCs to incorporate rehabilitative strategies and community involvement in the legal system,¹⁰⁷ persistent challenges remain regarding statutory ambiguity, eligibility criteria, and decision-making protocols. Critics have suggested that the sustainability of VTCs relies more on their ability to streamline administrative processes than on providing effective rehabilitation and reducing recidivism, which are viewed as lower priorities.¹⁰⁸

101. See generally Sabrina S. Rapisarda et al., *Veterans Treatment Courts: A Nationwide Review of Enacting and Eligibility State Statutes*, 19 VICTIMS & OFFENDERS 32 (2024).

102. *Id.* at 39–40, 53.

103. See *id.* at 53.

104. Hummer et al., *supra* note 36, at 63–64.

105. See Hummer et al., *supra* note 36, at 63–64.

106. See Hummer et al., *supra* note 36, at 71.

107. See Lux et al., *supra* note 48, at 75–77.

108. See Yerramsetti et al., *supra* note 38, at 519; Travis C. Pratt & Jillian J. Turanovic, *A Criminological Fly in the Ointment: Specialty Courts and the Generality of Deviance*, 14 VICTIMS & OFFENDERS 375, 377–79 (2019).

IV. *State of Knowledge on Effectiveness and Fidelity*

In our initial article, we discussed the strong support for the rapid expansion of VTCs nationwide, as they were believed to provide better treatment for veterans and were cheaper to maintain than other court programs.¹⁰⁹ However, we questioned whether they were truly more effective and cost-efficient, given that research had not kept pace with the implementation of these programs. At the time of our writing in 2017, we found a significant lack of evaluation research on the efficacy, effectiveness, and cost of the VTC concept and its implementation.¹¹⁰

Among the available research in 2017, only a small number of studies had examined recidivism rates.¹¹¹ While these studies indicated some reduction in recidivism for VTC participants, most lacked comparison groups and had issues with generalizability.¹¹² Program fidelity had not been addressed in the literature, and there were no established program-specific evidence-based practices (EBPs) for VTCs, while VTCs also deviated from drug court EBPs. Additionally, VTC programs did not predominantly target high-risk, high-need offenders and frequently engaged in “cherry-picking,” restricting eligibility to low-risk offenders.¹¹³ This selective approach could, in turn, influence both the effectiveness and fidelity outcomes of these programs.

Currently, there remains a dearth of empirical evaluation research on the efficacy, effectiveness, and cost of VTCs, especially in light of their significant expansion since our initial article.¹¹⁴ Byrne et al. summarized the state of the situation stating, “Unfortunately, only a small number of low-quality impact evaluations of VTCs have been conducted to date, so we currently know more about implementation challenges than program effectiveness.”¹¹⁵

109. See Tabatha Renz, *Veterans Treatment Court: A Hand Up Rather Than Lock Up*, 17 RICH. J.L. & PUB. INT. 697, 700–05 (2014).

110. See Baldwin & Brooke, *supra* note 2, at 18–19.

111. See generally Hartley & Baldwin, *supra* note 3; see also Kraig J. Knudsen & Scott Wingenfeld, *A Specialized Treatment Court for Veterans with Trauma Exposure: Implications for the Field*, 52 CMTY. MENTAL HEALTH J. 127, 127–35 (2016); Michelle Slattery, Mallory Tascha Dugger, Theodore A. Lamb & Laura Williams, *Catch, Treat, and Release: Veteran Treatment Courts Address the Challenges of Returning Home*, 48 SUBSTANCE USE & MISUSE 922, 922–32 (2013); Jack W. Smith, *The Anchorage, Alaska Veterans Court and Recidivism: July 6, 2004–December 31, 2010*, 29 ALASKA L. REV. 93, 93–111 (2012).

112. See generally Hartley & Baldwin, *supra* note 3, at 52–78; Holbrook & Anderson, *supra* note 3; R. Scott Johnson et al., *US Veterans’ Court Programs: An Inventory and Analysis of National Survey Data*, 52 CMTY. MENTAL HEALTH J. 180, 180–86 (2016); Knudsen & Wingenfeld, *supra* note 111, at 127–35; Smith, *supra* note 111, at 93–111; Slattery et al., *supra* note 111.

113. Baldwin & Brooke, *supra* note 2, at 14.

114. See Janice D. McCall, Jack Tsai & Adam J. Gordon, *Veterans Treatment Court Research: Participant Characteristics, Outcomes, and Gaps in the Literature*, 57 J. OFFENDER REHAB. 384, 384–401 (2018); see generally Rapisarda et al., *supra* note 101.

