

Procedural Justice, Veteran Identity and
Legal Legitimacy in Veteran Treatment Courts

by

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ABSTRACT

In the wake of the wars in Iraq and Afghanistan, courts and social service systems across the country have begun establishing veterans treatment courts (VTC). The first VTC was created in 2004 and there are now over 300 in at least 35 states. Yet, their underlying assumptions have not been clearly articulated and their functioning and outcomes have not been well tested. These courts aim to reduce rates of incarceration and recidivism among justice-involved veterans and draw heavily on the structure and assumptions of drug and mental health courts. However, VTCs are different in important ways. Unlike other problem solving courts, VTCs actively express gratitude to criminal defendants (for past military service) and have the ability to connect participants to a socially-esteemed identity. Earlier problem solving courts have drawn on Tyler's theory of procedural justice to predict a path from procedurally fair treatment and social bonds with court personnel through changes in social identity to increased perceptions of legal legitimacy and, ultimately, program completion and reduced recidivism. The present study tested a modified, version of Tyler's theory that incorporates gratitude and focuses on veteran identity as the mediating construct between fair treatment and perceptions of legal legitimacy. A cross-sectional survey design was used with a convenience sample ($N = 188$) of participants in two Arizona VTCs. The results indicate that perceptions of procedural justice, perceived social bonds and receipt of gratitude are positively associated with both veteran identity and perceptions of legal legitimacy. Further, veteran identity was found to be a significant mediator between the first three constructs and legal legitimacy. Finally, neither recidivism risk nor race/ethnicity moderated the relationships.

The study supports the importance of acknowledging past military service and enhancing the level of veteran identity among VTC participants. Implications for practice and future research are discussed.

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Chapter 1

Introduction

Between September of 2001 and December of 2012, approximately 2.2 million members of the United States military deployed to combat zones in Iraq or Afghanistan (Institute of Medicine, 2013). Perhaps as a response to perceived short-comings in the post-deployment reception of veterans of the Vietnam War, those deployed in our most recent wars—and veterans more generally—have been held in high public regard (Pew Research, 2013a; 2013b). In a wide variety of social institutions, new programs have been created and existing programs have been modified in attempts to meet the perceived needs of these individuals. Changes have been made in our social service and criminal justice systems. The present study focuses on one such emerging intervention from our social service and criminal justice systems: veterans treatment courts.

Purpose of the Study

The dissertation focuses on perceptions of participants in two veterans treatment courts (VTCs). The decision to focus on perceptions—as opposed to outcomes—is based on three related factors.

First, VTCs are new and are expanding rapidly. The first VTC was established in Anchorage, Alaska in 2004 (Smith, 2012). Although the Anchorage court preceded it, a VTC launched in 2008 in Buffalo, New York is often said to be the first (Russell, 2009), has received greater attention, and has been a more effective driver of replication.

Beginning in 2009, VTCs began to proliferate throughout the U.S. at a dramatic rate.

The Veterans Justice Outreach (VJO) program is a unit of the Department of Veterans

Affairs (VA) that coordinates with VTCs and other components of the criminal justice system. A 2012 survey of VJO specialists identified 168 veteran courts, dockets or tracks (McGuire, Clark, Blue-Howells, & Coe, 2013). Although detailed updated estimates could not be located, it is clear that the increase in dockets is ongoing. Nationally, the model continues to receive encouragement and support from influential organizations. The American Bar Association (ABA) issued a resolution in support of VTCs (ABA, 2010) and recently highlighted this resolution and VTCs generally, stating there are now over 260 VTCs in the U.S. (ABA, 2014). The Justice for Vets division of the National Association of Drug Court Professionals spends significant resources encouraging new VTC development. Efforts by Justice for Vets include a track in the annual conference on development and a series of three-day workshops for local courts/community partners interested in VTC development (Justice for Vets, 2016). The Substance Abuse and Mental Health Services Administration is funding pilot studies (SAMHSA, 2011). The proliferation of VTCs shows no sign of abating. In addition to being new, there is significant diversity among VTCs. The important differences in the types of criminal offenses and veterans who are eligible to enter VTCs are detailed in Chapter Two.

Second, although they are generally modeled on more established problem solving courts—especially drug courts and, to a lesser extent, mental health courts—there are important facets that distinguish VTCs from their predecessors. These distinguishing features are tied to the social position veterans occupy in contemporary U.S. society. Unlike other problem solving courts, defendants in VTCs are routinely shown gratitude by court personnel and attempts are made to connect defendants with a positive social

identity. In contrast, although it is common for drug courts and mental health courts to attempt stigma reduction, the underlying behavioral health conditions are not seen as causes for gratitude or identities to be embraced. People are not thanked for having schizophrenia or an addiction to methamphetamine. Participants in drug and mental health courts are encouraged to understand the conditions that made them eligible as diseases to treat instead of defining identities (e.g. Dollar & Ray, 2013; Keena, Fulkerson, & Krieger, 2010; Snedker, 2015). In marked contrast, participants in VTCs are encouraged to enhance their connection to the status that makes them eligible for VTC participation and receive gratitude for their past military service.

As will be explored later, these differences are not merely descriptive. Rather, they resonate in interesting ways with important theories of procedural justice (Tyler & Huo, 2002), legitimacy (McNeil & Robinson, 2013), and compliance within the criminal justice context (Bottoms, 2002; Sherman, 1993). As will be discussed in Chapter Two, all of these theories place heavy emphasis on the related issues of social identity, community, social bonds, and community norms. The relationships that veterans have with each other and the larger community seem important.

Third, although discussion of VTCs has begun to emerge in peer reviewed sources, there are important limits that argue for a fundamental appraisal of participant attitudes prior to launching into outcome evaluation. Beyond the generally shallow research base, no know research has empirically tested how relevant theories fit in these novel courts. For example, do perceptions of fair treatment lead to a belief that our laws our legitimate and ought to be obeyed? Even the earlier generations of problem solving

courts have been identified as needing clearer theoretical explication and testing of how issues of client attributes, court actions, procedural justice and legal legitimacy influence offender perceptions and behavior (Wiener, Winick, Georges, & Castro, 2010).

More pointedly, the differences regarding gratitude and positive veteran identity have not been explored. Although they are conceptually fascinating, they have been neither operationalized nor examined alongside other elements of theories of procedural justice, legitimacy, and compliance. Although participants in VTCs must identify and treat “problems,” it is not these problems that make them eligible. Rather, their past good deeds and positive social standing do. This is truly novel. The focus on veteran status—as opposed to addiction or mental illness—has the possibility to alter the relations between participants and court/provider staff. It is common for judges and other staff in VTCs to be veterans (Hollbrook & Anderson, 2011). Thus, VTCs have the potential to decrease the perceived social distance between participants (i.e. criminal defendants), the employees in VTCs, and the larger community. The theories used in the present study are all normative in nature. In contrast with instrumental theories of criminal justice and human behavior they assume that perceived fair treatment, positive social identity and shared social bonds with legal authorities will motivate individuals to see laws as fair and follow them.

To close this section, the study’s purpose can be summarized as follows. It tested if traditional theories of procedural justice, community sanctions and legitimacy hold in two VTCs. That is, is procedural justice associated with social identity and perceptions

of legal legitimacy? It is one of the first attempts to explore how the theoretical assumptions that underlie problem solving courts function in this emerging variant.

Relevance of the Problem to Social Work

At its core, social work is an applied discipline. Our values and practice roles draw our attention to the functioning of micro and macro interventions. We are also concerned with issues of social justice and how groups fit within the larger society. More specifically, one of the 12 recently identified Grand Challenges for Social Work calls for an end to mass incarceration and identifies problem solving courts as one of many important approaches (Pettus-Davis & Epperson, 2015). Social workers have worked in and with problem solving courts since their inception (Roberts & Brownell, 1999; Tyuse & Linhorst, 2005). Further, it has been argued that social work research with problem solving courts should focus on procedural justice due to its resonance with the discipline's concern with justice and relationships (Ashford & Holschuh, 2006).

Social work has long had interactions with the individuals who serve in our military. In recent years, as millions of Americans have returned from war, social work has refocused its attention on how best to work with those in the military and veterans (e.g. Bender, 2012). Canada and Albright (2014) have highlighted our role specifically working with veterans in the criminal justice system (including VTCs). The speed with which social work and broader attention has come to veterans raises important issues. Simply, there are programs that need analysis. What theoretical assumptions guide their development and implementation? Do they work? If so, how and for whom? How do participants perceive their involvement? The desire to offer diversionary alternatives to

returning veterans is understandable. Yet, from a broader policy perspective, their assumptions should be clearly explicated and their functioning studied.

Chapter 2

Review of the Literature

Veterans of the United States Military

Prior to discussing veterans in the criminal justice system, it is helpful to consider the population of military veterans in the U.S. generally. There are a number of important distinctions within this category. Broadly, they are based on 1) traditionally considered demographic and socioeconomic factors, 2) within-military distinctions such as branch and era of service, and 3) prevalence rates of behavioral health conditions. Some of these within-group distinctions are merely descriptive; others can help understand patterns of veteran involvement in the criminal justice system. The interactions between veteran characteristics and criminal justice involvement will be considered in a subsequent section, but this overview will help frame that discussion.

Descriptions and comparisons with non-veterans.

The data presented here come from two sources, each with different strengths and weaknesses. First, the U.S. Census Bureau asks about veteran status in its annual American Community Survey (ACS), allowing identification of veterans within a nationally-representative sample. This data set has some important advantages. First, it includes institutionalized individuals. The sampling approach specifically includes individuals living in, among other facilities, local jails, state and federal prisons, hospitals (psychiatric and general), homeless shelters, half-way houses, group homes, and skilled nursing facilities (Census Bureau, *n.d.*). Second, the Census Bureau (2014) reports a very high response rate for both individuals in housing units (97.3%) and those in group

quarters (95.1%). Third, the approach to sampling and weighting allows the survey to speak to the universe of civilians age 17 and older living in the United States and Puerto Rico (Census Bureau, 2009). Finally, it reports on a broad array of conventional demographic and socioeconomic variables. Its main weakness for the present context is that it does not capture much detail beyond basic veteran status. For example, it does not include details on branch of service or exposure to combat. The ACS datasets will be augmented by an annual profile of veterans produced by the VA. Using the ACS data, the VA (2014a) provides some important comparisons that are not readily reported by the Census Bureau. The most recent profile of veterans is based on the 2012 ACS data.

Second, to address the lack of military-related variables provided by the ACS, the most recent National Survey of Veterans (NSV) was reviewed (Westat, 2010). The NSV is required by U.S. Code to help the VA guide service decisions. The current is the sixth version of the survey. Although generally sound, their sampling methods were much less aggressive than those of the ACS and they had a much lower response rate. Thus, although they also report on basic demographic and socioeconomic variables, I will focus attention here on their discussion of military-specific factors and rely on the ACS data and related VA analysis of it for other estimates.

As of 2013, there are estimated to be 19,588,586 military veterans in the U.S. (Census Bureau, 2013). This represents approximately 8.8% of the adult population. Both the raw numbers and the percentage have been declining in recent years due to ongoing mortality of the World War II generation. Just two years earlier, the ACS estimated there were 21,341,026 military veterans in the U.S., representing 9.5% of the

adult population (VA, 2014a). Current projections (VA, 2014b) expect this decline to continue, with the veteran population expected to be under 15 million by 2040.

However, this reduction is not expected to be uniform across demographic groups. The same VA projections call for a near doubling of the female percentage of veterans and a smaller, but steady increase in the percentages of Black and Hispanic veterans.

Although the gap is decreasing, men continue to make up the vast majority of veterans. According to the 2013 ACS, men account for 92% of veterans (Census Bureau, 2013). Beyond sheer numbers, there are some important differences between male and female veterans. Table A1 in Appendix A provides an overview of demographic characteristics. Two general trends emerge. First, there are significant differences between the veteran community and the larger U.S. adult population. Second, most of these differences are less stark for female veterans. Additional socioeconomic characteristics are highlighted in Table A2 in Appendix A.

Important service-related variables are depicted in Table A3 in Appendix A, based on data from the NSV. These include era of service, branch of service, and two different measures of exposure to military trauma.

An important aspect of veteran status—both generally and especially in a criminal justice context—is discharge status. There are two broad categories of military separation. The vast majority of individuals are discharged administratively. A much smaller number are discharged punitively, following the adverse action of a court-martial (essentially the conviction of a criminal charge by a military court). Under these two umbrellas, there are five types of discharge status. These statuses are important in

the following ways. First, they are suggestive (although far from perfectly) of the absence, presence, and level of conduct problems individuals experienced while in the military. This may have bearing on future, civilian criminal behavior. Second, they have significant impact on eligibility for VA benefits. This is important in the context of a VTC as they routinely partner with the VA for treatment of offenders. Finally, a modest number of VTCs only accept individuals who are eligible for VA services. The survey of 168 VTCs in 2012 found that 38% restricted court participation to veterans who were eligible for VA services (McGuire et al., 2013). The following summary is based on Moering (2011) for general description and VA (2013) for program eligibility.

- **Honorable:** This is an administrative discharge and the individual was seen to have completed his or her service without personal or professional difficulties in conduct. This status poses no barrier to VA eligibility.
- **General under honorable conditions:** This is an administrative discharge and the service member was deemed to have served in a generally satisfactory manner, but some military expectations were not met. These can include non-judicial discipline and some instances of medical or behavioral health conditions (generally preexisting). This status also poses no barrier to VA eligibility.
- **Other-than-honorable:** This is the final type of administrative separation and service member is discharged specifically for misconduct or security concerns. Eligibility for VA benefits is complicated and varies depending on the type of benefit and specifics of the facts that led to the discharge.

- **Bad conduct discharge:** This is a punitive discharge and follows punishment of a military crime as adjudicated by a special courts-martial (akin to a misdemeanor court) or a general courts-martial (akin to a felony court). When issued by a general courts-martial, the individual has no VA eligibility. Those individuals who receive this discharge subsequent to a special courts-martial have variable eligibility similar to other-than-honorable described above.
- **Dishonorable:** This status is punitive and reserved for those individuals who have been convicted through general courts-martial. Essentially, they are convicted felons and are likely to have restrictions on their right to possess a firearm and vote. They have no eligibility for VA benefits.

Despite its importance, it is difficult to locate statistics on military discharge status. It is apparently something that neither the VA nor the Department of Defense makes easily available. Modest—but not exhaustive—searches in academic databases also did not yield any detailed statistical analysis. Mumola (2000) reported in passing that 90.5% of individuals who left the military in 1999 did so at the highest—honorable—level.

Although it was noted that this came from a Department of Defense data system, no specific citation was provided. Although it is difficult to find governmental reports or academic research, the topic has drawn recent attention in the media. National Public Radio (2013) stated that 100,000 service members were discharged with one of the four less than honorable discharge types in the preceding ten years. A contributing reporter clarified that this was based on data provided by the Army for fiscal years 2006 through 2012 and NPR extrapolated to create the estimate (Q. Lawrence, personal

communication, November 12, 2014). As part of a week-long series, *The Colorado Gazette* reported data from the Army, showing an increase in disciplinary-related discharges between 2006 and 2012 (Philipps, 2013). Although neither media series provided enough details to allow for firm conclusions, both suggest an increase in the frequency of these forms of discharge and that the behaviors leading to the discharges are often secondary to military-acquired posttraumatic stress disorder (PTSD). Interestingly, former Secretary of Defense (Hagel, 2014) recently issued a memorandum instructing the military boards which review requests for upgrades of status to carefully consider petitions that are based on PTSD by Vietnam veterans.

Ultimately, this issue lacks clarity. However, for the reasons noted earlier, it is important to attempt to consider issues of discharge status when discussing interactions between veterans and the criminal justice system broadly and VTCs in particular. Although it was not the focus of this study, hopefully future research will offer a clearer picture on how common these types of discharges are, what factors contributed to them, and how they interact with future civilian criminal justice experiences.

PTSD, TBI, substance abuse, and depression.

It is important to describe prevalence rates of PTSD, traumatic brain injury (TBI), substance abuse, and depression among military veterans. These topics are important for a few related reasons. As is detailed below, there is speculation that they may contribute to criminal conduct among veterans. Largely flowing from the first point, they are often cited formally and informally as reasons to justify the development of VTCs. Finally, like all problem solving courts rooted in the tenants of therapeutic jurisprudence, VTCs

strive to identify and treat behavioral health conditions. So, even apart from considerations of causality and justification, it is important to know the scope of these issues among the target population. This section will focus most heavily on PTSD, but will also explore data on the other conditions. In addition to prevalence, consideration will be given to research into predictors of PTSD. The basic approach will be to highlight the strongest studies available, identify possible differences among types of veterans (i.e. era of service or exposure to combat), and end with some general conclusions.

Terms like “combat fatigue” and “shell shock” have been used in the popular and medical discussion of war for some time. Yet, the modern conceptualization of PTSD did not emerge until the third edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)* was published in 1980 (American Psychiatric Association, 1980). Although subsequent editions of the *DSM* have made alterations to the diagnostic criteria, the essential characteristics remain. Thus, although earlier cohorts of combat veterans experienced what we would now call PTSD, veterans of the Vietnam War are the first group to have been studied in a way that facilitates comparisons with veterans of more recent eras. The best dataset for understanding the extent of PTSD among Vietnam veterans is the National Vietnam Veterans Readjustment Study (NVVRS). This is a national, representative, community-based study that includes Vietnam theater veterans, veterans from the Vietnam era who were not deployed to Southeast Asia and civilians for comparison. Face-to-face surveys were administered by trained non-clinicians. Using these data, Kulka et al. (1990) reported the following six-month prevalence rates for *DSM-III* PTSD: Vietnam theater veterans (15.2% males, 8.5% females), other Vietnam

era veterans (2.5% males, 1.1% females), civilians (1.2% males, 0.3% females). Weiss et al. (1992) used the NVVRS to offer lifetime prevalence of PTSD as 30.9% for male Vietnam theater veterans and 26.9% for female theater veterans based on *DSM-III* criteria.

Long-term follow up has been conducted with 30,000 veterans who served during the first Gulf War during the early 1990s. Half of the cohort served in the Gulf War and are broadly considered combat exposed. The other half is made up of Gulf War era veterans who were not so exposed. This study has yielded consistent findings of elevated rates of PTSD among the combat exposed. Approximately five years after the end of the Gulf War, Kang, Natelson, Mahan, Lee, and Murphy (2003) administered an established PTSD (*DSM-III-R*) screening instrument by self-report. They found a significant increase (adjusted odds ratio of 3.1) in risk for PTSD among Gulf War veterans (prevalence of 12.1%) vs. Gulf War era veterans (prevalence of 4.3%). Conducting 10-year follow-up within this cohort, Kang, Li, Mahan, Eisen, and Engel (2009) documented that the elevated rate of PTSD was enduring. Gulf War veterans reported higher rates than Gulf War era veterans on experiencing the following in the weeks before the survey: PTSD (15.2% vs. 4.6%), other anxiety disorder (11.1% vs. 3.7%), major depressive disorder (14.9% vs. 5.8%), panic disorder (9.0% vs. 3.6%), and probable alcohol abuse (16.4% vs. 12.0%). Additionally, when combat deployed veterans were stratified into four groups, based on actual level of combat exposure, there was a significant increase in PTSD prevalence (from 7.0% for the lowest exposure to 22.6% for the highest exposure category).

Hoge et al. (2004) conducted one of the earliest explorations into how exposure to combat in Iraq and Afghanistan affected the behavioral health of returning soldiers. They administered anonymous surveys with established screening instruments for PTSD, anxiety, depression and alcohol misuse. The surveys were administered in 2003 to four distinct combat units: 2,350 Army soldiers before deployment to Iraq; 1,962 Army soldiers after deployment to Afghanistan; 894 Army soldiers after deployment to Iraq; and 815 Marines following deployment to Iraq. The pre-deployment survey was administered one week in advance of deployment and the three other surveys were administered three to four months after return to the United States. The two cohorts deployed to Iraq experienced very high rates of significant combat. Nearly every member of these groups was personally attacked or fired upon. Large, but not as extensive, numbers of the group deployed in Afghanistan experienced combat stressors. All groups evaluated post-deployment reported higher rates of behavioral health conditions—especially the two deployed to Iraq. Specific results are depicted in Table A4 in Appendix A, but there was a strong connection between combat exposure and increased risk for PTSD and alcohol misuse. Additionally, there was a wide divide between individuals who screened positive for conditions and those who were interested in receiving help. Less than half of those who acknowledged a problem (78% to 86%) expressed an interest in services (38% to 45%). Perceived barriers—including scheduling logistics, internal stigma, and external stigma—were all generally high and typically higher among those who met screening criteria for one of the behavioral health conditions. Taken together, the study documents elevated risk of behavioral health

conditions shortly after return from combat, relatively low rates of service utilization, and relatively high rates of perceived barriers.

One of the larger surveys of individuals who served in Iraq or Afghanistan was conducted by the Rand Corporation (Schell & Marshall, 2008). They conducted telephonic interviews with 1,938 individuals and weighted the results by military and general social-demographic factors to increase generalizability. Their sample included individuals who were still on active military duty (38.3%), individuals in a guard or reserve unit (14.7%), and true veterans who have retired or been discharged (47%). At least half of the respondents reported experiencing one or more traumatic events (the report did not provide the exact percentage). Trained interviewers administered established screening tools for PTSD, major depressive disorder, and traumatic brain injuries (TBI). Their results were: probable PTSD 13.8%, probable major depression 13.7%, and probable TBI 19.5%. Some individuals were assessed as probable for more than one condition and 69.3% as probable for none.

Milliken, Auchterlonie and Hoge (2007) reviewed a routinely completed screening tool used by the Department of Defense (DoD) upon return from combat deployments as well as a reassessment conducted three to 10 months later. Both assessments were conducted by DoD clinicians during 2005 and 2006 and used brief screening instruments. As the results were entered into a data system, they had nearly complete data on 56,350 active Army soldiers and 31,885 members of Army guard or reserve units. The results indicate high rates of positive screens for a variety of behavioral health and substance use issues and a high rate of at least one traumatic

combat experience (66.5%). Of concern is a wide discrepancy between positive screens and the issuance of appropriate referrals. For example, 11.8% of active soldiers and 20.8% of guard or reserve members screened positive for possible alcohol issues. However, only 0.2% and 0.6% received referrals. Similarly, although 27.1% of active soldiers and 35.5% of guard or reserve members screened positive on at least one indicator of mental health risk (including PTSD, depression, and interpersonal conflict or aggression), only 9.3% and 15.9% received behavioral health referrals.

High rates of head trauma (Murray et al., 2005) have been observed among Iraq veterans. Eskridge et al. (2012) referred to “TBI as a pre-eminent injury of the wars in Iraq and Afghanistan” (p. 1678). Diagnostic codes (ICD-9) associated with 4,623 explosions were reviewed from an Army base in Iraq. They reported a mild TBI was the most frequent injury type (10.8% of all reviewed codes). Among Iraq and Afghanistan veterans who utilized VA services in 2009, 6.7% were diagnosed with a TBI (Taylor et al., 2012).

Shortly before the beginning of the wars in Iraq and Afghanistan, the DoD launched the Millennium Cohort Study. This prospective study has enrolled over 200,000 service members and is following them to evaluate a variety of health and behavioral health outcomes. Research from this study is beginning to increase our understanding of the emergence and prevalence of PTSD, depression, and substance use disorders among combat and non-combat exposed veterans. The following three studies represent recent, broadly-based discussion of these issues from this on-going study.

Smith et al. (2008) used a two-tiered approach to evaluation of PTSD at baseline and subsequent measurement periods. First, participants self-administered a standard and well-established 17-item checklist based on the *DSM-IV*. Second, respondents were asked if they had been diagnosed by a doctor or other health care professional with PTSD during the specified time period. Smith et al. (2008) analyzed the data of 50,184 eligible cohort members, with a mean interval of 2.7 years between baseline and subsequent evaluation. For all respondents, they reported new-onset of PTSD at rates relatively similar to the general U.S. population's 12-month prevalence (3.1% for men and 4.7% for women). However, when consideration was given to the nature of the military service, PTSD became more prevalent among those who saw combat. Rates for their three categories follow: not deployed (3.0%), deployed without combat exposures (2.1%) and deployed with combat exposures (8.7%). Unfortunately, they did not break these rates down by gender, as there are typically gendered differences in PTSD rates. Additionally, it is worth noting that they used a simple and relatively low threshold for combat exposure (a positive response to five yes/no questions). Greater attention to the frequency, duration, and extent of traumatic combat exposures would have yielded more refined data. Despite these limits, the study documents a significant emergence of probable PTSD within a relatively short period of time for those exposed to combat.

Wells et al. (2010) used a similar approach to evaluate the relative risk of new depression based on deployment/combat experiences. Participants completed a screening tool based on the *DSM-IV* diagnosis of major depressive disorder. Both women and men who were deployed and exposed to combat had higher rates of new probable depression

(5.7% for men and 15.7% for women) than did those deployed without combat exposure (2.3% for men and 5.1% for women) and those not deployed to Iraq or Afghanistan (3.8% for men and 7.7% for women).