115. James M. Byrne, Don Hummer, Kimberly R. Kras, Sabrina S. Rapisarda & Kelly M. Socia, *New Research on Veterans Treatment Courts: An Overview of the Community Participatory*

Recent VTC research predominantly concentrates on program mechanics and process evaluation metrics (e.g., eligibility requirements, mentoring components, and the uniqueness of military culture),¹¹⁶ and a smaller subset of studies focuses on quality of life improvements in VTC programs, including linkage to VA services, mental health, and substance abuse support.¹¹⁷ We identified only three studies investigating recidivism among VTC participants, which Byrne et al. noted do not fully meet Campbell Collaboration standards.¹¹⁸ All three studies lacked control groups and reported recidivism rates under 20 percent.¹¹⁹ Specifically, Tsai et al. reported a 14 percent recidivism rate but lacked data on VTC characteristics.¹²⁰ Derrick et al. observed a zero percent recidivism rate among thirty-five graduates after a five-year follow-up at a single site,¹²¹ and Atkin-Plunk et al. found that less than 20 percent of their sample of forty-one VTC clients were rearrested during an almost two-year follow-up, yet their study was limited to just two VTCs.¹²²

In terms of efficacy, one study has tried to answer our call to explore VTC efficacy by identifying key programmatic factors that lend themselves to the creation of EBPs through qualitative interviews with both VTC actors and participants.¹²³ Ultimately, the results showed that participants valued authentic empathy and attention to their needs more than the military

Research on Veterans in Specialized Programming Project, 19 VICTIMS & OFFENDERS 5, 15–16 (2024).

116. See Lisa M. Shannon et al., *Examining Implementation and Preliminary Performance Indicators of Veterans Treatment Courts: The Kentucky Experience*, 63 EVALUATION & PROGRAM PLAN. 54, 54–66 (2017); Paul A. Lucas, *An Exploratory Study of Veterans Treatment Court Peer Mentors: Roles, Experiences, and Expectations*, 1 DRUG CT. REV. 59, 59–86 (2018); Anne S. Douds & Don Hummer, *When a Veterans' Treatment Court Fails: Lessons Learned from a Qualitative Evaluation*, 14 VICTIMS & OFFENDERS 322, 322–43 (2019); Caroline I. Jalain & Elizabeth L. Grossi, *Take a Load off Fanny: Peer Mentors in Veterans Treatment Courts*, 31 CRIM. JUST. POL'Y REV. 1165, 1165–92 (2020); see generally Nicole Sherman, “Be All That You Can Be”: *The Role of Identity, Pro-Social Labeling, and Narratives in Veterans Treatment*, 94 SOCIO. INQUIRY 723 (2024).

117. See Jack Tsai, Andrea Finlay, Bessie Flatley, Wesley J. Kasprow & Sean Clark, *A National Study of Veterans Treatment Court Participants: Who Benefits and Who Recidivates*, 45 ADMIN. & POL'Y IN MENTAL HEALTH & MENTAL HEALTH SERVS. RSCH. 236, 236–244 (2018); Herzog et al., *supra* note 30, at 78–93.

118. Byrne et al., *supra* note 115, at 8–14. Campbell Collaboration standards are methodological expectations for the conduct of Campbell Collaboration systematic reviews of intervention effects (MECCIR). *Methodological Expectations of Campbell Collaboration Intervention Reviews (MECCIR)*, WILEY (Oct. 31, 2024), <https://onlinelibrary.wiley.com/page/journal/18911803/homepage/author-guidelines> [https://perma.cc/W8FB-XCEF].

119. Byrne et al., *supra* note 115, at 8–14.

120. Tsai et al., *supra* note 117, at 243–44.

121. Raquel M. Derrick et al., *Serving Those Who Served: Outcomes from the San Diego Veterans Treatment Review Calendar (SDVTRC) Pilot Program*, 11 PSYCH. INJ. & L. 171, 176–80 (2018).

122. Cassandra A. Atkin-Plunk, Gaylene S. Armstrong & Nicky Dalbir, *Veteran Treatment Court Clients' Perceptions of Procedural Justice and Recidivism*, 32 CRIM. JUST. POL'Y REV. 501, 514–16 (2021).