Jacobson et al. (2008) examined the emergence of new alcohol-related difficulties based on deployment and combat experiences. Their approach was similar to the above two Millennial Cohort Study reports in terms of time frame, sample size and strategy, reliance on self-report, and evaluation of deployment and combat experiences. They did, however, deviate in two ways. First, they evaluated alcohol-related issues in a threefold-manner not fully based on *DSM-IV* criteria. They evaluated 1) heavy weekly drinking, 2) binge drinking and 3) reported alcohol-related problems. Secondly, they differentiated between active duty military personnel and members of guard and reserve units. Their findings can be summarized as follows: male and female guard/reserve members who deployed and experienced combat had new onset of all three alcohol issues at significantly higher rates than guard/reserve members who did not deploy and those who deployed without seeing combat. In contrast, among male and female members of the active military, combat exposure did not result in statistically significant increases in any of the three forms of alcohol problems.

The above rates of PTSD among military and veterans are consistently higher than rates found in the general U.S. population. The National Comorbidity Study (NCS) is the most respected source of mental health epidemiological data in the country. The study series conducts face-to-face clinical interviews with a large, nationally representative sample. Thus, our best estimates of PTSD prevalence come from a NCS

replication study conducted with 10,000 adults in 2001 and 2002. This NCS-R reported a lifetime PTSD prevalence rate of 6.8% (9.7% for women and 3.6% for men) and a 12-month PTSD prevalence rate of 3.6% (5.2% for women and 1.8% for men) (Harvard Medical School, 2005a; Harvard Medical School, 2005b). Although the difference between baseline community rates reported in the NCS-R and PTSD rates typically reported for veterans are stark and clearly real, it is important to consider that the NCS-R used a more stringent criterion than do some of the studies on veterans.

Clearly, exposure to military combat increases risk of PTSD dramatically. However, it is also clear that the majority of individuals so exposed do not develop PTSD. This has led to research on risk and protective factors. The best study to date with a military sample was completed using the NVVRS by King et al. (1999). They used structural equation modeling to evaluate the relative contributions of: 1) pre-military factors (socioeconomic, childhood, early trauma, and child antisocial behaviors), 2) combat traumatic events, and 3) postwar resilience variables (social supports, subsequent life stressors, and hardiness) on PTSD. They tested the model separately for men and women. Both models had good fit based on a variety of indices. There were, however, some modest differences in the direct and indirect effects of the various latent factors in the model based on gender. For example, childhood antisocial behavior decreased the likelihood that women would have post-war resiliency factors, but did not for men. Post-war social supports also had a small protective (against PTSD) effect for men, but not women. For women, early childhood trauma was the only direct effect between pre-war risk and PTSD. For men, however, age was also a significant (and larger) path. The

important—but broad—take away is that the study highlights the multidimensional nature of PTSD, requiring attention to risk and resiliency factors before, during, and after combat trauma. Finally, although the gender differences did not alter the overall model, they are important to bear in mind. These potential gender differences are especially so as the number and role of women in the military has changed dramatically since this earlier study. Their exposure to combat has increased (VA, 2011) and the epidemic of military sexual trauma has emerged (Kimerling et al., 2007; Suris & Lind, 2008).

The findings of King and colleagues are generally consistent with a larger meta-analysis of predictors of PTSD conducted by Ozer, Best, Lipsey, and West (2008). Drawing on studies conducted with military and civilian samples, Ozer et al. (2008) also supported a multidimensional set of predictors and protective factors regarding the development of PTSD. Ozer and colleagues identified seven factors: prior trauma, prior level of psychological adjustment, family history of psychological difficulties, intensity of the traumatic experience (as evaluated by perceived life threat), post-event social support and two peritraumatic factors (emotional response and dissociation). All were significant in their meta-analysis. Interestingly, the two most salient predictors of future PTSD (negative emotional response and dissociation at or shortly after the event) were not clearly included in the work of King et al. (1999).

Relevant Aspects of the Criminal Justice System

Having considered veterans of the United States military as a population, it is important to give some attention to the criminal justice system in which this study was situated. This will set up the discussion of veterans in the criminal justice system that

closes Chapter Two. This section explores three topics in the criminal justice system of the U.S. that are relevant to the present study. First, it explores the issues of race and ethnicity. This discussion is important as one of the study's competing hypotheses is that the effects of race and ethnicity will moderate relationships in the primary hypotheses. Next, there is an overview of the prevalence of behavioral health conditions in the criminal justice system. Finally, the two older variants of problem solving courts that VTCs are most heavily modeled upon (drug treatment courts and mental health courts) are reviewed.

Race and criminal justice involvement.

Disparities in criminal justice involvement based on race and ethnicity are persistent and large. This disparity is perhaps most evident in prison incarceration. Data from the U.S. Department of Justice on all individuals in state and federal prisons at the end of 2013 offers a clear illustration (Carson, 2014). Imprisonment rates per 100,000 U.S. residents for male U.S. residents follow: White: 466, Black: 2,805, Hispanic: 1,134 and other: 963. Although not as dramatic, the same basic disparities hold for female U.S. residents: White: 51, Black: 113, Hispanic: 66 and other: 90 per 100,000.

Although the disparities are unambiguous, their meanings and causes are complex and contested. In simplest terms, the disparities can be attributed to lower rates of criminal behavior by Whites (e.g. Blumstein 1982; 1993) or administration of criminal justice in ways that systematically disadvantage Blacks, Hispanics and other non-White minorities (e.g. Tonry, 1995). Others have avoided an either-or approach and include both broad perspectives in analysis and explanation (e.g. Spohn, 2014).

In a recent review of the literature, Crutchfield, Fernandes and Martinez (2010) illustrated the complexity of these issues. They examined studies from both the adult criminal and juvenile justice system at multiple points in their respective processes. They reported that effects included 1) no difference based on race or ethnicity, 2) small, medium and even large disparities beyond criminal conduct that negatively impact Blacks and Hispanics, and 3) instances where Whites experienced significantly negative disparate outcomes. Their overall conclusion, however, supported that factors above and beyond criminal involvement contribute to the grossly disparate rates of criminal justice involvement experienced by Blacks and Hispanics in the U.S.

In the course of their review, Crutchfield and colleagues made several important points about the complexity of these interactions. They stressed the need to examine multiple jurisdictions. By looking at national or even state-level data—as was done in the oft-cited work of Blumstein (1982; 1993)—it is easy for researchers to smooth out potentially and often stark biased practices in local settings. Second, they draw attention to the multiple decision points in the criminal justice system, arguing that ignoring early points (e.g. where police officers patrol, traffic stops, initial court appearances) results in selection bias when considering outcomes at later points (e.g. sentencing decisions). Third, by building on their focus on multiple points in the criminal justice process, they argued that even small effects at isolated points can have a moderate or large additive effect in explaining disparities. Finally, they observed that the extant literature is overly-focused on the Black-White comparison. Without challenging the importance of that disparity, they argued for increased attention to others.

In the course of their review, they touched on a variety of causal mechanism that have contributed to racial or ethnic disparities. While some are closely tied to stereotypes and differential attribution of criminal behavior (internal characteristics in minorities vs. external factors for Whites), others are tied to covariates of race and ethnicity (income, education, language and citizenship). Finally, although Crutchfield and colleagues (2010) did not focus on the issue, they did observe that offense type can impact if and how race and ethnicity interact with criminal justice outcomes. This point—especially regarding drug offenses—is crucial. The role of race in contributing to disparities in drug sentences is well established (e.g. Provine, 2007; Spohn & Sample, 2013).

Kochel, Wilson and Mastrofski (2011) conducted a meta-analysis of published and unpublished studies into the impact of race on arrest decisions in the United States. Based on the mean effect across 27 independent data sets, they found the probability of a White individual being arrested was .20 while the probability for non-White individuals was .26. To explore the distinction between disparity and discrimination, they conducted a variety of moderator analyses. The race-based effect was not significantly reduced by citizen

demeanor, offense severity, presence of witnesses, quantity of evidence at the scene, the occurrence or discovery of a new criminal offense during the encounter, the suspect being under the influence of drugs or alcohol, prior record of the suspect, or requests to arrest by victims. (Kochel et al., 2011, p. 498)

The research in this area can be categorized as offering a clear trend (race and ethnicity impacts criminal justice outcomes) that is, however, contextually complex and

variable. If and how race and/or ethnicity affect outcome is not fixed. In addition to the issues noted above, we know from recent research that the interaction between race and sentencing should distinguish between prison and jail (Freiburger & Hilinski, 2013) and that the likelihood of race-based selection for searches following traffic stops is further impacted by the officer's race and community demographics (Rojek, Rosenfeld, & Decker, 2012).

Not surprisingly, there are also racial and ethnic differences in how the criminal justice system is perceived. These differences manifest among the general public (Hurwitz & Peffley, 2005; Tyler & Jackson, 2014; Unnever, 2008) as well as individuals involved in the criminal justice system (Applegate, Smith, Sitren, & Springer, 2008; Spelman, 1995; Wood & May, 2003). They exist regarding broad measures of legal legitimacy (Tyler & Jackson, 2014) as well as narrower perceptions of the fairness of courts (Tyler, 2001; Unnever, 2008). Consistently, African-Americans (and to a lesser extent Hispanics) report lower levels of perceived legitimacy and fair treatment from police and the courts. Frequently, the research ties these differences to perceived negative encounters with and treatment by legal authorities on the part of minority respondents and/or those in their immediate social circle (Hurwitz & Peffley, 2005; Tyler, 2001; Unnever, 2008).

Research has also explored if race and ethnicity impacts perceptions of sanctions—including prisons and intermediate forms. The potential for different perceptions of community-based, intermediate forms of sanction is important for the present study. Traditionally, the research in this area has been relative, asking individuals engaged in

the criminal justice system to rank or in some other way express preferences between different types of sentences (prison terms, jail terms, standard probation, intensive probation, etc) generally of varying lengths. Persistent—and often large—differences between Black and White offenders have been noted (e.g. Spelman, 1995; Wood & May, 2003) with Blacks less likely to see intermediate sections as a more lenient alternative to prison or jail.

Applegate et al. (2008) approached the issue of offender perceptions in some different ways and found different results. Importantly for the current study, Applegate focused on a sample of misdemeanor offenders. Much of the earlier research focused on felons. Additionally, the study was not comparative. Rather, probationers were asked to evaluate the meaning of probation, considering traditional correctional orientations (deterrence, rehabilitation, retribution and incapacitation). Interestingly—although not the main focus here—probationers tended to endorse several aspects of these potentially competing correctional orientations at the same time. More importantly for the present discussion, correlations between perceptions and characteristics (including race and ethnicity) were not significant. This study should not be seen as undercutting the above line of research. To the contrary, Applegate has himself explored and generally replicated the above findings that race is associated with different relative assessments of sanction options (Applegate, 2014). Yet, the exploration of a community-based form of sanction in a non-comparative manner is important; as is asking offenders to evaluate the meaning of the intervention based on traditional correctional orientations.

Cresswell and Deschenes (2001) explored perceptions of a drug treatment court, comparing White, non-Hispanic participants with a combined minority category (77% Hispanic, 13% African-American, 10% other). Participants were asked to evaluate the relative severity of five sanction options (diversion, probation, drug court, and prison). Consistent with most of the above findings (Applegate, 2014; Spelman, 1995; Wood & May, 2003) the minority participants evaluated prison as significantly less severe than did the White, non-Hispanic participants. The minority participants also felt that diversion was a more severe sanction than did the non-minority participants. However, consistent with Applegate et al. (2008), there was not a statistically significant difference in perceived severity of probation. Finally, minority status was not associated with a significant difference in perception of drug court severity.

Although the interactions are complex, it is clear that race and ethnicity exert great sway over how the criminal justice system is experienced and perceived by individuals in the United States. Disparate treatment and outcomes continue to exist. For a study that focuses heavily on perceptions of procedural fair treatment, social identity, and perceptions of legal legitimacy, these issues have the potential to be important.

It is, however, worth noting that the above research explores differences between Blacks and Whites more than it does between Hispanics and non-Hispanic Whites. When studied, Hispanics tend to experience similar, but smaller disparities and differences in perceptions. This may be important considering the demographics of the study setting. Similarly, the dissertation focused on individuals charged with misdemeanor offenses. Our focus on context should remind us that the felony-heavy research may not fully

translate. Nonetheless, the issues are real and worthy of consideration in the present study. Thus, an alternate hypothesis centers on race and ethnicity.

Behavioral health and criminal justice involvement.

Individuals with behavioral health disorders are also over-represented in our criminal justice systems. In many regards, the elevated prevalence of substance use and mental health disorders in these systems have led to the therapeutic jurisprudence perspective and modern problem solving court movement that will be discussed later in this chapter. Additionally, these conditions are often the primary target of interventions in VTCs. Thus, a basic review of the topic is in order.

Before reviewing prevalence studies, it is important to consider what is being described and how the data were obtained. Ideally, we would want to know about individuals with clearly established mental health and substance abuse diagnoses. This would narrow our focus to individuals with functional limits tied to these conditions. However, establishing such diagnoses is labor intensive, requiring either face-to-face interviews with qualified clinicians or the review of clinical records. More commonly, research draws on surrogate markers, often based on self-report. They commonly include identification of symptoms, substance usage, and treatment history.

The periodic surveys of jails and prisons conducted by the U.S. Department of Justice (DOJ) offer the largest and most representative sample of incarcerated individuals in the United States. Thus, their report on mental health problems of inmates is an appropriate starting point. James and Glaze (2006) used surveys conducted with state and federal prisoners in 2004 and jail inmates (both pre- and post-sentence) in 2002. They

reported very high rates of “mental health problems” in all three settings: federal prisons (45%), state prisons (56%) and local jails (64%). However, these rates must be interpreted with caution. Although their sampling strategy is strong, the surveys used two low-threshold indicators of problems. Participants were asked to indicate if 1) they had received a diagnosis of or treatment for a mental health problem in the preceding 12 months and 2) if they experienced any of several symptoms of a broad array of *DSM-IV* conditions.¹ In all three types of correctional settings, the less stringent any symptom category was much more common than recent diagnosis or treatment: federal prisons (49% vs. 24%), state prisons (40% vs. 14%), and local jails (60% vs. 21%). Recognizing that this report does not speak to functional limitations or clearly established specific diagnoses, it is nonetheless useful. Importantly, due to its sampling strategy, it allows consideration of distinctions within the larger incarcerated population. In all three institutional settings, females reported higher rates of problems and/or treatment. The difference was often quite large. In all three settings, there were racial and ethnic differences in the prevalence of problem identification. In each setting, Whites reported at the highest rates followed by, in order, African Americans and Hispanics. The reports based on race/ethnicity broke out as follows: federal prisons (50%, 46%, 37%), state prisons (62%, 55%, 46%), and local jails (71%, 63%, 51%). Age was also associated with such reports with the highest rates reported by those 24 and under and the lowest rates reported by those 55 and older. Histories of experiencing homelessness and foster care were higher among individuals who reported mental health problems. Finally, the vast majority of individuals who reported a mental health problem in all settings also

¹ The presence of any one symptom in isolation would not indicate that an individual has such a diagnosis.

screened positive for a drug or alcohol problem (federal: 64%, state: 74%, local: 76%). Additionally, although still generally high, individuals without a reported mental health problem screened positive for substance use problems at much lower rates (federal: 49%, state: 56%, local: 53%).

Methodologically, a study of jail inmates by Steadman, Osher, Clark Robbins, Case, and Samuels (2009) is the inverse of that of James and Glaze (2006). Although the DOJ study utilized a national sample of individuals from federal prisons, state prisons, and local jails (both pre-and post-sentenced), this study focused on recently arrested individuals from five jails in two mid-Atlantic states. Within these jails, groups of individuals were selected to have the Structured Clinical Interview for *DSM-IV* (SCID) administered by either mental health professionals or trained clinical interviewers. Women were over-sampled in order to evaluate both genders and SCID results were weighted against the original arrested groups in order to generate the prevalence rates. Their sample contained 417 men and 405 women. Thus, although the results are less generalizable, they offer a much more valid assessment of inmates meeting the criteria for one of several established serious mental illnesses. As expected, the prevalence is much lower than that reported in the DOJ study, but still much higher than those experienced in the general population and the gender differentiation was again found. Unfortunately, they did not report based on other characteristics. Among women in these jails during the study periods (2002-2003 and 2005-2006), women had a 31% prevalence rate of a serious mental illness during the preceding month and men had a 15% rate.

An important, but often overlooked, aspect of the elevated prevalence of individuals with mental health problems in jails and prisons is why they are there. It is often assumed that these individuals end up in jails in prison due primarily to failings of mental health systems and/or crimes related to unmanaged symptoms (e.g. Torrey et al., 2010). These factors are likely important. However, it is important to consider the extent to which traditional criminal risk factors are also involved. Studying male ($n = 265$) and female ($n = 149$) individuals in Texas prisons, Morgan, Fisher, Duan, Mandracchia and Murray (2012) explored this issue. Their sampling procedures differed for men and women (based on institutional/warden preferences) and neither resulted in a truly representative sample. Men were drawn from a medical/psychiatric unit where most individuals were housed due to a mental illness. Women were drawn from general population. Consenting participants were administered a series of tools and assessments regarding criminal thinking and *DSM-IV* based diagnoses. Almost all of the participants (92%) were assessed as meeting the criteria of having a serious mental illness. They drew comparisons between their combined male and female sample of presumed SMI prisoners with two referent groups from previous research: individuals with SMI outside of a criminal justice facility and non-SMI prisoners. They found that the study participants were clinically similar to non-correctional individuals with SMI and had similar levels of “criminal thinking” as did prisoners without a mental illness. Thus, they stressed the need for assessment and treatment of both clinical and criminogenic factors.

The DOJ surveys of state and federal prisoners have historically asked a number of questions about drug and alcohol use. These included items about being under the

influence at the time of the crime and general use of substances. In the 2004 survey, they added items designed to identify individuals likely to meet *DSM-IV* criteria for a variety of substance abuse and dependence disorders (Mumola & Karberg, 2007). In both state and federal prisons, the 2004 study documented high rates of substance usage and probable diagnoses. Illicit drugs were used the month prior to the offense by 56% of state and 50% of federal inmates. Between a quarter and a third of inmates reported being under the influence of an illicit drug during the offense that resulted in the current incarceration (federal: 26%, state: 32%). Approximately half of all prisoners screened as likely to have a substance abuse or dependence diagnosis (federal: 46%, state: 53%). There were differences based on age, gender and race—although not as clear and consistent as those in the mental health reports. Although women in state prisons had higher rates of probable disorder (60% vs. 53%), those in federal prisons had lower rates (43% vs. 46%). White prisoners consistently had higher rates of probable diagnosis (59% in both systems) than African Americans (federal 44%, state: 50%) and Hispanic (federal: 34%, state: 51%) inmates. Young age was consistently associated with higher rates.

Greenberg and Rosenheck (2014) approached the question in a different manner. Unlike the above studies which explored the presence of behavioral health problems in incarcerated populations, their research explored behavioral health (and other) correlates of past incarceration among a nationally representative sample of U.S. non-institutionalized adults. They used the NCRS-R (which was described above in the discussion of PTSD). The sound sampling and assessment methods of this study are

important strengths. Their results are limited by the cross-sectional design, the usage of two relatively simple measures of criminal justice involvement (any lifetime incarceration and total lifetime incarceration of 27 or more days), and an inability to control for time since incarceration. Nonetheless, their findings are helpful. Variables included in their models included lifetime diagnoses based on *DSM-IV* criteria (substance abuse or dependence disorders, anxiety disorders, mood disorders, and impulse control disorders), demographic (age, gender, race, ethnicity, and marital status), and socioeconomic (income, employment, history of receiving welfare payments, and history of homelessness). Although all broad classes of behavioral health conditions were significantly associated with any lifetime arrest in bivariate analyses, most dropped out during multivariate analysis. In the final model, the following variables were significantly associated with any lifetime incarceration, with odds ratios indicated: age in 10 year increments (.91), being male (2.41), high school graduation (.60), being from the northeast (.80), ever receiving welfare assistance as an adult (1.92), full-time employment (.82), longer than one week homeless as adult (2.85), combat exposure (1.57), other traumatic experiences (1.12 and 1.52), lifetime substance abuse or dependence diagnosis per *DSM-IV* (1.93). Although the methodological limits are significant, this study downplays the association between mental illness and past incarceration while supporting associations between substance abuse and a number of socio-economic factors. The relationship between combat exposure and incarceration is of note for the present study.

Despite some methodological challenges and contextual differences, some themes are clear. Individuals in our criminal justice system clearly have extremely elevated rates

of substance abuse. Rates of behavioral health symptoms, treatment and disorders are also elevated in the broad population. However, how much of that is driven by high rates of co-morbid substance abuse in the population is unclear. There are differential rates of mental health and substance abuse concerns based on gender (women almost universally reporting higher rates), age (younger individuals consistently reporting at higher rates), and ethnicity (Whites consistently reporting at higher rates). It is unclear how much of these differential rates are based on true differences versus differential perceptions of such issues, willingness to report, and identification and treatment by providers. When socioeconomic variables are included, they tend to be significantly associated as well. As has been the theme throughout the literature review, context and diversity matter.

Problem solving courts.

Although VTCs are new and have not yet been subjected to rigorous evaluation, insight can be gleaned by considering the larger problem solving court movement of which they are a part. This section provides 1) a brief discussion of the history and growth of problem solving courts, 2) the forces that led to their growth, 3) an overview of their guiding philosophies and defining characteristics, 4) an overview of research on drug treatment courts (DTCs) and mental health courts (MHCs) as the two models VTCs are most heavily influenced by, and 5) a brief discussion of common critiques of problem solving courts.

In some regards, the roots of problem solving courts in the United States are deep. Quinn (2009) drew striking parallels between modern problem solving courts and the Wayward Minor's Court for girls/women between the ages of 16 and 21 charged with

prostitution and other sexual offenses. The court was established in New York City in 1936. In addition to a specialized docket, there was a decrease in legal formality and an active focus on individualized therapeutic services. Collaboration with a community provider agency was said to be common (Quinn, 2009). Although he did not draw comparisons with problem solving courts, Willrich (2003) identifies older roots. Using the emerging municipal court system in Progressive Era Chicago as a case study, he documented early efforts of judicial innovation (including specialized dockets) to target the perceived social roots of criminal behavior.

Despite this long—and uneven—history, it is clear that a renewed interest in problem solving justice has spread among U.S. courts over the past 25 years. Generally, this movement is said to have started with the development of a DTC in Miami-Dade County, Florida in 1989 (Berman & Feinblatt, 2005). The first modern MHC in the U.S. was created in Broward County, Florida in 1997 (McGaha, Boothroyd, Poythress, Petril, & Ott, 2002). Problem solving courts generally and drug courts particularly have grown dramatically in the intervening years. Drug treatment courts (DTCs) are now found in every U.S. state and several other countries. The National Drug Court Institute periodically surveys court systems nationwide and tracks the number and type of problem solving courts. The most recent report is: 3,648 problem solving courts, 1,317 adult DTCs, and 288 MHCs operating in the United States at the end of 2009 (Huddleston & Marlowe, 2011). Although not as stark as the increase in VTCs noted earlier, this report suggests on-going expansion of most types of problem solving courts, including adult DTCs and MHCs.

The rise of problem solving courts has been attributed to a number of factors, operating at national and local levels. A national trend that began during the 1970s towards tougher laws regarding crime and drug crime in particular is often implicated as a broad social factor that set the stage for the emergence of DTCs and subsequent problem solving courts. It is generally agreed that these get tough laws increased the number of individuals processed through the criminal justice system. Different writers frame the response in different ways. Some (e.g. Berman & Feinblatt, 2005) focus on judges and others becoming concerned with the revolving door nature of justice and motivated to address root causes and improve lives, drawing on a therapeutic jurisprudence orientation. Others (e.g. McCoy, 2003) frame the concern a bit more cynically as an attempt at docket management. There is typically a heavy dose of local innovation, often driven by one or two motivated judges. This was very much the case with the earliest VTCs in Anchorage (Smith, 2012) and Buffalo (Russell, 2009). However, there have also been significant enabling factors at state and national levels. Some argue that the involvement of future U.S. Attorney General Janet Reno in the original DTC led to early federal financial support for replication (Dorf & Fagan, 2003). This financial support has continued and has increased recently. Huddleston and Marlowe (2011) report the federal government appropriated \$88.8 million dollars to support DTCs in FY 2010. The federal government has provided indirect assistance as well. The Department for Justice, Bureau of Justice Assistance has provided support for model dissemination for decades (e.g. Huddleston, & Marlowe, 2011; National Association of Drug Court Professionals, 1997, 2004). Specific to veterans, the VA has

dedicated significant resources through the Veterans Justice Outreach program to (among other tasks) support VTCs through assigning staff to liaise with courts, developing protocols to share information with court systems, and increasing access to care for VTC involved veterans (Blue-Howells, Clark, van den Berk-Clark, & McGuire, 2013). Finally, several states have supported the models through both funding and passage of legislation to facilitate DTCs (Huddleston, & Marlowe, 2011). Similar statutes are beginning to be passed to further support development of VTCs. Justice for Vets (2014) reports that seven states have passed such legislation.

Adherents of problem solving courts generally locate themselves and their work firmly in the therapeutic jurisprudence (TJ) tradition. Some refer to TJ as a theory (e.g. Winick & Wexler, 2003). For the purposes of the current study, it is viewed as a philosophy or practice orientation as opposed to an explanatory theory. Primarily developed in the context of mental health law, TJ has been applied to a wide array of legal arenas (including, but not limited to: traditional criminal law, problem solving courts, family law, and child welfare). As its chief architects explained,

its essential premise is a simple one: that the law is a social force that can produce therapeutic or antitherapeutic consequences. ... [TJ] proposes that we use the tools of the behavioral sciences to study the therapeutic and antitherapeutic impact of the law, and that we think creatively about improving the therapeutic functioning of the law without violating other important values, such as *Gault*-like due process concerns. (Winick & Wexler, 2003, p. 7)

The connection between problem solving courts and TJ seems obvious. Those who form such courts are motivated by a desire to use the position and power of the criminal court to encourage and even compel therapeutic interventions for perceived underlying behavioral health and social conditions. References to TJ are common in the problem solving court literature (e.g. Berman & Feinblatt, 2005; Keena et al., 2010; McIvor, 2009; Winick, Wiener, Castro, Emmert, & Georges, 2010).

There are also interesting discussions of the role that the restorative justice and community justice traditions play in problem solving courts. Although less ubiquitous, references to these related traditions are relatively common as well (e.g. Berman & Feinblatt, 2005; Kenna et al., 2010). Although its manifestations are varied and a full discussion of the orientation is beyond the scope of this discussion, restorative justice can briefly be described as a legal orientation that focuses not on the state as the primary aggrieved party from crime, but focuses on the victim and larger community (Umbreit & Armour, 2011). It goes on to focus broadly on allowing victims (including to varying degrees the community) voice and control over the process as well as attempting to return the offender to positive social standing. Problem solving courts fit comfortably with the focus on returning the offender to positive standing. In an interesting mixed methods study of a VTC, Baldwin and Rukus (2015) found the role of the larger military/veteran community as generally consistent with the restorative justice tradition. However, the lack of victim voice (they were invited, but rarely participated), the absence of offender participation in case staffings, and the presence of some coercion were identified as aspects that were inconsistent with the tradition. They did note that it was closer to the

restorative ideal than typical criminal courts and even the common DTC due to the positive involvement of the military/veteran community. Although the issue of restorative or community justice was not a focus of the dissertation, this resonance around the involvement of community is of interest and will be explored in both the theory and methods chapters.

Finally, it is worth noting that problem solving courts draw heavily from procedural justice. This theory is the cornerstone of this study. It will be discussed in detail in Chapter Three. Here, it is sufficient to note that studies of drug and mental health courts often rely on the theory's hypothesized connections between procedurally fair treatment, perceptions of legal legitimacy, and compliance (e.g., King, 2009; McIvor, 2009; Poythress, Petrila, McGaha, & Boothroyd, 2002; Rossman et al., 2013).

Although there is a modest level of variability between types of problem solving courts and jurisdictions, there are several important and easily identifiable characteristics. Berman and Feinblatt (2005, pp. 5-7) offered a broad and generally agreed upon list of five key elements.

1. "A tailored approach to justice:" Here, the focus is on "disaggregating the criminal caseload." To varying degrees, attempts are made to develop specialized dockets, judges, and attorneys focusing on types of crime (i.e. drug offenses, domestic violence, DUI) or types of offenders (i.e. individuals with a serious mental illness, homeless individuals, veterans).
2. "Creative partnerships:" This focuses on courts collaborating with neighborhoods, victims, behavioral health providers, social service agencies and others.

3. “Informed decision making” focuses on providing judges and attorneys information they need to consider the underlying behavioral health and social issues. This includes person-specific assessments and broader education on conditions, treatment options, and systems of care.
4. “Accountability” highlights the active role of the judge that is typical in problem solving courts. It includes frequent appearances before the judge, drug and alcohol testing, and the imposition of sanctions and rewards.
5. “Focus on results” calls for utilization of data systems to monitor a variety of process and outcome issues.

Although Berman and Fielbaltt did not label it a key element, they and most observers also note that problem solving courts are less adversarial than traditional courts. These broad characteristics have been further developed within the DTC context. First issued almost 20 years ago, the National Association of Drug Court Professionals (1997, 2004) has consistently listed 10 key components as defining drug courts. Retaining the core 10 components they recently issued a set of best practice standards to provide more detailed guidance to local DTCs (National Association of Drug Court Professionals, 2013).

Even within types of problem solving courts, there is significant variability. This issue will be illustrated in the next section when discussing VTCs. Thus, I will not go into depth here, but simply note that courts have very different eligibility based on issues that include type of offense, previous offenses, victim input and others. Structural court differences include pre- vs post-plea models and misdemeanor, felony, and mixed courts. There can also be significant differences in the nature of coordination with treatment

providers as well as the diversity and quality of service providers available in a given community. These issues complicate attempts to draw firm conclusions about the effectiveness of problem solving courts.

Before reviewing research into the effectiveness of DTCs and MHCs, a brief discussion of barriers to conducting research in these settings is helpful. Although true experiments utilizing random assignment are clearly the gold standard for testing of intervention effectiveness (Shadish, Cook, & Campbell, 2002), such designs are often challenging to implement in applied settings. There is reason to believe that the barriers are even starker in legal arenas. Reluctance to use this design by legal systems and players have been noted (e.g. Latimer et al., 2006; McGaha et al, 2002) In an article focused on sharing lessons from their evaluation of the first MHC in the country, McGaha et al. (2002) listed other barriers. They include: difficulties recruiting an appropriate control group, the dynamic nature of the treatment system that problem solving courts partner with, and relatively high rates of attrition. Moving away from individual studies and issues of internal validity, there are also challenges in generalizability and pooling data through meta-analytic techniques. As has been noted, different courts often have very different legal or clinical eligibility criteria. Additionally, even when focusing on the most established variant (DTCs) there has not been the attention to fidelity in replication as is common with evidence-based interventions administered outside of court systems. The issuance of best practice standards by the National Association of Drug Court Professionals (2013) may lead to greater uniformity, although it is probably unrealistic to expect the same level of fidelity

that one strives for in other evidence-based interventions (e.g. Substance Abuse and Mental health Services Administration, 2008). Finally, individual problem solving courts use treatment systems with different levels of resources. Individuals in different communities will not have, for example, the same ease in accessing residential substance abuse treatment if it is assessed as appropriate.

Using relatively similar inclusion criteria (generally categorized as liberal, including quasi-experimental designs with control groups), many of the same studies, and different statistical approaches, a number of meta-analyses were conducted 10 to 15 years ago on adult DTCs (Aos, Miller & Drake, 2006; Belenko, 2001; Latimer et al., 2006; Lowenkamp, Holsinger, & Latessa, 2005; Wilson, Mitchell, & MacKenzie, 2006). They focused heavily on recidivism as the outcome variable of interest. Their results were consistently positive and tentative. They reported reductions in recidivism rates of 7.5% to 14% over comparison groups. Clearly, these findings are positive and lend significant support for the effectiveness of adult DTCs in reducing future crime.

An additional positive finding was reported through moderator analysis by Latimer et al. (2006). Although the effect size in studies decreased as the length of follow-up period increased, the gap between DTC recidivism and control group recidivism increased with longer periods for recidivism evaluation. Thus, Latimer and colleagues offer tentative support for a benefit that increases over time.

Aos et al. (2006) attempted to estimate a return on investment made in DTCs. They developed a model that 1) estimated the cost of the intervention beyond traditional approaches, 2) estimated costs of recidivism (arrest, court, jail/prison) to the taxpayers, 3)

estimated costs of recidivism to future victims, and 4) estimated a net increase or decrease in public and private costs. For DTCs, they estimated per-participant cost at \$4,333 and a combined savings of \$4,767. Much of this projected savings is based on inclusion of private benefits to avoided victims (\$4,395). However, even if we exclude this piece, their model estimates a small system saving per DTC participant.

Despite these consistent and positive findings, it is necessary to highlight some important limits. Not only did these systematic reviews allow inclusion of studies with non-random design, but they were the strong majority in all studies. Even more troubling is a finding from Latimer et al. (2006) that when analyzed alone, the six studies with random designs did not have a statistically significant difference in recidivism. As noted earlier, conducting true experiments in legal settings is challenging. These limits do not fully undermine the positive results, but they do urge caution and encourage creative future research. Wilson et al. (2006) summarized the findings as “tentatively [suggesting] that drug offenders participating in a drug court are less likely to reoffend than similar offenders sentenced to traditional correctional options. The equivocation of this conclusion stems from the generally weak methodological nature of the research in this area” (p. 459).

An additional limit regarding these findings is the issue of DTC attrition. According to Latimer et al. (2006), the studies in their meta-analysis had attrition rates ranging from 9% to 84%, with a mean of 45%. They further reported that these DTC non-completers were rarely included when DTC recidivism rates were calculated. Although we can take comfort in Belenko’s (2001) report that other community-based

substance abuse treatment programs have higher rates of attrition, an honest assessment must recognize the important limits on recidivism reduction reported above when nearly half of DTC participants drop out and are generally excluded from recidivism comparisons. It is also worth noting that concerns have been raised that African American and Hispanic DTC participants tend to have lower rates of program completion than do White, non-Hispanic participants (Gallagher, 2013).

Likely tied to their smaller numbers and shorter existence, MHCs have been less researched than have DTCs. Wiener et al. (2010) noted the “paucity of empirical work” and added that the existing studies are “primarily descriptions of specific [MHCs]” (p. 420) as opposed to studies of outcomes or effectiveness. Shortly after this assertion, Sarteschi, Vaughn, and Kim (2011) published the first meta-analytic study of MHCs. To the best of my knowledge, it remains the only such study. Owing to the smaller number of studies, they used an even less stringent set of inclusion criteria than used in the DTC meta-analytic studies noted above. They included 18 studies (2 experimental designs, 12 quasi-experimental studies with a control or comparison group, and 4 single-group designs that drew pre- and post-treatment comparisons). Their primary outcome of interest was recidivism. They attempted to provide analysis of clinical outcomes as well, but were limited by the depth and consistency of reports. Like the studies of DTCs, they found tentative support for the ability of MHCs to reduce recidivism. They reported that MHCs are moderately effective in reducing recidivism. Although unable to draw conclusions, they noted support for the ability of MHCs to improve functioning (as measured by the Global Assessment of Functioning) and reduce inpatient psychiatric

days. They raised concerns about the level of program attrition, although there was not sufficient data to analyze the issue. Finally, they raised a concern that participants in the 18 studies were disproportionately White (when compared against the larger criminal justice composition). The work of Sarteschi and colleagues is a positive start. Although the methodological limits they encountered are even starker than those in the DTC studies, their analysis provides tentative support for the effectiveness of MHCs in reducing criminal recidivism. They also identify important areas for further inquiry: clinical outcomes, predictors of attrition, and racial disparities in participation.

Although their data is only from one MHC (located in a suburban Midwestern community), Dirks-Linhorst, Kondrat, Linhorst and Morani (2013) use this case study well to explore factors associated with nonparticipation and termination. Over eight years, there were 947 individuals eligible to enroll in the studied MHC. They reported that 15% chose not to participate and of those who entered the program 30% were negatively terminated. Multivariate modeling found that clinical factors (substance abuse history and multiple psychiatric diagnoses) increased the odds of non-participation. Predictors of negative termination were more complex, including being male, being a racial minority, having multiple diagnoses, and an original charge of theft.

Finally, it is important to consider some of the dominant critiques of the problem solving movement (many of which have been noted in passing). Although the underlying reasons and implications are unclear, there seem to be racial disparities in participation and completion of DTCs and MHCs (citations above). This is clearly an issue that warrants more dedicated research and remedy. Coercion has been identified as a potential

problem in therapeutic justice broadly (Petrila, 2001) and problem solving courts specifically (Quinn, 2009). Perhaps more than the other critiques that are offered, perceived coercion is amenable to study. Yet, it does not appear to be a commonly evaluated construct. The small number of sources in this review that address it² tended to report low levels of perceived coercion. Poythress et al. (2002) found generally low levels of perceived coercion among participants in a MHC. They did, however, note that 34% of the respondents also reported being unaware that they had the option of being processed through a routine criminal court and that these individuals had a higher (but still relatively low) level of perceived coercion. These trends are similar to a summary provided briefly in Rossman et al. (2013) that stated the four studies they identified (including Poythress et al., 2002) yielded low levels of perceived coercion in MHCs. They identified another study that suggested participants may not completely grasp important aspects of these courts, including the voluntary nature of participation. Finally, a survey of VTC participants found a moderate percentage (17%) of respondents did not feel fully informed or even consulted about the transfer to the VTC (Baldwin & Rukus, 2015).

Whether they are fundamental critiques or petty comments is debatable, but critics have pointed out that neither therapeutic jurisprudence (Petrila, 2001) nor problem solving courts (Quinn, 2009) are as new and innovative as proponents typically tout. Lending credence (and some importance) to this point is the work of Richard Abel. Although he wrote before the rise of modern problem solving courts and discussed a

² It was not a target of dedicated research for this review. Thus, it may be researched more than is reflected here.

larger trend towards informal justice (including criminal and non-criminal matters), Abel (1982) raised several concerns that seem to have foreshadowed modern day critiques of problem solving courts. First, he raised concerns over loss of due process protections that a neutral judge and aggressive defense attorney offer. This is one of the major concerns offered regarding problem solving courts (e.g. Nolan, 2003; Quinn, 2009; Spinak, 2003). Second, Abel discussed that the mixing of private processes (here, on-going social or behavioral health services) and public courts is likely to result in an extension of social control and keep people under legal scrutiny longer than they would be otherwise. This concern has much in common with critiques about social control in problem solving courts offered by Quinn (2009). Third, he cautioned that even when informal justice offers short-term benefit to traditionally oppressed groups, it is often a poor substitute for (and may even delay) more fundamental change. This point resonates well with the critique of mental health courts offered by the Bazelon Center for Mental Health Law (*n.d.*). This legally-based advocacy center readily acknowledges the problems of high rates of incarceration of individuals with mental illnesses. However, they argue for a greater focus on creating strong, voluntary systems of care in communities. Finally, Abel (1982) reminds us that formalism itself has not always served the powerless well and advises, “it is not possible to determine, in the abstract, which is preferable. Each must be situated historically in a concrete social context” (p. 10). Again, this focus on context shares much with modern critics of problem solving courts. This is similar to the attention McCoy (2003) draws to understanding what specific forces and values led to the development of specific problem solving courts as opposed to casting all in either a

positive or negative light. Similarly, the varied concerns raised by Dorf and Fagan (2003) were not offered as reasons to abandon problem solving justice, but as a call to minimize or avoid such problems.

To close this discussion of problem solving courts generally, it can be said that: 1) they are rooted in a tradition of legal experimentation and attention to underlying behavioral and social forces that impact criminality that has ebbed and flowed in American jurisprudence for over a hundred years; 2) there has been a dramatic increase in their number and emerging formality in their approach over the past 25 years; 3) despite this, there remains significant variability in their structure; 4) their philosophical orientation is firmly rooted in therapeutic jurisprudence and they also draw upon restorative justice and procedural justice; 5) we have solid descriptive data regarding these courts; 6) there are significant methodological challenges to conducting high-quality evaluation of such courts; 7) there are important critiques that should inform development and evaluation; and 8) we have reason to believe that problem solving courts reduce recidivism and are likely to improve clinical outcomes of participants and reduce financial costs to society of crime. As will be discussed in the next section, the popular and successful DTC and larger problem solving court movements were well positioned to serve as models for the development of VTCs as criminal justice systems across the nation considered how to respond to the needs of justice-involved veterans.

Veterans in Criminal Justice System

Discussions of possible connections between exposure to war and subsequent criminal behavior are not new. Nor are calls to afford preferential treatment in the

administration of criminal justice to those who served in combat. From a social work perspective, the writings of Edith Abbott (1918) in the aftermath of World War I are a fitting start to the conversation:

Now the importance of all this at the present time is the fact that every belligerent nation must be prepared for a grave increase in crime after the war and that the obligations upon society were never greater than they are today to see that every effort is made to save men convicted of minor offenses from the demoralization of a prison term (p. 38)

Despite such deep historical roots, the rapid proliferation of VTCs, and a general public interest in the topic, there is a relative dearth of empirical analysis of veterans in the criminal justice system. In many important ways, we have more questions than answers. Yet, there is relevant research and theoretical orientations as well as some clear patterns to discuss.

This consideration of veterans in the criminal justice system is broken into four sub-sections. First, studies of prevalence are explored. They typically provide detailed descriptions of a sample of veterans in prisons and/or jails. Generally, they draw comparisons between incarcerated veterans and either non-incarcerated veterans or incarcerated non-veterans. Second, the studies which attempt to help understand what factors contribute to veteran criminality are reviewed. Typically, they explore associations between post-military criminal behavior and a mix of potentially causal variables. Third, legal and theoretical perspectives on veteran culpability will be

reviewed. Finally, the literature on VTCs will be reviewed. This will include both empirical studies when available as well as theoretical or policy pieces.

Prevalence and description.

Generally, our best sources of information on veterans in the criminal justice system come from the DOJ Survey of Inmates in State and Federal Correctional Facilities (Mumola, 2000; Noonan & Mumola, 2007) and Survey of Inmates in Local Jails (Mumola, 2000). These reports offer detail on demographics, clinical characteristics, socioeconomic factors, and criminal justice factors. They draw sound and useful comparisons between veterans and non-veterans in custody at the same time. They also offer brief but useful comparisons of rates of veteran incarceration. Of some concern is that these reports are based on data that either pre-date or come from early in the wars in Iraq and Afghanistan. Nonetheless, they are the appropriate starting point. For the most part, this review will focus on the Noonan and Mumola report which drew on data from 2004. However, this report only contains data on individuals in state or federal prisons. The Mumola (2000) report uses jail as well as prison data from the mid-1990s.

We know from the DOJ reports that veterans in jails and prisons are almost exclusively male. This is not surprising, as both the larger veteran and incarcerated populations are mostly male. Incarcerated veterans differ in a number of ways from non-veterans. Detailed differences are presented in Table A5 in Appendix A. To briefly summarize, veterans are older, better educated, more likely to be married, and more likely to be White, non-Hispanic than incarcerated non-veterans (Mumola, 2000; Noonan & Mumola, 2007).

Generally, veterans are incarcerated at a lower rate than are non-veterans. In both studies, male veterans were incarcerated at less than half the rate of male non-veterans (Mumola, 2000; Noonan & Mumola, 2007). However, Culp, Youstin, Englander and Lynch (2013) used the same 2004 DOJ prison survey and nationally representative data from the Census Bureau and concluded that military service was not a potent predictor of incarceration when a rich set of demographic (age, gender, race and ethnicity) and socioeconomic (poverty and education) variables were used. The seemingly protective value of military service all but vanished. The demographic variables explained approximately 20% of the variance in their models; the socioeconomic variables explained another 11%; and the military service variables explained less than 1%.

Additionally, the percentage of veterans in our nation’s jails and prisons is decreasing. Although hard to make direct comparisons, this decrease seems to be generally in keeping with the decrease of veterans in the general US adult population. See Table 1 for a side-by-side comparison of these changes. When reviewing, bear in mind that the adult US population is roughly half female while the adult US prison population is largely male.

Table 1.

Veteran Percentages in US Adult Population and Correctional Institutions

Population	1980	1983	1986	89/90	1991	96/97	2000	2004	2011
US Adult	17% ^a	--	--	15% ^c	--	--	13% ^c	--	10% ^e
State Prisons	--	--	20% ^b	--	17% ^d	13% ^b	--	10% ^d	--
Fed. Prisons	--	--	25% ^b	--	20% ^d	15% ^b	--	9% ^d	--
Local Jails	--	21% ^b	--	16%	--	12% ^b	--	--	--

Note. ^a Source = Calculated by computing percentage based on estimate of veterans (Census, 1980a) and number of US adults (Census, 1980b). ^b Source = Mumola (2000). ^c Source = Census (2003). ^d Source = Noonan & Mumola (2007). ^e Source = VA (2014a).

There are some interesting differences between veterans and non-veterans regarding their charges and criminal histories. In prisons (but not the jail study), veterans were consistently more likely to have been convicted of a violent offense and less likely to have been convicted of a drug offense than were non-veterans (Noonan & Mumola, 2007). Focusing on the 2004 data, 57.4% and 19.0% of veterans in state and federal prisons respectively were sentenced for violent offenses, compared to 46.6% and 14.1% of their non-veteran counterparts. With drug offenses, the trend was inversed and stark; fewer veterans were sentenced for such charges in both state (15% vs. 22%) and federal (46% vs. 56%) prisons. Veterans in prison were more likely than non-veterans to have committed a sexual offense, to have had a female victim, and to have been related to a victim (Noonan & Mumola, 2007). They were, however, less likely than non-veterans to have used a weapon. Veterans in prisons—but not jails—were more likely than non-veterans to be in for a first offense and were less likely to have been on parole or probation at the time of the arrest that led to the current incarceration (Mumola, 2000; Noonan & Mumola, 2007).

Generally, veterans and non-veterans in prison had similar rates of behavioral health conditions (Noonan & Mumola, 2007). Greater detail is provided in Table A6 in Appendix A, but to highlight there is no statistical difference between veterans and non-veterans on alcoholism. Federal inmates do not differ on rates of drug dependence or abuse by veteran status, although veterans in state prisons do report lower rates than their non-veteran peers. Finally, veterans were no more likely in either prison system to meet screening criteria for a mental health problem. However, they were more likely to have

received mental health treatment within the 12 months prior to incarceration. Although not included in Table A6, it is interesting to point out that veterans met criteria for alcohol abuse or dependence and for a mental health concern at a significantly higher rate than did non-veterans in the 1997 prison data (Mumola, 2000). It is unclear if these reflect true changes. Significant alterations were made to the screening procedures for both sets of conditions between the 1997 and 2004 surveys.

Based on a systematic review of the literature (augmented by unpublished data from the Department of Veterans Affairs), rates of mental health concerns ranging from 15% to over 50% and rates of substance use disorders between 50% and 70% have been documented (Blodgett et al., 2015). Drawing comparisons with non-veterans in the criminal justice system and veterans who are not, they found these prevalence rates to be comparable with the former and markedly higher than the latter. Significant differences based on gender have been observed among justice-involved veterans. From a national cohort study of veterans who met with a representative of the Department of Veterans Affairs' (VA) Veterans Justice Outreach Program (VJO) between 2010 and 2012, Finlay et al. (2015) reported female veterans had a significantly higher prevalence of mental health disorders and a significantly lower prevalence of substance use disorders than did male veterans.

Finally, the DOJ reports provide important details on the military experiences of incarcerated veterans. Greater details are listed in Table A7 in Appendix A, but highlights include: there is an over-representation of veterans of the Army and underrepresentation of Air Force veterans; over half served during wartime; although a

much smaller percentage (generally around 20%) saw combat; and there is a seemingly high percentage of less than honorable discharges (Mumola, 2000; Noonan & Mumola, 2007).

Tsai, Rosenheck, Kaspro, and McGuire (2013) offer a less representative, but more recent, description of incarcerated veterans. Their data were drawn from an administrative database that is tied to a program that offers outreach to veterans as they approach release from state and federal prisons. The study examined data on all 30,968 veterans contacted by outreach workers from the VA between October 2007 and April 2011. The sub-sample who served in Operation Iraqi Freedom (OIE) or Operation Enduring Freedom (OEF) in Afghanistan after 2001 was 3.9% of the total sample or 1,201 individuals. The study's overall goal was to establish the relative risk of incarceration between OIE/OEF veterans and those of all other service eras combined. Through comparisons with the 2010 National Survey of Veterans, they concluded that OIE/OEF veterans have a much lower risk of incarceration. However, this conclusion seems somewhat undercut by two methodological issues. First, their sample was composed solely of individuals close to the end of their prison term. Consequently, they may have missed a higher percentage of the generally younger OIE/OEF veterans. Second, they made no attempt to control for the vastly longer periods of time during which veterans of previous eras were exposed to incarceration. This seems a crucial piece for an analysis of prison risk. Despite these concerns about the risk analysis, their study presents a nice set of descriptive statistics for a sample of veterans nearing community return. Selected characteristics are depicted in Table A8 in Appendix A.

Results for the OIE/OEF veterans are only reported when they were significantly different than those of the larger veteran population. The radical difference in level of combat exposure between OIE/OEF veterans and the larger veteran sample is interesting. Some of the difference is likely attributable to the failure to separate out other eras of service. The “all veterans” category contains an unknown number of veterans who served during periods of peace. A more nuanced analysis of period of service would have helped. Although lower than those reported by the Department of Justice (Mumola, 2000; Noonan & Mumola, 2007), violent offenses are still the most common reason for incarceration at 35%. The lower rate than previous research may be tied to the focus on inmates who were close to release. Despite its limits, this study is important as it offers the only large-scale description of a national prisoner sample since the beginning of the wars in Iraq and Afghanistan.