123. See generally Lux et al., *supra* note 48.

context of the court or other aspects of the program.¹²⁴ Although the military culture of the court promotes camaraderie and personal accountability, and the mentor program encourages prosocial relationships, participants indicated that not all elements of the court need to be military-focused. For instance, some participants found civilian-provided treatment to be more effective than the services offered by the VA.¹²⁵ Additionally, Lux et al. also identified barriers to success that warrant further examination.¹²⁶ The two primary barriers are (1) lack of standardization and (2) resource deficiencies.¹²⁷ Participants see the lack of standardization as a significant weakness of the court.¹²⁸ This includes inconsistent enrollment and termination standards, absence of standardized benchmarks and program timelines, insufficient pre-enrollment exposure to the program, and available but unused training for mentors and facilitators.¹²⁹ Resource deficiencies contribute to program failure.¹³⁰ This includes inadequate staffing that fails to support participants properly, cumbersome and unnecessary program elements that lead to early terminations, and a lack of tools to measure efficacy, which raises concerns about the program's overall effectiveness.¹³¹

Ultimately, there remains a lack of peer-reviewed empirical research evaluating the efficacy, effectiveness, and cost of VTCs. Although programmatic reports may be available, they are not widely disseminated. Federal funding has been allocated to support programmatic efforts, with recent initiatives focusing on assessing the effectiveness and fidelity of the VTC model as a best practice and evidence-based approach.¹³² This is especially important given VTC actors' concerns about securing stable funding and the need for additional resources to enhance services for current clients and support future growth.¹³³ Echoing Byrne et al., there is a continued need for rigorous independent evaluations of VTCs to evaluate their impact and effectiveness, as well as to guide the future direction of these programs.¹³⁴

CONCLUSION

Since our original publication, several scholars have responded to our call by advancing the conversation on several key issues. Researchers have explored eligibility criteria across various programs, examined legislative

124. See Lux et al., *supra* note 48, at 75–77.

125. Lux et al., *supra* note 48, at 77–78.

126. See Lux et al., *supra* note 48, at 80–85.

127. Lux et al., *supra* note 48, at 80–85.

128. Lux et al., *supra* note 48, at 80.

129. See Lux et al., *supra* note 48, at 80–83.

130. Lux et al., *supra* note 48, at 83.

131. See Lux et al., *supra* note 48, at 83–85.

132. See generally NIJ *Multisite Impact and Cost-Efficiency Evaluation of Veterans Treatment Courts*, *supra* note 94.

133. See Socia et al., *supra* note 82, at 119–36.

134. Byrne et al., *supra* note 115, at 26.

initiatives and statutory requirements, and assessed VA strategies, drawing on our concerns about preferential treatment in federal, state, and local legislation, as well as in VA policies.¹³⁵ Others have focused on specific program components, such as the role of mentors,¹³⁶ and program effectiveness, including recidivism rates and participants' perceptions of procedural justice.¹³⁷ Additionally, we emphasized the need for further philosophical, theoretical, and empirical analyses of the VTC concept itself, and Rowen and Foley's recent work has expanded on our contributions while raising new concerns.¹³⁸ However, some gaps in research persist, and new challenges have surfaced as these programs continue to expand.

A major upcoming contribution will be the National Institute of Justice's "Multisite Impact and Cost-Efficiency Evaluation of Veterans Treatment Courts,"¹³⁹ as we anticipate it addressing many of the outstanding issues and providing research on which to base further discourse. This \$4.5 million multi-site study will conduct process, impact, and cost-efficiency evaluations, focusing on program effectiveness, efficacy, cost efficiency, and key topics like veterans with violent offenses, mental health, and equitable access.¹⁴⁰ Notably, the impact evaluation will use a randomized controlled trial design, a first for VTCs.¹⁴¹

While some advancements have been made since our original article, we did expect more to have been accomplished in certain areas. We look forward to the results of the National Institute of Justice's Multisite Evaluation of VTCs as we anticipate it to greatly impact the field, but we also hope to see additional empirical research, as well as theoretical and philosophical examinations of VTCs. VTCs are a unique model within the problem-solving court system, and their impact is profound, affecting the lives of many, including those who have served our nation. We look forward to seeing how the field decides to advance over the next seven years.

135. See Hummer et al., *supra* note 36, at 59–79; Rapisarda et al., *supra* note 101, at 32–58; Ryan Foley & Jamie Rowen, *Putting the "VA" in VTCs: How Facilitating VA Access Can Make Veterans Treatment Courts More Effective*, 12 WAKE FOREST J.L. & POL'Y 61, 61–102 (2022).

136. See Jalain & Grossi, *supra* note 116.

137. See Atkin-Plunk et al., *supra* note 122.

138. See Foley & Rowen, *supra* note 135.

139. See generally *NIJ Multisite Impact and Cost-Efficiency Evaluation of Veterans Treatment Courts*, *supra* note 94.

140. See generally *NIJ Multisite Impact and Cost-Efficiency Evaluation of Veterans Treatment Courts*, *supra* note 94.

141. See generally *NIJ Multisite Impact and Cost-Efficiency Evaluation of Veterans Treatment Courts*, *supra* note 94.