The published report with the most recent data—and the highest percentage of OIE/OEF veterans—was conducted with recently arrested veterans in the jail system of one large metropolitan county (White, Mulvey, Fox & Choate, 2012). The focus on one community raises questions about the generalizability of the findings. However, most of their core findings are consistent with the national samples discussed above and the study was methodologically strong. Additionally, as the community studied was Maricopa County, Arizona, it is particularly relevant as background for the present study of two Arizona VTCs. The study added a veteran addendum to a routinely administered survey (and urine drug screen) of recently booked arrestees. During 2009, the survey was administered to 2,102 individuals (90% of those selected for inclusion consented). Of

those, 132 (6.3%) reported being a veteran. This is lower than past reports summarized above. It is unclear if this reflects a continuation of the downward trend discussed above or an anomaly to this setting or study³. Comparisons between the veterans and non-veterans in the study yielded generally similar findings with past research. The veteran sample was heavily male (92.4%), approximately 10 years older on average than the non-veteran sample (mean of 41.7 vs. 31.5), more likely to be White, non-Hispanic (61.4% vs. 45.5%), more likely to have attended college (59.1% vs. 27.9%), and more likely to be charged with a violent offense (30.3% vs. 19.6%). Additionally, the veterans were more likely to report full time employment (43.2% vs. 31.5%). Veterans in the study reported mental health problems at a higher rate than non-veteran arrestees (40.9% vs. 30.7). The study also provided within-group analysis for the veterans. A seemingly large percentage (16.4%) of the veterans reported serving in Iraq or Afghanistan since 2001. For comparison, the national percentage of OIE/OEF era veterans in the 2010 National Survey of Veterans (Westat, 2010) was 11.7%. Thirty percent of all veterans reported receiving a physical injury during military service and 17.1% indicated that they had been diagnosed with or treated for PTSD since military discharge. There again seems to be a relatively high percentage (29.8%) of individuals who were discharged with less than a fully honorable status.

One of the more interesting approaches to considering veteran involvement in the criminal justice system is a study of relative risk by Greenberg, Rosenheck and Desai (2007). Focusing on men and using the 2000 Census and the same DOJ survey of state

³ Of potential importance is that the White et al. (2012) study focused on pre-sentence detainees, yet the 1996 DOJ survey contained roughly equal numbers of sentenced and pre-sentenced inmates (U.S. DOJ, 1999).

and federal prisoners from 1997 used by Mumola (2000), the study explored the relative risk of incarceration for veterans, through consideration of their age and racial/ethnic group membership. Looking broadly, they found that male veterans were much less likely to be incarcerated than their size of the adult male population would suggest (13.4% in state or federal prison and 33% in general population). Veterans aged 35 to 44 were by far the most likely age cohort to be incarcerated. Generally, these are individuals who entered after the Vietnam War in the first wave of the all-volunteer military. Across age groups, African America veterans were much more likely to be imprisoned than were any other racial and ethnic groups. The most interesting findings emerge when 1) interactions between race and age were examined and 2) relative risk ratios were computed based on the general population. For example, focusing on men aged 45-54 (drawing heavily on Vietnam War veterans), they found that White veterans were significantly more likely (1.23 relative risk ratio) than White non-veterans to be in prison. In contrast, Black veterans of the same age cohort were significantly less likely (.78 relative risk ratio) than were Black non-veterans to be in prison. Although the data analyzed is a bit old—predating OIE and OEF—it is an important study nonetheless. It lends further support to the conclusion that veterans are generally less likely to be in prison than non-veterans. Perhaps more importantly, it highlights the importance of differences within the veteran community.

Predictors of veteran involvement in criminal justice systems.

As noted earlier, it is often assumed that exposure to combat and related military trauma contributes to the criminal behavior of veterans. This assumption is often used

explicitly or implicitly to justify the creation and guide the objectives of VTCs (e.g. Russell, 2009; Smee et al., 2013). As such, it is important to consider the extent to which this assumption is supported empirically. Competing—or interacting—potential causes of veteran criminality include common risk factors such as early antisocial behavior, personality traits, substance abuse, age, race, ethnicity, gender, and childhood stressors (Gendreau, Little, & Goggin, 1996). Post-military issues including perceived homecoming and reintegration to civilian life may also play a role. Methodological challenges to causal analysis are significant. They include a lack of relevant longitudinal datasets and a general reliance on self-recall and report. Nonetheless, multiple researchers have explored the topic and shed some light on associations between variables.

One of the earlier attempts to explore correlations between pre-military characteristics, combat exposure, PTSD, and homecoming is a small study by Wilson and Zigelbaum (1983). Focusing on the young age of the men who served in Vietnam, they drew heavily on the developmental stages of Erickson as they considered how combat was experienced and cast a shadow over future adult development. Their study is notable more for its historical position than methodological rigor. Although related concepts had been discussed and treated for decades—if not centuries—it was not until the issuance of the *DSM-III* in 1980 that PTSD was offered as a formal diagnosis. This study was perhaps the first to use the diagnosis to explore relationships with criminal behavior. The study surveyed 114 Vietnam veterans who were participating in a VA counseling program and volunteered for the research. The report did not provide any discussion of how the study volunteers compared with others enrolled in the program or what

percentage opted into the study. Despite these important limitations, the researchers began an important line of research. They attempted to evaluate pre-military personality characteristics (including traits consistent with a diagnosis of antisocial personality disorder), a variety of measures of combat exposure, PTSD (generally, and component factors of the diagnosis independently), aspects of homecoming, and post-military arrest types. Their findings (through bivariate and multivariate analyses) suggested a moderate relationship between multiple measures of combat exposure and clinical PTSD and the following offense types: driving while intoxicated, disorderly conduct, assault, and weapons charges. They did not find significant associations between pre-military antisocial score (reported retrospectively), but did find pre-military narcissistic scores associated with disorderly conduct and assault. Aspects of these findings have been contradicted by subsequent research with stronger designs. Importantly, the work of Fontana and Rosenheck (2005) has undercut the relative importance of combat experiences and PTSD—and increased the importance of lifelong antisocial behaviors—as predicting post-military antisocial behavior. However, the Wilson and Zigelbaum (1983) study is notable for drawing early attention to pre-military, military, clinical, and post-military/homecoming factors. This conceptual approach has had an important and enduring legacy. Additionally, despite the fact that the study’s empirical findings have been at least refined and perhaps rejected, the emphasis Wilson and Zigelbaum (1983) placed on combat experiences being “re-experienced” and contributing to criminal behaviors through an increased perception of threat, sensation seeking, and suicidality

has had a large and on-going impact on legal and philosophical discussions of veterans culpability (Lee, 2013; Sparr, Reaves, & Atkinson, 1987; Wilson et al., 2011).

Fontana and Rosenheck (2005) built upon the work of Wilson and Zigelbaum (1983), using the NVVRS. For this study, the sample consisted of 1117 male Vietnam veterans, 21% of whom were reportedly suffering from PTSD. They used structural equation modeling to evaluate the relationships between post-military antisocial behavior (including, but not exclusively, criminal behavior) and the following: childhood abuse and instability, pre-military antisocial behaviors, race, combat exposure, disciplinary action in the military, level of perceived support during homecoming, PTSD and substance abuse. Their findings highlight the relationship between lifelong manifestations of antisocial behavior (during childhood and during the military) with post-military antisocial behavior. Combat exposure and war trauma were only related to post-military antisocial behavior when mediated through PTSD. War trauma and a lack of support during homecoming were significantly tied to PTSD. Even the mediated association between combat exposure and antisocial behavior was more modest (9% of total variance) than lifelong conduct disorder (28% of total variance) or being African American (14% of total variance). Substance abuse was also associated with antisocial behavior; however, it was not associated with combat experiences. Taken together, this study also stresses the complex interactions between military and non-military experiences. The findings of the methodologically strong study offer a strong caution to not focus on combat related experiences and even subsequent PTSD alone when considering veteran involvement in the criminal justice system—in much the same way

that Morgan et al. (2012) highlight the importance of considering both clinical and criminogenic factors when assessing and treating prisoners with serious mental illnesses.

Drawing upon a national sample of veterans who served during the Iraq and Afghanistan wars era, Elbogen et al. (2012) examined correlates of arrest. Among their sample of 1,388 veterans, 9% reported being arrested since deployment. Influenced by general strain theory, they included variables that focused on past traumatic events and negative affect. They used established assessments of PTSD and TBI. For each, they created dichotomous sub-variables focused on reported irritability levels. They further included substance misuse, age, gender, witnessing parents fighting, and a history of prior arrests as variables. (Unfortunately, they did not describe how “previous” arrest was operationalized. It is unclear if it means prior to military enlistment or merely prior to the most recent arrest.). They hypothesized that both TBI and PTSD would be associated with arrest when irritability was present in the respective disorders. Bivariate analysis found significant associations between post-deployment arrest and the following: young age, male gender, high combat exposure (above median in this sample), witnessing parental fights, substance misuse, and a history of previous arrest. Regarding TBI and PTSD, their hypotheses were supported by bivariate analysis: each condition with irritability had a significant relationship with post-deployment arrest while neither condition without this affective aspect did. Results of multivariate analysis, however, offered a more complex picture. PTSD with negative affect remained a significant predictor (OR = 2.13) of arrest yet TBI with irritability did not. The other significant variables in the multivariate mode, with their respective odds ratios, follow: male gender

(3.22), age (.93), witnessing parents fighting (4.06), history of previous arrests (2.31), and substance misuse (3.37). Clearly, in this sample, non-combat factors had stronger connections with arrest than combat exposure (which was not significant). To the extent that combat experiences had a relationship, it was mediated through PTSD with negative affect.

To summarize, a number of key points emerge from the preceding review of justice-involved veterans. Largely based on the composition of the nation's veteran population, we know that justice-involved veterans are demographically different from the larger population of individuals involved in our criminal justice systems. Veterans are more likely to be White, non-Hispanic, male, older, better educated, married, and employed. In contrast, we know that justice-involved veterans experience behavioral health disorders at roughly similar rates. Despite these broad trends, the existing research strongly argues for the importance of within-group distinctions. Correlates of criminal justice involvement and treatment needs vary based on traditional demographic and socioeconomic factors (e.g. gender, race, ethnicity) as well as military considerations (e.g. era of service, combat exposure) and hybrid factors (e.g. post-military social support). Finally, it is important to point out that the DOJ surveys which would generally be considered our best sources due to their size and national breadth are limited by age. The underlying data were collected either before or very early in the wars in Iraq and Afghanistan. Thus, it is possible that one or more of the important distinguishing characteristics of OIF and OEF (e.g. first fought by the AVF, larger role for women, and high rates of multiple deployments) may emerge as important.

Culpability.

Before exploring the emerging literature around veterans courts, it will be helpful to briefly situate these courts within a larger consideration of culpability and court recognition of military service. Although VTCs are new, discussions regarding if and how to weigh veteran status—especially combat experiences—in criminal law are not new. Lee (2013) gives a thorough consideration of how U.S. courts have viewed veteran status over time within a larger just deserts perspective, and offers two main reasons that leniency has been considered for veterans at various stages in the criminal justice process. The first is construing military service as a social contribution or prior good act. The second mechanism is tied to mental disturbances secondary to combat experiences.

Lee (2013) notes that the extent to and manners in which criminal courts consider veteran status, combat exposure, and/or consequent behavioral health conditions varies over time. Although it has no direct bearing on the development of local VTCs, a Supreme Court decision (*Porter v. McCollum*, 2009) illustrates the level of consideration given in recent years. The Court held that a defendant in a murder trial was denied adequate counsel by his attorney's failure to identify and introduce evidence regarding significant military combat and mental health conditions during the sentencing phase of the case. Lee reports that shortly after the *Porter* decision, the Federal Sentencing Commission amended guidelines to require attention to relevant military experiences, despite a general lack of concern with “prior good works” (as quoted in Lee, 2013, p. 285).

Although limited by a relatively small ($N = 35$) convenience sample, a survey of prosecutors' pretrial attitudes and plea-bargaining behavior towards defendants, considering PTSD and veteran status offers a rare empirical glimpse into the perspectives and behavior of those working in the criminal justice system on these issues (Wilson, Brodsky, Neal, & Cramer, 2011). The respondents worked as prosecutors⁴ in Alabama, Mississippi, California and Kansas. There was no reference to the existence of VTCs. Presumably, the responses reflect traditional prosecutorial practice. Using a factorial design, respondents were presented with four vignettes. Veteran status and presence of PTSD were the manipulated factors. The basic case was an assault. Both veteran status and PTSD status independently resulted in significantly (but not dramatically) more favorable pretrial offers. The combined veteran with PTSD condition was much more likely than all others to be offered diversion and a shorter sentence. Moving into perceptions, PTSD reduced blameworthiness, but veteran status did not. Both veteran status and PTSD increased the likelihood that prosecutors would empathize with the defendants. Empathy was strongest for a veteran with PTSD than all other pairwise comparisons. Both veteran status and PTSD increased prosecutors' level of identification with the defendants. Unfortunately, the manner in which the identification construct was operationalized was not made clear by the authors. It was reported as a continuous variable, likely with a range of five points. Despite its limits, the study lends support to the notions that 1) veteran status alone results in more positive perceptions and favorable treatment, 2) PTSD alone also results in more positive perceptions and favorable

⁴ Although the description could have been clearer, it seems that all prosecutors handled felony crimes under state statutes.

treatment, and 3) the combination of veteran status with PTSD generally results in the most positive perceptions and favorable treatment. Such perceptions and actions seem broadly consistent with a legal system that is rapidly formalizing therapeutically-oriented treatment of veterans through VTCs.

The issues explored above regarding culpability and characteristics of justice-involved veterans are important to keep in mind during the review of veteran treatment courts. The discourse around VTCs tends to focus heavily on issues of combat exposure (e.g., Cavanaugh, 2011; Hawkins, 2010) as motivating VTC development. However, the reviews above demonstrate that most veterans (generally and those involved in the criminal justice system) served outside of combat. As we shall see in the next section, VTCs have taken a variety of approaches to eligibility. Although some are limited to combat veterans, most do not have this restriction. This suggests that a concern with prior good deeds must also be involved in motivating these courts—even if inconsistently articulated.

Veterans treatment courts.

Russell's (2009) discussion of the court he created in Buffalo, NY is an appropriate place to start this review of VTCs. This is so for two reasons. First, it provides a clear bridge between the larger problem solving court movement and the emerging VTC enterprise. Russell uses language and goals consistent with therapeutic jurisprudence and problem solving justice. He talks of habilitating veterans and providing tools to enable them to lead productive and law abiding lives. He focuses on a broad array of behavioral health and social service interventions and stresses

individualized needs and plans. More pointedly, he terms the VTC a “hybrid of drug and mental health treatment courts” (p. 365) and makes minor modifications to the 10 key components of DTCs (National Association of Drug Court Professionals, 2004).

Second, although the first VTC was created in Anchorage, AK in 2004 (Smith, 2012), the Buffalo VTC and Judge Russell have had a pioneering role in shaping subsequent VTC development and dissemination of the model. Russell’s modified key components have become institutionalized. They have been formally adopted by the National Association of Drug Court Professionals (Justice for Vets, *n.d.*) and disseminated by this agency and the U.S. Department of Justice (National Drug Court Resource Center, 2012) as the standard approach to implementing a VTC. Russell himself is actively involved in speaking and consulting to spread his vision. His article (Russell, 2009) has been cited in virtually every subsequent article on VTCs that I have identified. More than cited in passing, it is usually discussed as foundationally important. Further, in a survey of VTCs, a high rate (8 out of 12) indicated that they had either visited or communicated with the Buffalo VTC prior to establishing their own (Holbrook & Anderson, 2011).

Building on patterns established in the therapeutic jurisprudence and problem solving justice traditions, Russell (2009) began his argument by noting elevated rates of a variety of behavioral health and social problems (homelessness, relationship stress, unemployment) among veterans. He framed these issues as “costs of service ... [that] may not surface or be fully realized until years later” (p. 358) and suggested they

contribute to what he claimed to be an increasing prevalence of veterans in the criminal justice system.⁵

Next, Russell (2009) asked rhetorically why a court for veterans is necessary and if the needs could not be met by working with eligible veterans through existing DTCs and MHCs. He answers himself in two-fold fashion. First, he argues that veterans are a “niche population with unique needs” (p. 363) and experiences that are not shared by most without military service. He suggests that they require providers who are familiar with these realities. Second, he reports that the staff in his court have observed that veterans respond better to other veterans.

Building on the DTC and MHC models, Russell (2009) added two important and seemingly related pieces (although he and others do not always stress the relationship). First, he increased attention to the role of community. He highlights family involvement and engagement in community groups. Second, he encouraged replication of what he termed a “unique and vital component” (p. 369) of the Buffalo VTC: a mentorship program. He stressed the many roles that other veterans can play, including “coach, facilitator, advisor, sponsor, and supporter” (p. 370). He touted their ability to assist with planning and provide feedback to the VTC participants. Although mentorship is not included in the official 10 key components of VTCs, many courts and commentators have taken his advice and focused on this approach. Although he never overtly connected the use of mentors and community integration, it seems a natural extension. Similarly,

⁵ As discussed above, it is at best unclear that the number of veterans in the criminal justice system is increasing. We know the percentage has been trending down for decades. Raw numbers are more mixed, impacted by a general increase in incarceration in the U.S. Although they have not been updated since early in the Iraq and Afghanistan wars, the last national estimate showed a decrease in veterans in prison from 2000 to 2004 (Noonan & Mumola, 2007).

although he never discussed the idea of leveraging a positive veteran identity, it seems to have been an implicit part of his approach (and of many who have followed him). This idea of veteran identity interacting with other aspects of VTC processes and outcomes has interesting connections with the dissertation's theoretical frameworks and is incorporated into the study's design and hypotheses.

Finally, Russell (2009) provided early statistics on the program. At the time of writing, the program had 75 participants and three graduates. He reported 0% recidivism of the three graduates. Clearly, such small and early numbers (even putting aside the lack of a comparison group) are meaningless. Nonetheless, some subsequent articles have re-reported the 0% recidivism rate as offering early support of efficacy (e.g. Frederick, 2014; Holbrook & Anderson, 2011; Smee et al., 2013). More positively, Russell provided a solid framework for VTC evaluation. In addition to program completion and recidivism, he discussed clinical, social, and attitudinal changes as important to evaluate. He also discussed potential cost-benefit for systems as worthy of evaluation. Again, these issues follow closely the approaches of older problem solving courts.

The proliferation of VTCs has far outstripped the growth of our knowledge about them. Much of the extant literature (especially that published between 2009 and 2013) contains little to no empirical discussion of VTCs. Instead, these articles introduced the model, encouraging its dissemination (e.g. Hawkins, 2010; Russell, 2009; Smee et al., 2013) or—less frequently—critiquing aspects of its implementation (e.g. Kravetz, 2012; Shah, 2013). Empirical work has begun to emerge. It offers generally solid descriptions of VTCs and their participants. Research that explores the perceptions of participants,

court processes, and outcomes is in the very early stages. This section will offer a review of the available literature on VTCs. It will begin with a review of the descriptive literature regarding VTCs and participants. Next, will be a review of published outcome studies. Three published studies discuss outcomes in more than a passing way. Although methodologically limited, they are worthy of review. Next, three qualitative studies that highlight some relevant issues around veteran identity and community are discussed. Finally, there will be a consideration of some VTC specific concerns and critiques.

Two reports provide some insight into characteristics of VTC courts. The first has significant methodological limits. Holbrook and Anderson (2011) surveyed 53 VTCs they were aware of in 2011. There was likely twice this number of VTCs in operation in the U.S. at this time. They only received surveys from 14 (26%). Between failing to invite approximately half of existing courts and only receiving surveys from approximately a quarter of them, their results cannot be thought of as representative. Thus, I will only present results from Holbrook and Anderson when the next source did not address a topic. McGuire et al. (2013), in contrast, had access to a very useful data source. The authors are all employees of the VA's VJO program. As VTCs are positively motivated to coordinate with VJO staff to coordinate care with the VA system, it is unlikely that there were more than a few VTCs in operation at the time that were missing from this analysis. The interviews were conducted between the summer and fall of 2012 and identified 168 courts. The average court had been in operation for 20 months and had 24 open participants when surveyed. Table A9 in Appendix A depicts key details about these courts. I quickly draw attention to relatively broad eligibility

criteria as most courts are open to veterans without regard to era of service, combat exposure or clinical diagnosis. The most common prohibition (36%) focused on eligibility for VA services. There is a good bit of legal heterogeneity in courts, cutting across many levels of government and crime type. Finally, these 168 courts had admitted 7,724 individuals since their inceptions and 69% of participants completed successfully. They note that successful completion can occur with or without graduation but, unfortunately, did not explain this distinction nor list percentages by this issue. Unless the graduated vs. not-graduated distinction masks an important issue, this completion rate seems positive when compared with those of DTCs (Huddleston & Marlowe, 2011) and MHCs (Moore & Hiday, 2006).

The following are some important (but methodologically limited) details provided by Holbrook and Anderson (2001) that were unaddressed in the McGuire et al. (2012) report. Consistent with general problem solving approaches, the VTCs who responded to their survey attempted to identify potential participants early in the legal process (79% at arrest, 64% at arraignment, and 57% at the initial probable cause hearing). Of the 10 courts that accepted veterans charged with violent offenses, seven of them required that the victim consent. Most (57%) of the responding courts were post-plea courts. Twenty-one percent were only pre-plea and another 21% allowed entry at pre- or post-plea. Virtually all courts (both pre- and post-plea models) had some mechanism for a partial or full dismissal, withdrawal, or reduction in charge upon successful completion. All responding courts reported relatively frequent appearances to allow judicial supervision. Responses were “roughly divided between ... weekly, bi-weekly [and] monthly”

(Holbrook & Anderson, 2001, p. 28). Utilization of a phased approach with more frequent contact early was common. They reported significant variability in the size and scope of the courts. Responses ranged from having enrolled only one veteran to having more than 100 participants. All respondents endorsed using one of the following models: DTC (43%), MHC (21%), or DTC and MHC hybrid (36%). Consistent with the emphasis that problem solving courts place on an active judge who knows participants and treatment issues, a very high percentage (92%) of respondents reported that only one judge oversaw their VTC. Finally, it was reported that 69% of the judges were veterans. If this level of judges who are also veterans is even close to accurate, it raises interesting questions. Do they typically identify as veterans in court? How do defendants respond to this? These issues resonate with issues of social bonds, social distance, and group identity that will be discussed in Chapter Three. To highlight the contrast with other problem solving courts again, it is hard to imagine many if any judges identifying as having a serious mental illness or a history of addiction from the bench.

Through the VJO program at the VA, we also have useful descriptions of the veterans who are served by their program. The same research team from the VA (Clark, McGuire, & Blue-Howells, 2014) utilized the VJO database to provide a detailed description of veterans who participate in problem solving courts. They included veterans enrolled in VTCs, DTCs, and MHCs who were known to the VJO program. Although the mixing of court types is not ideal, it is still useful. It summarizes important demographic, military, social, and clinical characteristics of a large sample of veterans engaged in treatment courts. Although somewhat speculative, it is reasonable to assume

that many (if not most) of the veterans enrolled in DTCs and MHCs are in jurisdictions that lack a VTC and many would have participated in one if available. For the purposes of considering VTC participants, this sample has a second limit; it only includes those individuals who received services through the VA. In most courts, this is likely to capture the vast majority of participants. However, due to VA eligibility and individual preference some veterans receive treatment through other providers. These individuals are not represented in this data. Apart from these two issues, this is a very strong data set. Clark et al. (2014) reviewed the VJO data system on the 3,166 veterans who entered a VTC, DTC, or MHC between September 2008 and February 2013 (and received services from the VA). Additionally, the clinical information contained is based on individual assessments with licensed VA mental health care professionals that were conducted as a routine part of care. Selected findings are presented in Table A10 in Appendix A. The following are worth highlighting. African Americans are over-represented when compared with the larger veteran population. Veterans who served in the Iraq and Afghanistan wars are over-represented, as are individuals who reported being fired upon in a combat zone. There are relatively high rates of instability in housing, employment, and relationship. This is interesting considering the emphasis that Sherman (1993) has placed on the interaction between stakes in one's community and deterrence. Finally, there are high rates of historical and recently assessed behavioral health conditions.

Although the contours of VTCs and participants are becoming clear, much less is known about their efficacy, their functioning, and how they are perceived by participants.

These important aspects of research are limited in absolute terms. The diversity among VTCs and their participants described in the preceding section is also important to bear in mind. The sometimes radical differences in criminal offenses, court structure, era of service, combat exposure, and other important factors may result in different needs, processes, and outcomes. Qualifiers notwithstanding, research has begun to explore these issues and provide early insights and draw our attention to future questions. As with other problem solving courts, VTCs will be judged by their effectiveness at reducing recidivism, decreasing symptoms of behavioral health conditions, increasing social functioning, and reducing public expenditures.

In addition to descriptive data, Smith (2012) presented the earliest published outcome data from a VTC. Between 2004 and 2010, 182 individuals observed the VTC in Anchorage, AK. Observation is the first step for a potential participant in this VTC. This is followed by an assessment of eligibility by the VTC and a subsequent defendant decision if he or she wants to enter the VTC (as opposed to remaining in traditional court). Smith excluded from data 35 individuals because they were either still participating in the program (18) or had graduated too recently to allow for meaningful consideration of recidivism (17). With the remaining 147 individuals, he provided useful analysis on their characteristics, program completion, and compared recidivism between 1) eligible individuals who opted-out, 2) enrollees who did not successfully complete, and 3) VTC graduates. The sample was heavily male, racially diverse, and generally older. Of the 147 individuals, 133 (90%) were deemed eligible, 74 (56% of eligible) entered, and 38 (51% of participants) graduated.

The Anchorage recidivism study (Smith, 2012) defined recidivism as a new criminal offense (unclear if arrest or conviction/guilty plea) or a formal petition to revoke probation within one to three years of either 1) opting-out of the VTC, 2) graduation, or 3) entering the VTC (for those who did not complete). They do not seem to have accounted for different exposure to recidivism risk periods (i.e. one year vs. three years). Graduates of the VTC had a lower rate of recidivism (45%) than a reported state-wide rate (50%). However, graduates had a higher rate than both those who never entered (41%) and those who entered but did not complete (31%). It is not fully clear if all those who did not complete should be thought of as unsuccessful. The article gives the impression that some individuals with less serious charges simply opted to stop VTC participation and return to their original court in order to resolve the issue more quickly. They did not provide tests of statistical significance for the differences between cohorts. Smith's (2012) speculative discussion regarding higher rates of recidivism for program graduates centered on their perceived high level of need (including substance abuse, vocational, and mental health).

Although there are important limits to their approach, Slattery, Dugger, Lamb and Williams (2013) offered a solid attempt at empirical study of VTC outcomes. They followed 83 participants in a VTC, capturing data at baseline, six months and 12 months. They did not have a comparison group and did not indicate what percentage of the VTC participants consented to research or how typical their sample was of the VTC population. Their sample was 95% male, 76% White, had high rates of combat exposure (at least 95%), was well educated (63% with at least some college), and relatively young

(mean age 30 years). Over half of the participants had a drug or alcohol offense as the referring charge (other details not provided). All participants screened positive for likely PTSD at baseline (unlike most VTCs this court's eligibility required either PTSD or a TBI). Other rates of behavioral health issues and functional impairments were high at program entry. Participants had moderately high rates of social instability at baseline (34% unemployed and looking for work and 17% lacking stable housing). Although they did not experience significant change in social integration (measured via employment and housing), participants reported sustained improvements in a variety of clinical indicators. Symptoms of PTSD, depression and substance abuse all were significantly lower at six months and these improvements were maintained at 12 months. Of note is that all assessments (including substance use) were based on self-report, despite the fact that the VTC participants completed drug testing as part of the court. Unfortunately, full numbers for context are not provided, but they reported that 32% of VTC participants have graduated and 11% have failed (seemingly due to recidivism while in the program as this had an identical 11% occurrence). Presumably, the remaining 57% were still participating in the VTC. They reported high levels of participant satisfaction (86% liked the services, 81% would recommend). Finally, a high percentage of surveyed participants (87%) attributed some or all of their progress to peer-based help. This program uses a veteran mentor program and the authors speculate that this may be an important component. This study has important and obvious limits. Nonetheless, it is noteworthy as the first serious attempt at VTC evaluation. Recognizing the design limits, the reported clinical improvements are positive.

Knudsen and Wingenfeld (2015) reported on a pilot study conducted with a mix of felony and misdemeanor defendants in an urban court in Ohio. The 86 participants were almost exclusively male (95%), almost evenly split between White, non-Hispanic and African Americans, and diverse in age. Era of military service was varied and spanned from Vietnam (12%) through post-September 2001 (37%). Exposure to combat was high (60%). This may have been related to the requirement that participants have symptoms of PTSD. Although they noted that 10% of participants were rearrested during the 12 months in the VTC, they focused on the clinical and social outcomes. Participants in the program (there was not a comparison group) were assessed at baseline, six months and 12 months. Significant (and often large) improvements were noted in a variety of clinical and functioning outcomes. Decreases were documented in symptoms of PTSD, depression and substance abuse and improvements in social functioning and connectedness were noted.

As has been noted before and will be examined further in subsequent chapters, some of the most intriguing aspects of VTCs involve issues of veteran community and identity and how these concepts may interact with larger theories of procedural justice, legitimacy, and compliance. Although there seems to be an implicit recognition in the movement, they do not often receive clear articulation. The following three qualitative studies begin to bring these issues closer to the surface.

Clifford, Fischer, and Pelletier (2014) drew on ecological theory and cross-cultural approaches. Their stated intent was “to reflect the complex ways in which the intentions of the treatment and court system interact with the world-views and

perceptions of veteran participants” (p. 198). They also set out to explore any possible differences based on combat era by contrasting the perceptions of Vietnam War veterans with those who served in OIE or OEF. Situated in one VTC in Ohio, Clifford et al. (2014) used grounded theory approaches to the analysis of structured interviews with 12 participants who were chosen through purposeful random sampling. They reported the emergence of four primary themes: relevance, credibility, group identity, and accountability.

“Relevance refers to the perceived helpfulness or unhelpfulness of a service or action being offered or performed” (Clifford et al, 2014, p. 199.) They reported that statements in this area were made 43 times and were slightly more positive than negative regarding the perceived relevance of the services (broadly defined, from substance abuse treatment, through mentorship, including court functions). They noted that differences did not emerge between eras of military service.

“Credibility refers to the knowledge of another person or group as being believable and understandable or not” (Clifford et al., 2014, p. 199). They identified 29 statements under this theme. Assessment of credibility was about evenly split on two types of issues: shared experiences and personal interactions. Shared experience reports focused heavily on addiction, but also military combat to a lesser degree. Although they did not draw upon Tyler, personal interactions were described in a way that resonates with many tenants of his theories of procedural justice and motive based trust. They identified differences between eras of service. Recent veterans were more attuned to the issue of credibility (making more positive and negative assessments of peer mentors than

veterans of previous eras). Veterans from previous eras seemed more attuned to personal interactions.

“Group identity reflected participants’ identification with their own veteran status or reflected their perception of the other veterans participating in the VTC” (Clifford et al., 2014, p. 200). They identified 23 instances of statements fitting this theme. They noted that themes and tone did not vary based on service era; although OIE and OEF veterans made such comments less frequently. The researchers did not clearly identify if the comments were all positive, but the examples they shared suggest a positive view of identity and that it fit well with the VTC.

“Accountability is the realization of possible consequences resulting from behavior” (Clifford et al., 2014, p. 200). They identified 18 instances, which were much more likely to have been made by a veteran of Iraq or Afghanistan than a veteran of a previous era. They seem to be discussing veterans endorsing the idea that they should be held accountable for their actions, but they did not make this fully clear.

They propose an interesting model based on their four themes. Although not identical, it shares some interesting overlap with theories of procedural justice and compliance that will be discussed in Chapter Three. They suggest that VTC program completion is supported by: 1) possessing a strong veteran identity, 2) the identity leads to the ascription of credibility to VTC service providers that would reinforced or earned through their personal interactions, 3) credibility would increase perceived service relevance; and finally 4) perceptions of legal accountability through the VTC would reinforce the other three themes in reinforcing program participation and retention.

Baldwin and Rukus (2015) used a mixed methods approach to explore the operation of one VTC, considering its degree of fit with the restorative justice model. The data were drawn from court observations as well as interviews with VTC staff and participants. Their findings on the core question were discussed above. Here, I focus on two related points that focus on the seeming importance of veteran community in VTCs. They identify a small number of stakeholders in the studied VTC. Importantly, one is the larger military community. Using a restorative justice framework, they note that the individual criminal acts committed by defendants harmed the military community and negatively impacted its reputation. They build on the same point in discussing the way that the larger military community has been brought into the court to motivate positive change in behavior. Next, they highlight the dual role held by several employees (including the judge and defense attorney) who are also veterans. The vast majority of respondents (92%) noted the military camaraderie in the court and stated that they felt understood and respected as veterans. Finally, they reported seeing evidence that some participants seemed to begin a transition from defendant to community stakeholder and would offer both support and admonishment to peers in the program.

Ahlin and Douds (2016) explored how veteran culture impacts the decision to enter a VTC and subsequent participation in the court. They conducted interviews with participants, mentors and other staff in one Pennsylvania VTC. They also conducted a focus group with participants. Thematic analysis of the transcripts was conducted. Five themes emerged; three are particularly relevant to the present study and are highlighted. First, they focused on how the common experiences of military service led to a veteran

subculture. They added that the court would “intentionally incorporate certain references to military life into courtroom procedures” (Ahlin & Douds, 2016, p. 87). The judge in the Tucson VTC, himself a Marine, instructed all participants to introduce themselves by their branch of service and stand before him at parade rest. Second, they noted that the VTC staff would draw out and upon the past successes and general self-efficacy of participants. This point resonates particularly well with the Phoenix VTC where each veteran in the room (defendant, mentor, lawyer, or guest) is asked to share something about his or her service. These defendants are labeled not by their criminal offenses but by their prior good deeds. Third, they noted that participants were motivated by a desire to help the larger veteran group. In their data, this manifested in both direct assistance to other VTC participants and a more amorphous impact on redemption of honor and standing. Again, it is not hard to draw connections with the two Arizona VTCs in the present study. In both courts, former graduates came back as employees, formal mentors and informal visitors to support current participants.

Although tentative, these three qualitative studies offer support for my hypotheses below and the broader conclusion that VTCs bring a unique tool to the table: a socially valued identity to wield.

As with problem solving courts generally, there are concerns and critiques to consider. What is interesting, however, is that almost all of the VTC-specific concerns identified come not from outside critics, but are raised by adherents. In the course of making a case for VTCs, they typically ask hypothetical questions to challenge the need

for these courts. I was only able to locate one article with a centrally negative focus; I will start here.

Perhaps the most common (e.g. Cavanaugh, 2011; Hawkins, 2010) issue raised is that VTCs can be seen as giving a special status to one group of individuals. Important is that, by extension, otherwise similar individuals are not able to avail themselves of the options. Hawkins (2010) identified concerns from popular press that some civil liberty groups have raised concerns that it offers preferential treatment to certain types of offenders. When the racial and ethnic make-up of the veteran population is compared with the larger criminal justice population, this concern seems to hold some relevance. Related, Hawkins (2010) found reports that critics object that this diverts limited court resources to a category of individuals. This argument builds on the assumption that veterans are able to avail themselves of traditional/existing diversion programs, problem solving courts, and consideration of behavioral health issues in the course of criminal defense. To a large extent, this issue resonates with concepts discussed in the first section on how courts have viewed veteran status as impacting criminal culpability. Although VTC adherents do not typically (if ever) frame it as such, the courts which are open to all veterans regardless of combat exposure and mental health condition (the majority of VTCs), are essentially offering differential legal intervention based on past good deeds. It will be interesting to see if the eligibility criteria change as this new type of problem solving court evolves.

The other critique that I wish to highlight has been termed the “wacko-veteran-myth” (Veterans of Foreign Wars, 2008). Although they ultimately continue to support

the proliferation of VTCs, some authors (e.g. McCormic-Goodhart, 2013) have raised a concern that their presence can reinforce this old, negative stereotype that combat has almost inevitable anti-social consequences. This concern is interesting. Although only one source was introduced (Abbott, 1918), there could have been a section on historical and contemporary sources that assume as much. Yet, the body of research on how individuals respond to combat trauma contradicts such broad conclusions. Although we know that combat exposure contributes to alarmingly high rates of behavioral health disorders, we also know that most individuals do not develop long-term (if any) functional challenges. Further, we know that veterans are not over-represented in the criminal justice system. It is interesting that so many adherents of VTCs frame the argument in ways that give the impression that they are.

To close, VTCs pose several interesting avenues for further research. Most of the articles that have been published to date are friendly discussions, encouraging the model's replication. Although the rapid proliferation of VTCs will likely make the reports outdated soon, we have solid descriptions of VTCs (McGuire et al, 2013) and their participants (Clark et al., 2014). There is an acute lack of research on outcomes and even on the VTC-specific processes that should guide outcome research. However, we are starting to see an emergence of both outcome studies (Knudsen & Wingenfeld, 2015; Slattery et al, 2013; Smith, 2012) and an exploration of the unique characteristics of VTCs (Ahlin & Douds, 2015; Baldwin & Rukus, 2015; Clifford et al., 2014). Beyond the basics, there will be follow-up questions. To the extent that VTCs reduce recidivism and improve behavioral and social functioning, do they do it for all types of veterans? Do the

within-group distinctions discussed throughout this chapter have concrete effects on process and outcome? Do they raise broader questions of justification and appropriateness (i.e. should someone who served for two years during peace in the 1980s receive the same option as a recent combat veteran)? The present study provided a more concerted examination of these exciting and important issues with real implications for policy and individuals. Although some qualitative studies have explored VTC functioning alongside existing socio-legal theory(Baldwin & Rukus, 2015), this is the first study known to explicate and quantitatively test such a theory in this novel setting.

Summary.

To summarize, we know that in many respects veterans are not typical of others involved in the criminal justice system. These distinctions include being better educated, older, and more likely to be White non-Hispanic. These distinctions are clearly tied to the characteristics of the larger veteran population. Veterans are generally incarcerated at a lower rate than are non-veterans, although most or all of this difference can be attributed to demographic and socioeconomic factors. We have seen their percentage of the jail and prison population decrease in a way similar to their decreasing size in the larger population. We have fairly strong evidence (largely from Vietnam veterans) that combat exposure is not nearly as predictive of future criminality as is PTSD. Further, we have evidence that pre-military antisocial behaviors are more predictive of future veteran criminality than is combat-related PTSD. Finally, we have to exercise caution, as we know that military and combat experiences are contextual, drawing on the nature of the conflict and the way that military members interact with the larger society. The wars in

Iraq and Afghanistan are the first fought by an all-volunteer military. We know that popular support for veterans is very high, but the burdens of our wars in Iraq and Afghanistan have been more heavily borne by a smaller percentage of the general populace than in past wars. Soldiers have been more likely to serve multiple combat tours and the Guard and Reserves have been heavily used. The roles of women in the military and combat have increased. The best data we have on veteran involvement in the criminal justice system is from the early stages of the recent wars. Thus, it is possible that some of the trends described above will need to be reevaluated as we begin to receive data that better capture veterans of our most recent wars. Finally, we know that our responses to veterans in the criminal justice system—both VTCs and more broadly—are motivated by multiple factors and display great variability.

Chapter 3

Theoretical Frameworks

In this section, an overview of the theories that informed this study is provided. Although there is overlap, they are presented in four sections: 1) procedural justice, 2) legitimacy and compliance 3) social identity theory, and 4) gratitude. For each, the discussion includes their strengths and limits, how they fit together, and how they inform a study into attitudes of participants in a VTC. I begin with procedural justice as its more detailed models draw on both legitimacy and social identity theory.

Procedural Justice

Procedural justice theory suggests that individuals are at least as concerned with the manner in which they are treated by those with power (especially legally-derived) as they are with more instrumentally-driven assessment of outcomes. This basic orientation—which will be expanded upon shortly—has been embraced in a diverse number of legal and quasi-legal arenas. Importantly for the present topic, notions of procedural justice have been heavily used in the shaping of therapeutic jurisprudence. For example, Winick and Wexler (2003) focused heavily on procedural justice in their second published collection on the movement they are credited with launching. Procedural justice is also identified frequently as a guiding theory in diverse problem solving courts, impacting the development and evaluation of mental health and drug courts domestically and internationally (e.g., King, 2009; McIvor, 2009; Poythress, Petril, McGaha, & Boothroyd, 2002; Rossman et al., 2013). As noted above, VTCs are modeled significantly on drug and mental health treatment courts. Additionally, the

unique characteristics of VTCs discussed above (expression of gratitude and pride and respect related to veteran identity) offer logical extensions of established procedural justice theory. Thus, this theory will be one of the crucial pieces in the study and warrants a closer examination here.

Procedural justice emerged from the social psychological tradition. Although jurisprudence in the United States has long been concerned with the idea of due process, Thibaut and Walker (1975) asserted that there had been strikingly few attempts to study it or develop a conceptual framework regarding how individuals experience the procedure of justice. Research into procedural justice is typically said to have begun with their series of experiments. They situated court proceedings as one variant of dispute resolution. Focusing on this formal venue, they offered the general argument that individual perceptions of the justness of procedures will be tied to the extent to which they retain control over the process. Although few of their experiments focused narrowly on topics directly applicable to the study of a modern VTC, their work is seminal in the area and has been built upon. Through a series of laboratory experiments, Thibaut and Walker (1975) supported their broad and many specific hypotheses that perceptions of a fair process—even by an otherwise losing party—would positively impact assessment of the legal process.

One of the most salient critiques of Thibaut and Walker was the reliance on contrived experiments (e.g. Hayden & Anderson, 1979). Although their attempts to safeguard internal validity were solid, a general reliance on laboratory experiments with

college students raised questions about external validity generally and in applied settings in particular. The work of Tyler and others has gone a long way to assuage this concern.

Tom Tyler is arguably the most influential scholar in the area of procedural justice. Like Thibaut, he is a social psychologist. Tyler's broad body of work focuses on how perceptions of procedural justice motivate compliance with laws, cooperation with legal authorities and processes, and decision acceptance. Originally published in 1990, *Why People Obey the Law* is one of his most influential and cited works. In this and subsequent work, he sets up an explicit contrast between two competing—although not mutually exclusive—views on why people comply with laws. He consistently contrasts what he describes as a normative view of compliance motivation with an instrumental or deterrence based perspective (Tyler, 1990). He contrasts decisions based on self-interest (i.e. likelihood of being caught and severity of consequences) with an assessment that the system is just and, therefore, worthy of compliance. The thrust of his work argues for enhanced attention to the manner in which laws are enforced by police officers and courts. He stresses that these procedural issues have significant effects on compliance. He also asserts that deterrence based mechanisms are expensive and difficult for societies to fully implement as a second reason to highlight procedural justice.

In a cross-sectional study conducted in California (and consistent with other work), Tyler and Huo (2002) looked at perceptions of the legal authority's decision making process and quality of treatment as the primary inputs to the model. The decision making assessment was operationalized by three items: 1) being treated as others would be, 2) the decision maker was honest, and 3) the decision was based on the facts. The

quality of treatment assessment was operationalized by three items, being treated: 1) politely, 2) with concern for one's legal rights, and 3) with dignity and respect.

In essence, individuals who believe they are being treated consistently with these six markers perceive procedural justice under this model (Tyler & Huo, 2002).

Closely related in Tyler's model is the concept of motive-based trust. In a way that is analogous to his larger theory, he contrasts this form of trust with a more instrumental view of trust. As opposed to focusing on predictability of action, this form of trust hones in on the fairness with which a legal actor behaves. As an example, one may trust that a police officer will arrive when called. However, if the individual does not trust that he will be treated fairly by that officer, there is not a trust in motivation. Tyler sees it as being shaped by procedural interactions with those in legal authority. However, he also adds two other predictors: that the legal actions are understood and that there are perceived social bonds connecting the individual with the legal actor. The idea of social bonds is interesting when thinking about the operation of a VTC as these courts often make efforts to use judges and attorneys who share veteran status. He evaluates motive-based trust with items that seem to track very closely with the procedural elements that contribute to procedural justice. They focus heavily on the legal actor being concerned with and responsive to the views, needs and concerns of the individual.

Tyler's slightly different treatment of procedural justice and motive-based trust is interesting. Although he goes to some lengths to differentiate them, they feel hard to separate in practice and he tends to use them as one in his models. Thus, in at least one applied setting researchers made the decision to treat them as one procedural justice

construct (Farley, Jensen, & Rempel, 2014). As will be discussed in the methods section, the present study takes a similar approach.

Although it is not clearly envisioned by the Tyler model, it is in this area of fair and unbiased treatment that I hypothesize expression of gratitude will fit. Should defendants perceive expression of gratitude for past military service from court personnel as genuine and positive, it seems reasonable that it would have functions akin to fair, respectful and unbiased treatment. Although it has become relatively commonplace for veterans and members of the military to be thanked for their service since 2001, discussions of how these expressions of gratitude are perceived and received are not evident in the literature. However, research into gratitude in general predicts that being thanked in this manner will increase social bonds and motivate pro-social behavior. This research and underlying theories are discussed later in this chapter

Although his earlier (e.g., Tyler, 1990) work actively used the notion of legitimacy, he elaborated on it (both conceptually and methodologically) working with a colleague (Tyler & Huo, 2002). They used four indicators to evaluate legitimacy in this cross-sectional survey of Californians. The first, which they termed perceived obligation to obey, is rooted in the work of Weber (1968). They contrasted this with an internalization of specific norms or morals, focusing instead on the giving of deference to a law or legal processes within a certain situation. They noted that legitimacy can be thought of as a broad obligation. Yet, they stressed that it can be created or diminished by legal actors through individual encounters; this is a key to the larger model predicting compliance. The second piece of their legitimacy measure drew upon political science

research and they termed it institutional trust. They pointed to political science research that established a connection between trust in political/governmental actors and institutions and social behaviors. Those who trust are expected to cooperate and not try and undermine. Third, they discussed the idea of cynicism. They focused on “the motives that people infer as underlying the operation of the law” (Tyler & Huo, 2002, p. 104). Individuals with cynical views would perceive the law as a force that strives to enforce the power of others over them as opposed to protecting their interests. Finally, they discussed how one’s affective orientation towards the law and legal actors contribute to his or her behavior towards those entities and individuals. Following this overview of Tyler’s theories, a broader review of theories of legal legitimacy will be offered.

Tyler often stresses the importance of social identity in his larger theories of procedural justice (e.g. Tyler & Blader, 2003; Tyler & Huo, 2002). He used it as a partial-mediator between process-based judgments and legitimacy. He does not go into great depth, yet, makes it clear that he draws heavily on the work of Tajfel and Turner and other social identity theorists, in these discussions. In what he has termed the Group Engagement Model (Tyler & Blader, 2003), he breaks social identity into three components. First, there is the issue of identification with. Of the variety of identities individuals have, how salient is a particular one to self-conception in a given context? Second, he looks at the idea of pride in being a member of this group. How is the group seen within the larger society? Third, he considers respect by group members. Within the group, how is (or would) the member seen?

Typically, he argues that perceived fair treatment from legal authorities increases positive social identification and this, in turn, increases perceptions of legitimacy and fosters positive social involvement (including cooperation and future compliance with the law). As group identity increases and is internally positive (self-esteem, self-definition), it tends to increase one's willingness to defer to the perceived norms of the group. Greater discussion of social identity theory will follow shortly and connections with VTCs will be made more explicit. However, stated briefly, this is relevant for the current study as this aspect of Tyler's work would seem to hypothesize perceived fair treatment would be associated with positive identity, ratings of legitimacy and cooperation (assuming that perceived veteran norms are pro-social). Although it has not been clearly articulated in the literature of the emerging VTC movement, there seems to be a consistent attempt to highlight defendant identification with this socially esteemed identity.

Finally, Tyler's model predicts behavioral outputs. He identifies three categories and predicts they will be driven by perceptions of procedural fairness (including motive-based trust) and partially mediated through legitimacy. First, he focuses on compliance. In simplest terms, this is ceasing a behavior when instructed to by a lawful authority. In this sense, he discusses it as short-term. He also discusses longer-term compliance through a general orientation to obey the law in the future (his methods do not typically allow for true evaluation of long-term behavior). Second, he discusses cooperation. He generally operationalizes this through a willingness to report criminal behavior to the police, testify in court, or serve on a block watch. Last, he discusses empowerment.

Here, he focuses on the public empowering police and the courts to exercise discretion in how they uphold the law.

Methodologically, there are some concerns about the approach Tyler takes in his body of work. Much of his work relies on cross-sectional design. As his ultimate goal is to develop a causal model, this poses problems. He does note this limit in his discussions, but the notation does not prevent him from using language of causality even when the methods do not support those conclusions (e.g. Tyler & Huo, 2002). He relies exclusively on self-report data obtained through surveys. This has known advantages and limits. The interaction between design features (cross-sectional and self-report) results in some studies (Tyler, 1990; Tyler & Huo, 2002) that operationalize some constructs by asking respondents to speculate on future perceptions or behaviors.

Additionally, much of his work did not use approaches to scale development that are considered best practice (e.g. DeVellis, 2012; Fowler, 2009). For example, he does not typically report on the process through which his items were developed (i.e. he and colleagues alone or through a process of validation with diverse community members and/or other professionally recognized experts). Additionally, he does not generally report on (or seem to have conducted) factor analytic analysis of his scales. Related to the first concern, he does not seem to generate a large pool of items and refine them. Rather, he seems to brainstorm some items and run with them⁶. On the positive side, he is transparent about issues like reliability, reporting some instances of rather low coefficient alpha. Additionally, much of his early work relied heavily on binary response categories,

⁶ More recently (e.g. Tyler & Jackson, 2014), Tyler has been using a well-crafted legitimacy measure developed by Jackson and colleagues (Jackson et al., 2011) for use in the European Social Survey. This tool was used in the dissertation and is discussed in detail in the methods chapter.

limiting the variability he is able to detect. What seems interesting, however, with some of these issues of survey design is that it possible that greater attention to detail would actually increase the robustness of his findings. This is, of course, speculative.

Despite these important methodological issues, Tyler's body of work is innovative, impressive, and well-suited to provide a general guide to the current study of attitudes of defendants in a VTC. He readily identifies important ways that the insights of social psychology impact the provision of criminal justice. There are, however, some places where his theories require greater depth to guide the current study.

Legitimacy and Compliance

Generally, the work of Tyler is well regarded and accepted. Critics tend to not fundamentally challenge his work, but draw our attention to other factors that also warrant consideration. It is also important to note that Tyler's work was focused on broad community surveys. It examined why people obey/cooperate or do not based on experience and legitimacy. However, he did not focus specifically on individuals and settings that are part of a criminal justice setting. This section will review some aspects of legitimacy not discussed by Tyler, some explorations focused more narrowly on applied criminal justice (or other regulatory) settings, and end with a discussion of how issues of social inequality intersect with a focus on legitimacy.

Smith (2007) and Bottoms and Tankebe (2012) raise similar critiques of Tyler, pointing out that it is more than individual experiences of fairness that shape perceptions of legitimacy. They focus on how observing the interactions between others and holders of authority impacts individual assessments of legitimacy. Bottoms and Tankebe

highlight the importance of dialogue and audience in prisons, asserting there is often a high level of awareness of the treatment and outcomes other inmates receive. Smith highlights conveyance through the media and culture, especially as it impacts minority groups' perceptions of legitimacy. Although not directly envisioned by either of these, the issues resonate with problem solving courts generally and VTCs in particular. Defendants in these courts are often called to appear with greater frequency than are participants in traditional courts. There are also ceremonial components (sanctions, rewards and graduations) built into the proceedings. Participants in a problem solving court, thus, are often observing how others are treated. They resonate with the attention Bottoms and Tankebe give to dialogue and audience. Additionally, through referrals to common service providers, individuals who met in these courts will have an opportunity to compare experiences away from court as well as in court.

One of the most influential modern treatments of legitimacy is that of David Beetham. In *The Legitimation of Power*, Beetham (1991) set out to offer a modern, social scientific approach to legitimacy. Although most concerned with social scientific inquiry, he asserted that one of the challenges faced in the study of legitimacy is a failure of the three involved disciplines (legal scholars, moral and political philosophers, and social scientists) to consistently consider and integrate their theories and research. He objected stringently to the core of Weber's work in the area (e.g. Weber, 1968), arguing that it was put forth as too much of a universal truth and that it over-emphasized the importance of belief and consent. He offered a three-part conception of legitimacy, drawing on each of the three disciplines. First, based on legal scholarship, it conforms to

established rules. Second, drawing on philosophy, these rules can be justified through shared beliefs held by both the dominant and subordinate members. Third, there is evidence of consent by the subordinate. Although he sees this conception as holding across cultures, he highlighted the contextual nature and that assessments must be rooted in each culture and time. He also argued that legitimacy should not be thought of as a binary construct; rather it exists on a continuum, impacted by the three facets above. As a social scientist, he rooted the importance of legitimacy in both how it affects the character of power relations and the behavior of parties. He focused heavily on the behavioral aspects, noting that legitimacy provides a complex mix of grounds and reasons for compliance. He drew contrasts with some psychological perspectives that focus exclusively on attitudes and characteristics (i.e. respect for authority). Yet, he also rejected those who focus only on self-interest and rational choice. He called for attention to a broad mix of factors, including moral, prudential, normative and self-interested. Finally, he asserted that we need to focus not only on compliance, but also the breakdown of legitimacy that can diminish cooperation. Recently, Beetham (2013) revisited his theory and discussed Tyler's theory of procedural justice as an operationalization of his larger theory of legitimacy.

Drawing on Beetham's conception of legitimacy, Bottoms (2002) focused on the functioning of compliance in the realm of community penalties. He began by highlighting the differences between short-term requirement compliance and long-term legal compliance. The former is focused on complying with the terms of probation or the orders of a problem solving court. It would include desistance from criminal behavior

while under scrutiny, attending meetings/hearings, and completing mandated treatment regimens (i.e. substance abuse or mental health services). Longer-term compliance is marked by an on-going desistance after completion of supervision. Essentially, it is behaving in a prosocial way even when not mandated to do so. He stressed that different types of motivation may be necessary to support these two types of compliance (even in the same individual). He highlighted four primary mechanisms that drive compliant behavior: 1) instrumental compliance (incentives and disincentives), 2) normative compliance, 3) constraint-based compliance, and 4) compliance based on habit or routine. He stressed that different individuals will require different mixes of these four types and that these will vary over time and based on the different types of compliance. Most relevant for a VTC are the first two mechanisms. Problem solving courts have long used a mix of sanctions and rewards (Lindquist, Krebs, & Lattimore, 2006; National Association of Drug Court Professionals, 2004) that fit readily in the first mechanism. Bottoms' discussion of normative compliance offers some interesting notions for study of a VTC. He proposed three sub-types: a) acceptance of a relevant norm (i.e. one should not drive while intoxicated or engage in spousal abuse), b) attachment leading to compliance, and c) legitimacy. He focused on social bonds secondary to an emotive connection with an individual or small group as a potential path to normative compliance. This seems akin to attempts in the reintegrative shaming and restorative justice traditions to leverage family bonds (e.g. Tyler, Sherman, Strang, Barnes, & Woods, 2007; Umbreit & Armour, 2011). It also seems to share some common ground with the attention Tyler gives to positive social connection and has the potential to resonate well with veteran

identity. Perhaps the most important implication for the current study from Bottoms' work is his attention to interaction effects in compliance. He discussed two types of interactions: 1) between the compliance mechanisms and 2) between one or more compliance mechanism and different kinds of individual or group. He began with classic examples (e.g. Sherman, 1992) of deterrence working best for individuals with strong ties to groups with prosocial norms. Like above, the ability to explore connections with veteran identity is intriguing. Additionally, it highlights the need to consider diversity in interactions. As noted earlier, the term "veteran" covers a great deal of military and non-military diversity. The work of Bottoms lends further support to the importance of exploring attitudes and correlations in the emergent VTC movement to better inform subsequent outcome evaluation.

Although not focused on criminal justice, the work of Valerie Braithwaite (2003) with attitudes and behaviors towards tax compliance, avoidance and evasion offers important insights. She began by noting that the regulated are not powerless. They hold four basic options—all of which seem relevant in the context of a problem solving court. They may: 1) cooperate, 2) withdraw, 3) practice defiance, or 4) find ways to sidestep requirements. She highlighted the differences between the actual behavior of individuals and their motivational postures, which she defined as their attitudes towards the authority. In the context of a VTC, an example would be someone who meets all technical terms, but has neither buy-in on the wrongness of the original act nor a real desire to desist once court scrutiny is removed. She stressed the importance of separating behavior from attitudes as 1) we know from a variety of contexts that they are independent and 2) that in

an applied sense it is important to know one's attitude or disposition in order to effectively modify future behavior. She focused on social distance, arguing it is important in a regulatory context if people decide they like, ascribe status to, and want to be aligned with the powerful. She added that this is important in order to move from simple legal legitimacy to a deeper psychological legitimacy. She stressed the importance—and difficulty—of a regulatory body both “dealing with the wrongdoing today while nurturing consent for tomorrow” (Braithwaite, 2003, p. 35). Through research with Australians regarding tax compliance she identified five motivational postures: 1) commitment, 2) capitulation, 3) resistance, 4) disengagement, and 5) game playing. She described them as openly shared and consciously held. She found that individuals held varying levels of seemingly contradictory postures at the same time. This is important. Although she did not draw the parallel, it seems to share much with stages of change and ambivalence that have been so influential in the theory (Prochaska, Norcross, & DiClemente, 1994) and treatment (Miller & Rollnick, 1991) of addictive behaviors. Finally, her study found that correlations between the motivational postures and actual behavior were small at best. In many instances, there were no significant correlations. Although she did not refer to him, her work resonates with some important themes from Beetham. First, there is the idea that legitimacy is on a continuum, and moving individuals from technical to a richer form is important. Second, when we only focus on behavior, we are potentially missing an underlying legitimacy deficit.

Finally, Robinson and McNeill drew heavily on Bottoms (2001) and Braithwaite (2003) in the development of their dynamic model of compliance (McNeill & Robinson,

2013; Robinson & McNeill, 2008). They focused on the administration of sanctions in community settings. Although they focused on individuals under probation, their arguments flow naturally to problem solving courts. As the name of the model implies, they stressed that community sanctions and interventions occur over time. Consistent with the work of Braithwaite and Bottoms, they realized that offenders will have different assessments of legitimacy and postures towards compliance at different points in time. Beyond somewhat natural flux (i.e. entering a program vs. being in it for a while), they also highlighted past individual experiences and the reports from peers as shaping these postures. They focused most on Bottoms' four possible mechanisms to explain compliance and Braithwaite's five motivational postures discussed earlier. They proposed that formal and substantive compliance based on normative and motivational commitment is the ideal and that legitimacy (and its increases and decreases) is a crucial part of movement towards or away from the ideal. They followed Bottoms in focusing on the importance of norm-based assessments as impacting long-term compliance through legitimacy. Citing Tyler, they stressed the importance of procedural justice in shaping these assessments. Finally, they emphasized on the power of positive relationships and trust between offenders and the court agents who oversee their compliance and services.

These theories on legitimacy and its impact on compliance result in some important themes. They consistently draw our attention to different types of compliance and the likelihood that they require different approaches. Although they are both important in a court context, Robinson and McNeill (2008) caution that too much

attention on short-term or technical measures can negatively impact changes in social bonds, norms, and legitimacy that are likely to drive longer-term compliance. Second, we are reminded that behavior and true attitudes may diverge. If we are ultimately concerned with long-term compliance and cooperation, we should not interpret short-term compliance too positively. Rather pessimistic attitudes may lie under the behavior. Third, the role of community and social bonds seems likely to play an important role. Forth, like other types of motivation and attitudes, these assessments will ebb and flow over time. Finally, there will be interactions between these issues. Some of these interactions are known from past research and theory. As an example, Sherman's (1992) research with domestic violence offenders has shown that strong associations with a group or community that has prosocial norms makes a certain type of sanction (i.e. arrest) more effective. Sherman's larger theoretical work (Sherman, 1993) focuses on how legitimacy, social bonds, shame, and pride interact with sanctions. However, as discussed earlier, there are a number of veteran-specific variables to consider (era of service, exposure to combat, probable PTSD, level of civilian reintegration, and perceived military homecoming). There are also a number of traditionally important issues to consider in a criminal justice context (race and ethnicity, recidivism risk, gender, and type of criminal offense). Thus, the study's core hypotheses are augmented by two competing hypotheses as well as a number of exploratory questions. These issues will be clarified in Chapter Four.

From a more critical perspective, a concern can be raised that focusing on legitimacy as a reaction to procedural justice can minimize or even miss important

elements of oppression built into a specific criminal justice system. There are important critiques of the criminal justice system which raise concerns about how aggressively we as a society push individuals into the system generally or problem solving courts in particular. If we accept some of the arguments that our police and courts are used as arms of social control (Garland, 2001), that we utilize a harsh version of justice that criminalizes too readily (Whitman, 2003), that race and ethnicity continue to influence treatment within the system (Crutchfield et al., 2010) or utilize drug courts heavily due to social tendencies to moralize and be overly-clinical (Nolan, 2001), then focusing on whether people were treated with respect during the process runs the risk of missing more fundamental issues worthy of inquiry. This potential critique can be more salient with the way that Tyler has historically focused on legitimacy. As Bottoms and Tankebe (2012) pointed out, his conceptualizations only explored the perception of the individual. They evaluated if a person feels he or she ought to follow a law or obey an individual. However, it has no way to evaluate if the agent of authority was due that level of deference. Clearly, there should be something more than being procedurally fair.

In a non-empirical piece, Tyler (2006) discussed this tension, rooting it in differences between consensus and conflict based views of society. After raising the possibility that “in at least some instances the justice judgments shaping assessments of legitimacy may reflect the perspectives of a particular social group,” he defers any resolution, concluding, “the extent to which this is the case awaits future research” (p. 393). As will be expanded upon in the methods section, the measure (Jackson et al., 2011) used in the dissertation has attempted to respond to such concerns.

Social Identity Theory

As noted above, Tyler's discussion of group identity drew upon social identity theory (SIT). Although the influences are clear, the group engagement model of Tyler and Bladder (2003) is not a rigid or classical example of SIT. As much of the current study's focus is on the notion of veteran identity, a closer review of the underlying theory is in order. SIT is a social psychological theory, generally said to have emerged in the 1970s and 1980s through the work of Tajfel and Turner (e.g. Tajfel, 1982). To begin, I am providing a short list of core components that are readily agreed on based on a review of a handful of key SIT theorists. This will be followed by a discussion of some particular issues of importance for the consideration of veteran identity in the context of the current study.

Like all groups, social identity theorists have within-group homogeneity and heterogeneity. There are certainly points of active debate and contention. Yet, there are several core components of the theory that seem readily agreed upon based upon a broad review of several leading theorists and researchers (Brown, 2000; Hogg, Terry & White, 1995; Huddy, 2001; Tajfel, 1982). Key components include:

- SIT is concerned with intergroup relations. An in-group requires an out-group(s).
- Although individuals may at times be unaware of a group to which they belong, the following precepts require that the individual is consciously aware of membership in the relevant group(s).
- Such group membership(s) carry value and/or emotional significance.

- Individuals generally have a basic need to see themselves in a positive light relative to others.
- Although there are many other factors, group membership helps form individual self-concept and self-esteem.
- Each individual has multiple social identities.
- Some group memberships are more salient than others for individuals.
- Group salience can vary between individuals and fluctuate within an individual over time based on situation and context.
- Group membership (especially as saliency increases) includes prescriptions on how one should think, feel and behave.
- Group boundaries are maintained partially through a process of stereotyping (both in- and out-groups).

Even with this broad overview, some potentially important implications for veteran identity in the context of a VTC concerned with compliance stand out. First, the notion that group salience varies and is impacted by setting is important. It gives reason to believe that veteran identity can be enhanced. This point is crucial in the placement of veteran identity after procedural justice and gratitude in the study's hypothesized model. Although all participants had some level of veteran identity before the court, the notion of identity salience supports that context can increase it. Second, the prescription of norms and behaviors has potentially powerful implications for a problem solving court. Although it is unclear what veteran norms would be regarding criminality, if one speculates that they are pro-social, it gives VTCs a potentially useful tool in motivating

short-term and longer-term compliance⁷. It fits well with Sherman's (1993) emphasis on identification with a group that holds prosocial norms interacting with sanctioning to reduce recidivism. According to Hogg et al. (1995), "when a specific social identity becomes the salient basis for self-regulation in a particular context, self-perception and conduct become in-group stereotypical and normative" (p. 260).

One aspect of SIT that may raise questions about the fit with veteran identity is the focus on inter-group relations. More pointedly, SIT is often associated with examination of discrimination between groups when a power imbalance exists. Although veterans are a numeric minority, they are not logically thought of as an oppressed group. To the contrary, recent surveys (Pew Research, 2013a, 2013b) find high social support for veterans and the larger military community. Although it is true that much of SIT has focused on positive correlations between in-group identify and out-group bias, it has been clearly and convincingly argued that this need not be the case (Hinkle & Brown, 1990). Brown (2000) went on to speculate that intergroup comparisons are not necessary to maintain group identifies and discussed reference to abstract standards. Despite its roots (and on-going importance) in exploring bias between groups, SIT clearly has relevance for groups that lack a negatively-biased out-group—such as military veterans.

Theories of Gratitude

As noted earlier, one of the more intriguing aspects of VTCs is the active expression of gratitude to criminal defendants from representatives of the court. Although

⁷ Although far from resolved, a pilot study conducted with a convenience sample of veteran ($n = 82$) and non-veteran ($n = 934$) university students offered the first known examination of this issue (Gallagher, 2016). Veterans did not have a significantly different perception of legal legitimacy than did non-veterans ($t(1014) = .44, p = .662$).

it has not been formalized in the *10 Key Components of Veterans Courts* (Justice for Vets, *n.d.*) or addressed in peer reviewed literature, there is evidence that VTC participants are routinely thanked for their military service. For example, in the Phoenix VTC, a large banner hangs in court with the words, “Thank You for Your Service.” Media and internet pieces report VTC participants discussing the practice (e.g. Gray, 2015). The nation’s first VTC includes the words, “Thank you for your service” prominently on its program brochure (Alaska Court System, 2014). It has been suggested that creating and volunteering in a VTC is one way to make the expression of gratitude more than a social platitude (Lathers, 2014). The expression of gratitude to veterans has been used in web-based material making them aware of VTCs (Hache, *n.d.*) Although the work of Tyler and those who use his theories in criminal justice contexts do not discuss the issue (perhaps because outside of a VTC it is hard to envision frequent expressions of gratitude), there are reasons to believe that gratitude will function alongside procedural justice and social bonds. On the surface, there seems to be a similarity between being thanked for one’s past good deeds and being treated fairly, being respected, and feeling socially connected. Beyond this, important theories of gratitude lend support.

In general, it has been noted that gratitude is underresearched in comparison with other human emotions (Watkins, 2013) and that psychologists have been less engaged than philosophers and theologians have been (Emmons, 2004). These same sources have noted a modest increase in attention in recent years, based heavily on the “positive psychology” movement and renewed psychological interest in religion and spirituality. They assert that research consistently supports positive benefits (in health, social

relationships, and other regards) for individuals based on both trait and state gratitude. This research has focused on the benefits of feeling and expressing gratitude.

More importantly for the current study, psychologists have increased their attention to the other half of the equation in recent years and explored how individuals respond to being thanked. Their results have extended the earlier findings and consistently find that individuals who are thanked for their deeds respond in prosocial ways. McCullough, Kilpatrick, Emmons, and Larson (2001) argued that gratitude is a moral affect (similar to empathy, guilt and shame) which impacts recipient and giver. They termed it a “moral reinforcer,” encouraging prosocial behavior among those who are thanked. The work of Algoe (2012) has helped refine this line of research and resulted in the “Find, Remind, and Bind” theory of gratitude. Her theory suggests and empirical research supports that the expression of gratitude helps in the development, strengthening, and maintenance of relationships.

Research continues to extend and clarify these processes. Although McCullough and colleagues (2001) and Algoe (2012) provided solid support for the notion that being thanked leads to prosocial behaviors, the causal mechanism has remained unclear. Grant and Gino (2010) conducted a series of laboratory and controlled field experiments to test competing causal hypotheses. In addition to replicating the positive impact of receiving gratitude, they offered stronger support for community processes (increasing feelings of social worth) as opposed to individual agency (increased feelings of self-competency) as mediating the path from gratitude receipt to prosocial behavior. Additionally, Grant and Gino found that the benefit extended not only to the individual who expressed gratitude,

but to other individuals and institutions. This piece seems crucial in the context of a VTC where long-term compliance is a goal.

Williams and Bartlett (2015) used well-designed laboratory experiments to explore a different aspect of the causal relationship: that of perception. They found that receipt of gratitude led to intention to behave in a positive manner and in actual positive behavior. Additionally, they found that perceiving the expression of gratitude as a marker of inter-personal warmth mediated these relationships.

Studies of gratitude have explored a variety of relationship types—including romantic, managerial, and between virtual strangers. Yet, exploration of expression of gratitude regarding past or current military service was not evident in the review of the literature. This is interesting as the practice of thanking past and current members of the military for their service has become seemingly ubiquitous in the U.S. since 2001.

Taken together, this distinct body of social psychology offers reasons to believe that expression of gratitude from agents of court power to VTC participants will function like established elements (procedural justice and social bonds) in Tyler's model. That is, it will work with procedural justice and social bonds and be positively associated with veteran identity, legitimacy, and compliance.

Summary

The dissertation draws on a number of relevant theories. Tyler's theory of procedural justice is the cornerstone. It has already been well integrated with theories of legitimacy and social identity. Although novel, the addition of gratitude to Tyler's basic

model seems both consistent with his larger approach and justified by relevant theories and research on gratitude.

The study's hypothesized model is depicted in Figure 1. The placement of veteran identity after procedural justice, social bonds, and gratitude is important. Although all VTC participants will, of course, walk into court with some awareness of their veteran status, the notion of identity salience from the SIT tradition emphasizes that each of us chooses among our multiple identities those which are most advantageous (both psychologically and socially) based on situation and context. Thus, consistent with Tyler's larger orientation, it is reasonable to expect fair and respectful treatment based on veteran status to increase salience in this context.

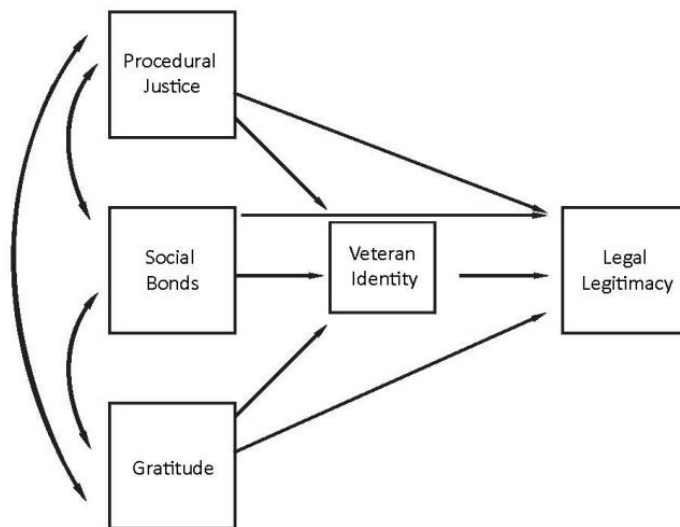


Figure 1. Hypothesized model.

Chapter 4

Methodology

The purpose of the present study was to test if a modified version of Tyler's theory of procedural justice holds in VTCs. More specifically, the goal was to test if perceptions of procedural justice, social bonds, and gratitude are positively associated with social (veteran) identity and perceptions of legal legitimacy. To accomplish this, a cross-sectional survey was administered to participants in two municipal VTCs in Arizona.

Study Settings

A brief overview of the two study sites—Phoenix and Tucson regional—will help frame the discussion of design and recruitment. Both courts hold VTC sessions on set schedules. The Phoenix VTC convenes every Friday, with separate morning and afternoon sessions. The Regional Municipality Veterans Treatment Court (RMVTC) is set in the Tucson City Court and hears cases from four other municipal courts in Pima County, AZ⁸. It holds the following three sessions every other week: Tuesday morning, Wednesday morning, and Wednesday afternoon. In both courts, participants are not given specific appearance times. Instead, large numbers of individuals are called to appear at one of two or three times per session. As a result, participants typically spend significant time waiting to have their cases heard.

Some basic statistics were provided regarding the Phoenix VTC in the *Arizona Republic* (Mitchell, 2014). During 2013, the Phoenix VTC enrolled 350 new cases.

⁸ Eligible veteran defendants from the cities of Marana, Oro Valley, Sahuarita, and South Tucson agree to have their cases transferred to the Tucson City Court in order to participate.

During the same year 164 individuals graduated, 32 bench warrants were issued for failure to appear and 14 individuals were removed from the program. Mitchell reported that 40% of participants received substance abuse treatment, approximately 20% received treatment for PTSD, and 17% received treatment for another mental health condition. According to the lead prosecutor for the Phoenix VTC (P. George, personal communication, March 2014), participants tend to stay in the program for approximately 12 months (often more) with well over half graduating from the program. The prosecutor also reported that DUI is the most common criminal offense.

Richer data are available for the RMVTC. In its most recent bi-annual report to the Center for Substance Abuse Treatment, the court reported enrolling 121 individuals in the year ending September 2014 (Regional Municipality Veteran Treatment Court, *n.d.*). Between May of 2013 and September of 2014, ninety-nine individuals successfully graduated. During the same period, 29 individuals were negatively discharged from the program for “lack of participation or other problems” (RMVTC, *n.d.*, p. 11). Although there was modest variability, slightly over half of graduates took six months or more to complete the program. Only 8% of participants completed in three months or less. From January through September of 2014, the RMVTC averaged 10 new participants, 81 open cases, and 99 appearances per month. The vast majority (91%) of RMVTC participants are men. The court’s racial breakdown follows: 74% White, 18% African American, 4% Native American, 2% Asian and 2% Native Hawaiian. Twenty-eight percent of participants are Hispanic. Age is the most diverse demographic variable, breaking down as follows: 18-24: 6%, 25-34: 25%, 35-44: 17%, 45-54: 23%, 55-64: 23%, 65 and

older: 6%. Slightly less than half (46%) of participants were deployed to a combat zone. Of those, 57% served in Iraq or Afghanistan, 24% served in the Gulf War, 13% served in Vietnam and the remaining 6% served in other conflicts.

Research Design and Participant Recruitment

The study utilized a cross-sectional survey design. Individuals were eligible to participate if they had attended at least two prior sessions of the Phoenix VTC or the RMVTC and were not in the custody of jail or detention staff. All recruitment occurred within the two courts during court sessions.

Convenience sampling was used to recruit participants for the study from the two courts during VTC sessions. Between January 8, 2016 and March 25, 2016, outreach was conducted during 11 days and 21 sessions of the Phoenix VTC and nine days and 14 sessions of the RMVTC. Memoranda of understanding (see Appendices B and C) were completed with each VTC prior to recruitment. I was present during all of these sessions and was accompanied by a volunteer research assistant during 14 sessions in Phoenix and two sessions of the RMVTC. Both assistants were ASU students and military veterans. In the Phoenix VTC, the lead defense attorney briefly mentioned the research possibility during his remarks at the start of each docket. There was not a similar introduction from staff at the RMVTC. Otherwise, the approach to outreach was the same. All outreach was conducted in the courtroom or the area immediately adjacent during VTC sessions. I or the research assistant would approach a defendant and briefly invite participation in a voluntary survey. If the individual was interested and indicated he or she had attended at least two prior VTC sessions, we gave a more detailed overview (including the

confidential nature of the survey, that he or she would be provided with a \$10 gift card as compensation, and that the court would disclose background and outcome data to the research team⁹). If still interested, we provided the participant with the Institutional Review Board (IRB) approved consent letter (see Appendix D), the survey (see Appendix E) and a pen. As the participants completed the survey on their own, they were able to begin working on it, stop to meet with an attorney, judge or other member of the VTC team and then complete the survey. Although participants often had the survey for much longer, item completion took approximately 15 to 25 minutes. Upon completion, the survey was returned to a member of the research team and the participant was given the gift card.

Human Subjects Protections

The rights of study participants were protected throughout the research process. The specific mechanisms were reviewed and approved by the IRB of Arizona State University. The approval letter is provided in Appendix F.

Although federal regulations do not single out all individuals involved in the criminal justice system as vulnerable (as they do prisoners), the population still warrants consideration (Dugosh, Festinger, Croft, & Marlowe, 2010). The two courts accept individuals who are still in custody, but the study did not recruit, enroll or administer a survey to any individual who was considered a prisoner under applicable federal regulations.

⁹ These background (importantly the criminal charge) and outcome (program completion and two-year recidivism) data are not discussed in the dissertation as they will not be available until after its defense. However, they were included in the IRB application and MOUs with the two courts. They will be used with survey data in subsequent research.

Although VTC staff in one court announced the opportunity to volunteer for the study, they were not present when potential participants discussed the study with the research team. The informed consent process was fully managed by the researchers. The courts have not been and will not be informed which individuals opted into the study. This was explained in the informed consent process. These steps were taken to prevent individuals from feeling pressure from VTC staff to cooperate.

As there were research assistants involved in the recruitment of participants at the two court sites, their understanding of and adherence to these protocols was crucial. The RAs completed required human subjects training through CITI. Additionally, they signed confidentiality statements and were trained on the specific protocols discussed in this section.

From past research, we know that individuals engaged in a problem solving court of this nature are more likely than the general public to experience poverty and homelessness (e.g. Clark et al., 2014). Thus, there is the possibility that offering financial compensation for time spent participating in the study could have an undue influence on the decision to consent. While important to be mindful of, this concern should be assuaged by two related facts. First, the amount of participant compensation was small (\$10). Second, the survey was of modest length. So, the offering of \$10 for approximately 15 to 25 minutes of time was not excessive.

After its collection, the following steps were taken to protect participant privacy. Each completed survey was assigned a study identification number. The only key linking these identification numbers with participant names was kept in an encrypted file on a

university server which was itself protected by a different password. The first page of the surveys (which contained participant names) was physically removed from the rest of the survey when the data was entered into SPSS. The first pages and the rest of the surveys were stored in two separate and locked cabinets within locked offices in the university. Finally, when entered into SPSS, names were not used. Instead, the study identification number was used. Participant dates of birth were briefly entered into the SPSS file. However, during the first step in data preparation they were used to compute an age variable and then deleted.

Specific Aims, Hypotheses and Research Questions

In broad terms, the study tested Tyler's theories of procedural justice (Tyler & Huo, 2002) in a novel context: veterans treatment courts. As such, the hypotheses followed his theoretical predictions. The only modification in the hypotheses was the addition of perceptions of gratitude due to its prominence in in VTCs and seeming alignment with the other social and relational constructs Tyler uses. Two hypotheses in competition with the core procedural justice hypotheses are made based on existing criminological theories and research. Finally, owing to the large number of within-group veteran distinctions and the limited research into VTCs, exploratory questions are offered. The hypotheses and exploratory questions are listed below and the theories and research they are based on have been summarized above.

Core hypotheses.

H1. Procedural justice, social bonds and gratitude will be positively correlated.

H2. Procedural justice, social bonds and gratitude will be positively associated with veteran identity.

H3. Procedural justice, social bonds and gratitude will be positively associated with legitimacy.

H4. Veteran identity will mediate the association in H3.

Competing hypotheses.

H5. Recidivism risk will moderate the associations between legitimacy and procedural justice, social bonds and gratitude.

H6. Race will moderate the associations between legitimacy and procedural justice, social bonds and gratitude.

Exploratory questions.

Q1. Are differences in era of service, combat exposure and/or probable PTSD associated with social bonds, procedural justice, gratitude, veteran identity and/or legal legitimacy?

Q2. Do differences in era of service, combat exposure and/or probable PTSD affect the relationships between procedural justice, gratitude and social bonds and veteran identity, and/or legitimacy?

Q3. Are differences in intervention dosage and/or perceptions of the fairness of the original charge (independent of the treatment in the VTC) associated with social bonds, procedural justice, gratitude, veteran identity and/or legal legitimacy?

Q4. Do differences in perception of pre-VTC fairness and/or intervention dosage affect the relationships between procedural justice, gratitude and social bonds and veteran identity, and/or legitimacy?

Measures

All data used in the study were obtained from the survey administered to participants. It was comprised of several existing, modified, and new scales that measure the constructs introduced in the theory section. Many of their data fields resonate with either relevant theory or are important control variables. Their relationships have been discussed throughout the dissertation. They have been made most explicit in the Specific Aims, Hypotheses and Research Questions section above and were discussed in detail in the theory section.

Legitimacy (dependent variable).

Legitimacy was measured through a multi-dimensional scale developed for use in the European Social Survey (ESS). Its theoretical influences and development are detailed by Jackson et al. (2011). Theoretically, they were guided by the work of Beetham and crafted domains consistent with his focus on 1) perceived obligation to authority, 2) trust that those with authority adhere to rules and laws, and 3) perceived normative alignment with those in authority. For each of these three broad factors, items were developed in three categories, focusing on 1) the law in general, 2) the police and 3) the courts. (In the present study, items focusing on the police were not used.) Jackson and colleagues reported on an 11-stage, multi-disciplinary and multi-national approach to item/scale development and testing. Briefly—and partially—their steps included the development of an initial item pool, review by content experts, evaluation of reliability, validity and factor structure, repetition of the earlier steps, pilot testing, and extensive

psychometric review of test results and development of the final 45-item scale. The 28 items used in the dissertation are presented in Table 2.

Table 2

Legal Legitimacy Items

Item	Sub-scale	Item text
1	O	All laws should be strictly obeyed.
2	O	It is hard to break the law and keep your self-respect.
3	O	People should do what the law says.
4	O	A person who disobeys laws is a danger to others in the community.
5	O	Obeying the law ultimately benefits everyone in the community.
6	O	Some laws are made to be broken.*
7	O	Sometimes doing the right thing means breaking the law.*
8	O	There are times when it is ok to ignore the law.*
9	O	Sometimes you have to bend the law for things to come out right. *
10	O	You should support the decisions made by judges even when you disagree with them.
11	O	You should do what judges tell you even if you do not understand or agree with the reasons.
12	O	You should do what judges tell you even if you do not like how they treat you.
13	O	The courts in your community are legitimate authorities and you should obey them.
14	T	The law represents the values of the people in power, rather than the values of people like yourself.*
15	T	People in power use the law to try to control people like you.*
16	T	The law does not protect your interests.*
17	T	The courts protect the interests of the rich and powerful above those of ordinary people.*
18	T	The courts are unduly influenced by pressure from political parties and politicians.*
19	T	Judges take bribes.*
20	T	Judges put people in jail for no good reason.*
21	T	Judges make decisions based upon their prejudices or personal opinions.*
22	T	When judges make decisions they almost always behave according to the law.
23	N	Your own feelings about right and wrong usually agree with the laws that are enforced by the police.
24	N	The laws in your community are consistent with your own intuitions about what is right and just.

Item	Sub-scale	Item text
25	N	The laws of our criminal justice system are generally consistent with the views of the people in your community.
26	N	The law represents the moral values of people like yourself.
27	N	Judges stand up for the values that are important to you.
28	N	Judges generally have the same sense of right and wrong that you do.

Note. All items from Jackson et al. (2011). * = reverse coded item. O = obligation to obey. T = trust. N = normative alignment.

Beyond its use in the European Union (European Social Survey, 2011) the scale has been used in a national probability sample of U.S. adults (Tyler & Jackson, 2014). This study provides comparative means for the present study and offers further support for reliability of the six scales used in the present study (α from .82 to .86) and construct validity through significant multivariate associations with indicators of compliance, cooperation, engagement, and fair treatment. Not only do these findings support validity generally, but they are particularly relevant to the hypothesized model in the present study.

Although the original ESS legitimacy items are on a 1 to 11 response scale, the present study used the same 1 to 5 scale, focusing on agreement or disagreement with statements, used in the U.S. survey. Tyler and Jackson calculated means for each of the nine scales and an overall index of legitimacy. They also broke out scores for the three theoretical domains: obligation, trust/confidence, and normative alignment. For the present study, the overall index of legitimacy was used as the measure.

Veteran identity (mediating variable).

Although the concept of military cohesion, focusing on unit function while still in the service, has been well studied (e.g. Kirke, 2010; Siebold, 2007), it has been observed that the idea of veteran identity is underexplored (Gade & Wilkins, 2013). The review of

the literature identified only two articles where veteran identity was directly evaluated. The first utilized a one-item ranking of how important being a veteran was on a 1 to 10 scale (Damron-Rodriguez, White-Kazemipour, Washington, Villa, Dhanani, & Harada., 2004). In the other, the same research team (Harada et al., 2002) took a slightly broader approach. Their measure focused on three aspects: 1) military status (branch, rank, combat, etc), 2) military experience (one binary item asking if the veteran felt he or she was treated well based on race/ethnicity), and 3) perceptions of the veteran experience. This last construct is the most interesting and contained three binary questions: 1) member of a veteran's organization, 2) does being a veteran influence daily life, and 3) positive or negative rating of veteran experience. On the whole, neither approach seems to capture the depth of identity as explored by either Tyler or the SIT tradition. The last three items on veteran experience offer a promising start and seem influenced by SIT theorists (although they do not cite any).

In contrast with measures of veteran-specific identity, there have been a number of scales that assess generic group identity (e.g. Brown, Condor, Mathews, Wasde, & Williams, 1986; Cameron, 2004; Hinkle, Taylor, & Fox-Cardamone, 1989; Luhtanen & Crocker, 1992). and scales more narrowly focused on ethnic identity (e.g. Umana-Taylor, Yazedjian, & Bamaca-Gomez, 2004). Historically, there has been attention paid to the multidimensional nature of social identity. Cameron (2004) traces this to Tajfel's early attention to 1) a feeling of being connected to the group, 2) feeling that membership is important in self-definition, and 3) the emotion associated to membership. Yet, factor analytic research into early scales resulted in mixed and occasionally confounding results.

Although Brown's scale (Brown et al., 1986) was heavily used and influential, the originators' factor analysis spoke more to methods than substance; factors were based on the directionality of item responses. As a result, it has been common for Brown's scale to be considered to have one factor (e.g. Boduszek, Adamson, Shevlin & Hyland, 2012).

Drawing heavily on Brown et al. (1996), Cameron (2004) has offered a 12-item scale that was used in the present study. This scale contains three factors: in-group ties, centrality, and in-group affect. Cameron conducted a series of studies with Australian college students and community members. Using the same basic items, different studies focused on different identities (gender, college, and nationality). Cameron tested one-factor, two-factor and three-factor models through confirmatory factor analysis (CFA). The three-factor model consistently obtained a superior (and generally good) fit across the five studies. Two subsequent studies (Boduszek et al., 2012; Obst & White, 2005) have supported Cameron's three-factor model. Thus, the rest of the discussion focuses on the 3-factor model. Internal consistency was generally acceptable for the three factors, with ranges across studies as follows: 1) in-group ties (α .76 to .84), 2) centrality (α .67 to .78), and 3) in-group affect (α .77 to .82). Test-retest analysis supported substantial stability. Both bivariate and multivariate analyses were supportive of construct validity through a number of significant, moderately-sized associations with existing identity scales and related measures of personality. Cameron began with 18 items and ultimately suggested researchers use a 12-item version that was used in two of his studies. In this version, each of the three factors has four items. The items are scored on a 1 (*strongly disagree*) to 6 (*strongly agree*) basis with higher scores indicating higher levels of group

identification. In the present study, the scale was reduced to 1 (*strongly disagree*) to 5 (*strongly agree*) with a neutral midpoint for increased consistency with other administered scales. Although his CFA drew attention to the three-factor conceptualization, he does not rule out computing an overall measure of identity. For the present study, the 12 items were used to compute an overall measure of veteran identity. This full score was used in all analysis. As Cameron’s scale was developed to be used with diverse groups, modifications were not necessary. Rather, the items each contain a prompt to enter the relevant group; the term “veteran” was entered for the current study. The 12 items are presented in Table 3.

Table 3

Veteran Identity Items

Item	Sub-scale	Item text
1	T	I have a lot in common with other veterans/members of the military.
2	C	I often think about the fact that I am a veteran/member of the military.
3	A	In general, I’m glad to be a veteran/member of the military.
4	T	I feel strong ties to other veterans/members of the military.
5	C	Overall, being a veteran/member of the military has very little to do with how I feel about myself. *
6	A	I often regret that I am a veteran/member of the military. *
7	T	I find it difficult to form a bond with other veterans/members of the military. *
8	C	In general, being a veteran/member of the military is an important part of my self-image.
9	A	I don’t feel good about being a veteran/member of the military. *
10	T	I don’t feel a sense of being “connected” with other veterans/members of the military. *
11	C	The fact that I am a veteran/member of the military rarely enters my mind. *
12	A	Generally, I feel good when I think about myself as a veteran/member of the military.

Note. All items from Cameron (2004). * = reverse coded item. T = ingroup ties. C = centrality. A = ingroup affect.

Procedural justice (independent variable).

Procedural justice was evaluated using a 12-item scale. The first nine items are closely based on a scale that was used by Tyler and colleagues in a study exploring reintegrative shaming and procedural justice with individuals arrested for DUI in Australia (Tyler et al., 2007). The final three items were created for this study to explore procedural fairness from a veteran-centric perspective. The 12 items were presented as one scale and the respondents were prompted to think about the judge, lawyers and other staff of the VTC as they considered the items.

The scale of Tyler and colleagues offered theoretical and methodological advantages. First, it taps into both procedural fairness and motive-based trust. As was discussed in the theory section, it makes sense to combine these as their usage is so similar in Tyler's models. Second, this scale has acceptable properties. In the Australia study, the scale had strong internal consistency ($\alpha = .87$). Additionally, the scale utilized a 1 to 5 response scale, as opposed to some studies where Tyler relied on true and false assessments. The scale is longer than others used by Tyler. These differences offer important psychometric advantages (DeVellis, 2012) over other reviewed measures of procedural justice (e.g. Tyler & Huo, 2002). Finally, all of the items are logically consistent with the context of a VTC in the United States. Without changing fundamental content, minor changes to the items have been made. First, items were reframed from questions yielding very fair to very unfair responses to statements yielding strongly agree to strongly disagree responses. The original 1 to 5 scale is retained. Second, the original items asked about the "conference/court" as participants were

assigned to one of these two conditions. For the VTC study the term “the court” is used. Finally, as the survey was administered to individuals still participating in the VTC, item verbs were changed from past to the present tense.

The three veteran-centric items were developed with the same structure as the modified Tyler et al. items just described. An example item is, “the court has taken time to learn about my military service.” All items are presented in Table 4.

Table 4

Procedural Justice Items

Item	Item text
1	The court has been fair to me.
2	The court has respected my rights.
3	People in the court have been polite to me.
4	I have had an opportunity to express my views in the court.
5	All sides have had a fair chance to bring out the facts in the court.
6	The court has taken account of what I said in deciding what should be done.
7	I have been treated with respect in the court.
8	I have had influence over the plan developed.
9	I have had enough control over the way things were run in court.
10	The court has taken time to learn about my military service.
11	The court has shown respect for my military service.
12	My service in the military has been considered by the court when making decisions about what should be done.

Note. Items 1 – 9 based on Tyler et al. (2007). Items 11 – 12 developed for the dissertation.

Social bonds (independent variable).

This measure evaluated the extent to which participants in the VTC see themselves as socially similar and connected to court staff. It was measured by using a 3-item scale used by Tyler and Huo (2002). The items had an acceptable internal consistency ($\alpha = .75$). Tyler and Huo placed the responses on a 1 (*strongly disagree*) to 5 (*strongly agree*) scale. Tyler and Huo reported relatively neutral scores with standard deviations suggesting moderate response variability. For the present study, the scale was

reversed (going from strong agreement to strong disagreement) and verb tense was changed from past to present. All items are presented in Table 5.

Table 5

Social Bonds Items

Item	Item text
1	We have a lot in common as people.
2	We share values and concerns.
3	We share a common background.

Note. All items from Tyler and Huo (2002).

Gratitude (independent variable).

As discussed earlier, it was hypothesized that being thanked for prior military service will be correlated with procedural justice and social bonds and associated with veteran identity and legal legitimacy. Although there are existing measures to evaluate an individual's level of state gratitude (e.g. McCullough, Emmons, & Tsang, 2002), there does not appear to be an existing measure to evaluate if an individual has received gratitude and how he or she responded. This makes sense as much of the research in this area has utilized experiments where the expression of gratitude was a manipulated independent variable. Aloe, Haidt and Gable (2008) used an on-line survey to ask respondents to list emotional responses (including gratitude) after exchanges. Although such an approach (after each VTC visit) would offer advantages for the present study, it was not practical as it would require high levels of respondent commitment and computer access.

In response, a simple measure was designed for the present study. It consists of three yes-no items which were combined to yield one score with a possible range of 0 to 3. The decision to use yes-no questions (as opposed to response options that would yield

a wider range of frequencies or perceptions) is in recognition that respondents have had different levels of exposure to the VTC. Although a greater response range would be ideal, the differential exposure time seems a likely confound. The two follow-up items are asked for a few reasons. First, they allow a larger response range than simply using one binary item. The item regarding seeming genuine is important as existing theory (Buck, 2004) and research (Gordon, Arnette & Smith, 2011) into gratitude have observed that individuals respond differently when expression lacks verisimilitude. The decision to ask if the expression of gratitude was important is influenced by work in measurement of social support that draws attention to not only the amount of support offered, but that the recipient may not perceive it as helpful (Doeglas et al., 1996). All items are presented in Table 6.

Table 6

Gratitude Items

Item	Item text
1	Did a lawyer, judge or other employee of the Veterans Court thank you for your military service?
2	If you were thanked, did it seem genuine?
3	If you were thanked, was it important to you?

Note. All items developed for the dissertation.

Race and ethnicity (independent variables, competing hypothesis).

As was reviewed in Chapter Two, race and ethnicity have been shown to have on perceptions of legitimacy and perceptions of and experiences with the criminal justice system more broadly. Thus, the survey asked respondents to choose a racial or ethnic category. The responses were dummy-coded and two variables were used in testing of the competing hypothesis: African-American and Hispanic.

Recidivism risk level (independent variable, competing hypothesis).

The proxy score was used to test the competing hypothesis that recidivism risk moderates the relationships between procedural justice, social bonds and gratitude and legitimacy. Although its use was not evident in peer reviewed literature, applied usage of the proxy has been encouraged and well described in gray literature (Bogue, Woodward, & Joplin, 2006; Davidson, 2005; Mellow, Christensen, Warwick, & Wilson, 2014; Wilson et al., 2012; Wong, 2009). The proxy was developed for use with offenders throughout Hawaii's criminal justice system (Davidson, 2005). Three items (current age, age at first arrest, and total number of lifetime arrests) are used to predict recidivism risk. The scoring process has been described by the tool's developers (Bogue et al., 2006). The scores are relative to the offender population in each community it is used. The following ranges are based on knowledge of the community's offender population.

- Current age: youngest third = 2 points, middle third = 1 point, oldest third = 0 points
- Age at first arrest: youngest third = 3 points, middle third = 2 points, oldest third = 1 point
- Lifetime arrests: highest third = 3 points, middle third = 2 points, lowest third = 1 point

Thus, possible scores range from 2 to 8. The proxy is generally used as a screening tool. Its initial and still primary use is to identify individuals at higher risk of recidivism to target for more thorough—and resource intensive—risk assessment. It has also been

used by probation units to assign lower-risk individuals to unsupervised status (Wong, 2009) and to inform judicial decision making (Wilson et al., 2012).

Hawaii has published two validation studies. The initial study (Davidson, 2005) was with 1,642 individuals and evaluated recidivism at six months. The second study (Wong, 2009) increased the sample to 5,505 and the recidivism window to three years. Both studies found that higher proxy scores predicted higher rates of and earlier recidivism.

The proxy was used in the present study for the same reasons that it is used as a screening tool in applied settings: 1) the solid predicative validity described above and 2) its brevity. In applied settings, the raw proxy scores are divided into risk levels (typically high, medium and low—but occasionally just high and low). This allows the criminal justice agency to make classification and other decisions. The number of levels and specific cut points are driven by a combination of population characteristics and agency resources (Bogue et al., 2006). For the present study, the raw score (2-8) was used to increase the variance of the measure. This approach is supported by the second Hawaii validation study (Wong, 2009). First, each increase in proxy score resulted in an increase in recidivism rate (ranging from 21.3% up to 70.5%). Second, the high and low categories they used (scores 2-4 had 37.2% recidivism versus scores 5-8 had 62.3%) were statistically different. Third, Kaplan Meier regression was used to evaluate the effect of each Proxy score on time-to-recidivism. Each of the six scores had a statistically distinct survival function.

Consistent with past usage, items regarding first arrest and total number of lifetime arrests prompted the respondent to consider juvenile and adult episodes. As calibrating the values with the local population was not feasible for the present study, the scoring process focused on the sample.

Probable PTSD (exploratory question).

There are a number of short screening tools with solid predictive properties that are commonly used in research to identify individuals with “probable” PTSD. For the present study, the 4-item Primary Care PTSD Screen (PC-PTSD) was used. As the name suggests, it was developed to be used in primary care settings (Prins et al., 2003). However, it has been used as a self-administered screening tool in prior research (e.g. Sayer et al., 2011) with success. The PC-PTSD was developed to 1) focus on the preceding 30 days, 2) ask a general probe to tie all responses to a past traumatic event and 3) have one question for each of the *DSM-IV* derived symptom clusters (re-experience, hyper-arousal, numbing, and avoidance). The PC-PTSD’s validity was supported by high rates of prediction of PTSD diagnosis from historical records of participants and concurrent screening and evaluation. Subsequent research (Bliese et al., 2008) has supported the initial findings. Positive responses to 3 of the 4 items is used as the cut-point for probable PTSD.

Although it is an effective instrument, the PC-PTSD only focuses on the 30 days preceding administration. However, some of the subjects had been participating in the VTC for several months. Thus, it is possible that this tool would fail to identify individuals who had experienced PTSD symptoms earlier in their time in the VTC. In

response, respondents were also asked if they had been diagnosed with or treated for PTSD by a physician or other mental health professional during their time in the VTC. Either a positive screen on the PC-PTSD or a positive response to this question resulted in the individual being coded as “probable-PTSD.” This two-tiered approach is consistent with that taken by Smith et al. (2008). All items are presented in Table 7.

Table 7

Probable PTSD Items

Item	Item text
1	Have had nightmares about it or thought about it when you did not want to?
2	Tried hard not to think about it or went out of your way to avoid situations that reminded you of it?
3	Were constantly on guard, watchful, or easily startled?
4	During the time you have been in this Veterans Court, have you been diagnosed as having or treated for PTSD by a doctor or other mental health professional?

Note. Items 1 – 3 developed by Prins et al. (2003). Item 4 developed for the dissertation.

Combat exposure (exploratory question).

Exposure to combat was evaluated by a single, binary item. Respondents were asked if they were ever exposed to a broadly framed set of combat-related stressors. Although this approach fails to capture frequency or intensity of exposure, it is commonly used in research (e.g. Tsai et al., 2013).

Era of service (exploratory question).

Participants were asked to indicate all eras during which they served in the U.S. military. The categories are not mutually-exclusive and twenty-two (11.7%) of respondents served during two or more eras.

Pre-VTC fairness (exploratory question).

A potential concern is that some participants may have different perceptions on the fairness of their being in court in the first place. Differential perceptions could exist for a variety of reasons, including charge type, perceptions that race or ethnicity impacted initial arrest, or a view that some offenses (drug possession, domestic violence) are not that serious. This issue has similarities with Sherman's (1993) emphasis on shame and its denial vs. acceptance. Thus, it is possible that a concern with fairness that pre-dates VTC interactions may intervene in the hypothesized model.

To explore this, a three-item scale was developed. All items are presented in Table 8. However, the third item was not used. In retrospect, the item is ambiguous. Individuals could disagree with this statement if they felt that others would have been treated better or worse. This concern was borne out by analysis of scale reliability. Removing the ambiguous item increased the Cronbach's alpha from .71 to .87. Relatedly, although the other two items were highly correlated ($r = .77, p < .001$) the correlations with the ambiguous item were much lower ($r = .30, p < .001$ in both instances). Thus, the decision was made to omit the problematic item and develop the scale score using only two items. All subsequent references to this scale will be based on the two-item version.

Table 8

Pre-VTC Fairness Items

Item	Item text
1	I am responsible for the charge(s) that landed me in court.
2	It is reasonable that I have to go to court over the charge(s).
3	Other people would have been treated the same as I was for this charge(s).

Note. All items developed for the dissertation.

Measures of dosage (exploratory question).

A potential confound is that participants were surveyed at different points in the VTC process. In order to evaluate and control for this, participants were asked to report on two measures of dosage: months in the VTC and number of appearances at the VTC.

Gender (descriptive and control variable).

All respondents were asked to identify as either male or female. Primarily, gender was used descriptively. As will be discussed in greater detail in Chapter Five, it was used as a control variable when the proxy score was used due to a significant difference between men and women on this measure.

Data Analytic Plan

Surveys were entered directly into SPSS (version 23). All data preparation and analysis was conducted with this statistical software package. The core of the analysis was conducted using ordinary least squares (OLS) regression based on the approaches of Cohen, Cohen, West, and Aiken (2003).

Diagnostics and descriptive steps.

Prior to commencing the core of the tests described below, a number of preliminary steps were taken. Initially, the data were screened for data entry errors. Means, standard deviations and/or percentages were calculated to describe the sample. This was followed by identification of missing data and development of appropriate approaches based on Enders (2010).

Although the usage of two study sites increased sample size and, by extension, the statistical power to test the study's hypotheses, it also introduced the possibility that data

would cluster based on court and violate the assumption of independence of observations. Following the approach outlined by Cohen et al. (2003), a series of t-tests and chi-square tests were used to evaluate differences based on site for all key measures. The possibility that the study needed to control for gendered-differences was tested in a similar manner.

All measures used in the hypotheses and exploratory questions were evaluated. Descriptively, means and standard deviations were computed for all. Scale reliability was evaluated through Cronbach's alpha. Bivariate relationships between the five core measures (social bonds, procedural justice, gratitude, veteran identity, and legal legitimacy) were evaluated using Pearson's product-moment correlations.

Core hypotheses.

H1 stated that procedural justice, social bonds and gratitude would be positively correlated. This was tested through three separate bivariate Pearson's product-moment correlations. For brevity, the term "perceptions of court" is used to refer jointly to procedural justice, social bonds and gratitude in the remainder of this section. However, they were not treated or evaluated as comprising a latent variable in the analysis.

OLS regression was used to test the relationships between perceptions of court with veteran identity (H2) and legitimacy (H3). Within the OLS framework, mediational analysis was used to test the hypothesis that veteran identity mediated the associations between perceptions of court and legitimacy (H4). This was accomplished through regressing legal legitimacy on the three independent variables as well as veteran identity and subsequent testing of the direct, indirect and total effects. Although influenced by the work of Baron and Kenny (1986) the test of mediation relied most heavily on Hayes

(2013). First, the PROCESS plugin he developed was installed and used. Second, instead of focusing on a Sobel test, Hayes argues for testing the indirect effects through the generation of confidence intervals via bootstrapping. When the confidence interval does not cross zero, the indirect effect is considered significant. The PROCESS plugin includes such intervals in its output and it was used in the testing of indirect effects in H4.

Competing hypotheses.

Recidivism risk and race/ethnicity were used to generate hypotheses in competition with those based on Tyler's theories. First, recidivism risk was hypothesized to moderate the relationships between perceptions of court and legitimacy (H5). Second, race and ethnicity were also hypothesized to moderate the relationships between perceptions of court and legitimacy (H6). For H6, race and ethnicity were evaluated separately. Thus, each step was completed twice.

Although the analyses were conducted independently, the approach used to test for moderation was the same for H5 and H6. The approach drew heavily on the OLS-based approach of Aiken and West (1991). However, the work of Hayes (2013) was again utilized. When requested, the PROCESS plugin creates mean-centered versions of the independent variable as well as the moderator. It also generates the interaction term between those centered variables. A significant interaction effect was followed-up with tests of simple effects as well as the Johnson-Neyman technique.

Exploratory questions.

Finally, a series of exploratory questions were examined. First, independent sample t-tests were used to test for bivariate associations between three military-related

characteristics (era of service, exposure to combat and probable PTSD) and each of the five core measures (social bonds, procedural justice, gratitude, veteran identity and legal legitimacy) (Q1). Significant bivariate associations were followed up with multivariate testing within the models used in the core hypotheses (Q2). The multivariate testing began with hierarchical regression. Following the approach of Cohen et al. (2003), exploratory variables were entered as a block (or blocks) after the theoretically-generated variables. This allowed for evaluation of change to the overall model R^2 and individual beta weights. Finally, the approach to testing of moderation described in H5 and H6 was used to explore any significant multivariate association.

Similarly, a series of bivariate correlations between two court-related characteristics (intervention dosage and perceptions of fairness regarding the charge that resulted in the VTC entry) and the same five core measures were computed (Q3). Significant bivariate tests were again followed-up with hierarchical regression and testing of moderation (Q4).

Power Analysis

Power refers to the probability that a statistical test will correctly reject a null hypothesis. *A priori* power analysis is essential to understand if a study is capable of evaluating the questions it raises (Cohen, 1988). The relationship between sample size, effect size, power, and significance criteria allows us to determine any one through knowing or fixing the others.

The on-line power estimator G*Power (Faul, Erdfelder, Buchner, & Georg-Lang, 2009) was used to estimate the sample size necessary to detect significant associations

based on the study's hypotheses and tests. Power was fixed at .8 and an alpha level of .05 (two-tailed) was set. These decisions were based on conventions. Power analysis for OLS regression calls for the number of independent variables (including control variables and interaction effects). For the various hypotheses and questions in the present study, this could have varied from three to seven with each increase requiring an increase in sample size. The extant research on relationships between procedural justice, social identity and legitimacy provide effect sizes ranging from small to large (e.g. Baker et al., 2015; Frazer, 2006; Tyler & Huo, 2002). However, when focused on individuals engaged in the criminal justice system, the range narrows from small to medium. As opposed to picking one value for the analysis (f^2 of .07 would have been that "best guess"), multiple estimates were generated based on a range of effect sizes. Thus, Table 9 presents a range of necessary sample sizes based on varying effect sizes and number of independent variables. Based on this, the study strove to enroll 200 to 225 study participants, but expected to have sufficient power to test most if not all hypotheses with 189 participants. As will be seen in Chapter Five, the study was well powered to conduct all desired tests.

Table 9

A Priori Sample Estimates Based on f^2 and Independent Variables

	.03	.05	.07	.09	.11	.13	.15
3 IV	368	222	160	126	104	88	77
4 IV	403	244	176	138	114	97	85
5 IV	434	263	189	149	123	105	92
6 IV	461	279	202	158	131	112	98
7 IV	486	295	213	167	138	118	103

Note. IV = independent variables

Chapter 5

Results

This chapter offers a detailed presentation of the results of the study. It is guided by the approach outlined in the preceding chapter. It begins with a discussion of missing and problematic data and how they were approached¹⁰. This is followed by a detailed description of the sample. The preliminary analyses section explores the potential need to control for study site and gender summarizes the characteristics of the study's key measures and addresses threats to the assumptions of OLS regression as necessary. These sections are followed by presentation of the study's main findings. Separate sections report on the study's 1) core hypotheses, 2) competing hypotheses, and 3) exploratory questions.

Missing and Problematic Data

The approach to missing and questionable data had three phases. First, cases which appeared to have a fundamental problem ($n = 17$) were identified and removed from the data set, resulting in a final sample of 188. Second, item-level imputation was conducted on the following scales prior to the development of scale scores: social bonds, procedural justice, veteran procedural justice, veteran identity, and legal legitimacy. Finally, scale-level imputation was conducted on the following measures: proxy score and pre-VTC fairness. Greater detail on each phase follows.

The 17 excluded cases fall into two broad categories. Eleven of them had responses or response patterns that strongly suggested the participants did not understand

¹⁰ Although they are not described further, two steps were taken before missing data and other work. First, all variables were reviewed for data entry errors and the reverse-worded items in the veteran identity and legitimacy scales were reverse-coded.

or take the survey seriously. Another six cases appear to have approached the survey in a serious and informed manner, but, unfortunately, skipped key sections of the survey (e.g. veteran identity and legitimacy). The 17 cases were maintained in the dataset through the development of scale scores. Prior to their removal, a series of t-tests and chi square tests were conducted to evaluate if they were significantly different than the remaining cases on all measures used in the testing of hypotheses as well as key demographic, socioeconomic, military, and court variables. Of the 21 tests, three were significant. Excluded cases were more likely to have come from the RMVTC ($\chi^2(1) = 5.26, p = .02$), to have a lower level of veteran identity ($t(195) = 3.68, p < .001$), and to have unstable housing ($\chi^2(4) = 16.11, p = .003$). As it is a central construct, the significantly different level of veteran identity between the nine excluded cases with veteran identity values ($M = 3.29$) and the 188 cases in the final sample ($M = 4.07$) is a concern. However, it is mitigated by the following: several of these cases were excluded due to a seeming failure to identify the six reverse-worded items on this 12-item scale which resulted in lower veteran identity scores.

The second phase focused on the final sample ($N = 188$) and the measures used in the core hypotheses (social bonds, procedural justice, veteran procedural justice veteran identity and legal legitimacy. (There were no missing data for the gratitude measure.) The overall rate of missing data from the 58 items across these five scales and 188 cases was very low (0.5%). Of the 188 cases, 30 (16%) were missing one or more value and only two cases were missing more than 5% (one case missed seven items and another

missed eight). Of the 58 items, 34 (56.6%) were missed by at least one participant. The most frequently missed item was only missed by five (2.7%) participants.

Missing data from multiple-item questionnaires presents researchers with two board imputation options: item- and scale-level imputation. In order to capitalize on the correlations between items within scales as well as those across scales, the three-step approach to item-level imputation developed by Little and colleagues and described by Enders (2010) was utilized. This process called for the development of temporary scale means for all cases—including those with missing values on some scale items. Second, a series of imputations were conducted—one each for social bonds, procedural justice, veteran procedural justice, veteran identity and legal legitimacy. The expectation-maximization (EM) algorithm was used to impute missing values for all items on the respective scales, using the other scale items, the temporary scale means of the other scales and the gratitude score in the imputation equations¹¹. Finally, the temporary scale mean variables were deleted and final scale scores were generated. At the end of this process, the final sample of 188 did not contain any missing data on variables used in testing of the four core hypotheses.

The third phase again focused on the final sample ($N = 188$) and was completed prior to conducting tests of moderation used in the competing hypotheses and exploratory questions. Although usage of multiple imputation would have been ideal, difficulties related to centered variables and interactions during this process (Enders, 2010) as well as

¹¹ As part of each imputation, the nature of the missing data was considered. Review of Little's MCAR tests (Little, 1988) as well as univariate t-test comparisons (Enders, 2010) supported that the data were likely missing at random. Additionally, the inclusion of the temporary scale means for the other measures buffers against the possibility of data missing not at random (Enders, 2010).

the inability of the PROCESS plugin to work during multiple imputation (Hayes, 2013), led to the decision to again use the EM algorithm¹². This process allowed scale-level replacement of proxy score (15 missing cases) and non-VTC fairness (1 case) as quantitative variables, but not the missing race/ethnicity (two cases), probable PTSD (three cases) and personal combat (two cases—both of which were among the missing probable PTSD cases) due to the limits of SPSS in imputing categorical variables (Allison, 2009). Thus, when race/ethnicity and probable PTSD/combat exposure were used in models, two or three cases (respectively) were deleted listwise.

Description of Sample

The following descriptive summaries use the final sample ($N = 188$), utilize the item-level imputation described in phase two above, but not the scale-level imputation described in phase three. The descriptive statistics will be presented in three sections: demographics and socioeconomic factors, military factors and court-related variables.

Unfortunately, the available data do not allow comparisons between the sample and the population of participants in the two VTCs¹³. Although less useful, comparisons can be drawn with the national inventory of veterans engaged in VTCs and other problems solving courts (Clark et al., 2014) and 2014 participants from the RMVTC (*n.d.*) on some variables of interest. All of the comparisons made in this descriptive section are to these two sources; citations are not made throughout in the interest of brevity.

¹² Little's MCAR test and univariate t-tests again suggested that the data were likely missing at least at the MAR level and auxiliary variables were again used to buffer against the possibility of MNAR data.

¹³ An informal count was kept of individuals who were eligible (attended at least two prior sessions in the VTC, were not in custody, and had not previously completed the survey) and declined. Based on this tally, the refusal rate was approximately 15% in Phoenix and 27% in the RMVTC.

Demographic and socioeconomic description.

The basic demographics of the sample are presented in Table 10 and are generally consistent with available national and local data. The heavily male sample is nearly identical to the percentage of men in the 2014 RMVTC data (91%) but a bit lower than that found in the national inventory (96%). The mean age is the same as that from the national inventory and the distribution by age ranges tracks the RMVTC data very closely. Finally, the racial and ethnic breakdown deviates from the national numbers but is generally consistent with those from the RMVTC.

Table 10

Study Sample, Demographic Description

Characteristic	Value
Gender, male	89.4%
Age	
Mean (SD)	44.88 (13.28)
18 to 24	3.2%
25 to 34	26.1%
35 to 44	20.2%
45 to 54	21.3%
55 to 64	21.3%
65 and above	7.4%
Missing	0.5%
Race/ethnicity	
African-American	18.6%
Asian/Pacific Islander	0.5%
Native American	3.2%
Hispanic	20.7%
White	49.5%
Multiracial or multiethnic	5.9%
Other	0.5%
Missing	1.1%

Participants were asked three questions related to their socioeconomic position; results are presented in Table 11. Different approaches to categorization and assessment

periods make comparisons between the study sample and the national and local reference groups difficult. However, the participants in this study can be broadly categorized as experiencing lower rates of housing stability and workforce involvement than the general adult population in a way generally consistent with national and RMVTC data.

Table 11

Study Sample, Socioeconomic Description

Characteristic	Value
Current employment	
Full-time	27.7%
Part-time	10.1%
Retired	11.2%
Disabled	26.1%
Unemployed	25.0%
Current housing status	
Homeless (street or emergency shelter)	9.0%
Transitional program	11.7%
Temporary with family or friend	13.3%
Private housing, in jeopardy	12.8%
Private housing, secure	53.2%
Current college or training	
Yes	16.5%
Missing	2.1%

Military experiences.

Comparisons with local and national referent groups are again limited by different question framing and reporting. However, the data presented in Table 12 highlight the significant degree of service-related diversity that exists within the veteran community. The rates of deployment to combat zones and personal exposure to combat are comparable to and consistent with national and local VTC characteristics. The diversity of service era is also similar to available national and local data.

The probable PTSD rate presented in Table 12 deserves comment for two reasons. First, PTSD is not best thought of as a military factor. It is a behavioral health condition. Although many veterans who develop PTSD do so in response to traumatic events experienced while in the service, this is not universally true. In the national inventory, for example, 35% of the sample was clinically assessed as having military-related PTSD and another 6% as having PTSD tied to a non-military event. The present study is unable to disentangle these numbers. It is also important to note that the present screened for probable PTSD as opposed to firmly establishing the diagnosis through either clinical assessment or review of medical records. This likely contributes to the seemingly high rate of positive cases.

Table 12

Study Sample, Military Service Description

Characteristic	Value
Era(s) of service	
September 2001 to present	43.6%
August 1990 to August 2001 (includes Gulf War)	26.6%
May 1975 to July 1990	29.8%
Vietnam War Era (August 1964 to April 1975)	15.4%
Years of military service	
Mean (SD)	5.71 (5.51)
< 2	7.4%
2 to 2.9	12.2%
3 to 3.9	15.4%
4 to 4.9	23.4%
5 to 9.9	29.3%
10 to 19.9	4.8%
20 and above	4.8%
Missing	2.7%
Deployment to combat zone	
Yes	44.1%
Missing	2.1%

Characteristic	Value
Personal exposure to combat stressors	
Yes	44.7%
Missing	1.1%
Probable PTSD	
Yes	63.3%
Missing	1.6%
Years since final separation	
Mean (SD)	18.08 (13.93)
< 1	4.3%
1 to 2.9	5.3%
3 to 4.9	9.6%
5 to 9.9	16.5%
10 to 19.9	20.2%
20 to 29.9	12.8%
30 to 39.9	14.9%
40 and above	9.6%
Missing	6.9%
Current member of guard, reserves or active military	
Yes	3.2%

Legal description.

In the next section, the potential interactions between site and key measures will be tested and discussed. Here, it is discussed descriptively. As can be seen in Table 13, over two-thirds of the participants were enrolled in the Phoenix VTC. To a large extent, this is because the Phoenix VTC is larger and meets more frequently. However, it is worth reiterating two points noted briefly before. First, the refusal rate of eligible participants was higher in the RMVTC. Second, the 17 cases excluded from the final sample were more likely to have come from the RMVTC.

Respondents were asked how many months they had been participating in the VTC and how many times they had appeared at the VTC before the day they completed the survey. After the first few weeks of data collection, it was noticed that these two items were skipped at a higher rate than most items. Thus, instructions were added asking

individuals to offer their “best guess” if unsure. The completion rate increased, although it may have decreased the accuracy of the measures. As the data on Table 13 demonstrates, the range of both measures is quite large. However, both measures are skewed towards lower levels of dosage.

Table 13

Study Sample, Court Characteristics

Characteristic	Value
Court site	
Phoenix VTC	68.6%
Regional Municipalities VTC	31.4%
Months in VTC	
Mean (SD)	6.55 (5.58)
0 to 1	10.6%
2 to 4	32.4%
4.5 to 6	21.8%
7 to 12	20.2%
13 to 18	8.0%
19 to 24	3.2%
25 and above	1.1%
Missing	2.7%
Previous VTC appearances	
Mean (SD)	4.58 (3.93)
0 to 2	31.9%
3 to 5	39.4%
6 to 10	19.7%
11 and above	5.9%
Missing	3.2%

Finally, Table 14 provides a descriptive summary of the age of first arrest and total number of lifetime arrests for the sample. Primarily, these data were obtained to develop the proxy score to be used as a measure of recidivism risk. However, although the proxy score is useful in testing the impact of relative recidivism risk within the sample, it offers no insight into the sample’s past experiences with the criminal justice

system. Like the measures of dosage, these items were skipped at relatively high rates early in the data collection process. Respondents were again prompted to offer their best guess. The response rate improved, but the same concern about decreased validity applies.

Table 14

Study Sample, Criminal Histories

Characteristic	Value
Age at first arrest	
Mean (SD)	26.03 (12.56)
13 or younger	6.4%
14 to 17	19.7%
18 to 29	39.9%
30 to 39	16.0%
40 to 49	4.8%
50 to 59	4.8%
60 and above	1.6%
Missing	6.9%
Total lifetime arrests	
Mean (SD)	7.78 (17.21)
0 ^a	2.1%
1	18.6%
2 to 5	42%
6 to 10	16.5%
11 to 20	6.9%
21 and above	7.4%
Missing	6.4%

Note. ^aSome VTC participants were never arrested either because they were in court for a traffic infraction only or their criminal charge went forward without an arrest.

Sample description, summary.

The discussion of the sample resonates with much content presented throughout the dissertation. Most directly, when data are available for comparisons the sample tends to resemble participants in VTCs nationally and in the RMVTC. Additionally, the sample data highlight the depth of diversity hidden by terms like “justice-involved veterans.”

Participants in the sample varied greatly by age, race/ethnicity, socioeconomic status, military experiences, past experiences with the criminal justice system and current exposure to these VTCs. In the ensuing sections, consideration will be given to if and how these factors intervene in the relationships at the core of the study.

Preliminary Analyses

This section has two explicit purposes. First, the potential need to control for study site and/or gender throughout subsequent analyses is discussed. Second, the key measures used in the core analyses are examined. Additionally, throughout this section, there is an implicit consideration of the assumptions which underlie the statistical tests used throughout the analysis. Potential violations are identified throughout this section as appropriate. Otherwise, it can be assumed that the assumptions of OLS regression have been met in the study.

Controlling for study site and gender.

As the descriptive section highlighted, there is significant diversity within the sample. This raises the possibility that the associations of interest may be impacted by within-group distinctions. The competing hypotheses and exploratory questions directly examine some of these potential interactions. In this section, potential differences on key measures based on study site and gender are considered.

As discussed in Chapter Four, the usage of two study sites introduces the possibility that data will cluster based on site and violate the assumption of independence of observations. To evaluate this, a series of t-tests and chi square tests were conducted between the two study sites on all measures used in tests of hypotheses and exploratory

questions as well as descriptive variables. Significant mean differences were found based on study site on several key constructs. Participants from the RMVTC had lower mean scores on all of the following measures: social bonds ($t(186) = 2.35, p = .020$), procedural justice ($t(186) = 4.34, p < .001$), pre-VTC fairness ($t(185) = 3.14, p = .002$), and months in the VTC ($t(178) = 6.34, p < .001$). Participants from the RMVTC were also less likely to be enrolled in college or a training program ($\chi^2(1) = 4.09, p = .043$). Based on these tests—especially social bonds and procedural justice—study site was used as a control variable in all analyses.

It was also possible that participant gender could be a confounding variable. This was also evaluated through a series of t-tests and chi square tests. In contrast with study site, gender was not associated with different levels or rates of key constructs—with one exception. Women in the sample had significantly lower recidivism risk based on proxy score ($t(186) = 3.56, p < .001$). Based on this, gender was used as a second control variable in H5 when recidivism risk is tested as a potential moderator. Otherwise, it is not used in analyses.

Administered measures, descriptive results.

This section provides descriptive and limited psychometric characteristics of the six multi-item measures administered to participants. Key statistics for all are presented in Table 15. Although full-scale scores are used for the testing of hypotheses and exploratory questions, this section contains description and discussion of sub-scales when applicable. All of the measures presented are positively scaled (having been reverse-coded as needed) with higher scores indicating higher levels of the construct. With one

exception, all scales have a possible range of one through five. Gratitude—the one exception—has a possible range of zero through three. Reliability and normality of all measures are discussed together. Following this, individual scales are discussed with attention to sample means, comparisons with existing norms (when available) and consideration of sub-scale issues (when relevant).

Table 15

Administered Measures, Key Characteristics

Measure	Items	Mean	SD	Skew	Kurtosis	α
Social bonds	3	3.92	.80	-.53	-.02	.78
Procedural justice	12	4.26	.69	-1.40	3.26	.94
Procedural justice, core items	9	4.28	.71	-1.41	3.25	.93
Procedural justice, veteran items	3	4.21	.80	-1.18	1.46	.83
Gratitude	3	2.78	.58	-3.35	12.47	--
Veteran identity	12	4.07	.63	-.95	1.56	.88
Identity, ties	4	4.05	.76	-1.00	1.37	.78
Identity, centrality	4	3.78	.79	-.35	-.23	.74
Identity, affect	4	4.38	.67	-1.34	2.81	.78
Legal legitimacy	28	3.52	.68	-.33	.67	.96
Legitimacy, obligation	13	3.61	.69	-.40	.65	.90
Legitimacy, trust	9	3.30	.85	-.09	-.10	.91
Legitimacy, norms	6	3.66	.77	-.35	.49	.92
Pre-VTC fairness	2	3.97	1.07	-1.15	.79	.87

Note. α = Cronbach's alpha.

All full-scale measures used during analysis demonstrated adequate internal consistency as indicated by easily exceeding the commonly cited cutoff for use in early stages of research ($\alpha = .70$) with all but one approaching or exceeding the threshold ($\alpha = .90$) suggested for use in applied research (Nunnally, 1978). The skew and kurtosis values were reviewed to evaluate normality of distribution¹⁴. Gratitude stands out as

¹⁴ Although not discussed in detail, this process also included visual review of histograms and P-P plots, calculation of z-scores for each skew and kurtosis value, and the testing of veteran identity and legitimacy (as dependent variables) with the Kolmogorov-Simov test.

having a large deviation from normality; procedural justice has a modest deviation and veteran identity and pre-VTC fairness appear to have small deviations. In response to the deviations from normality, logarithmic transformations were completed on all six variables. The extent of skew and kurtosis was reduced with gratitude, procedural justice, veteran identity and pre-VTC fairness. However, when the same regression analyses were conducted using the original measures and the transformed measures, no changes in significance or relative magnitude of standardized parameter estimates were evident. Therefore, the decision was made to use variables in their original metric for ease of interpretation and comparison with relevant past research.

Social bonds.

The social bonds items asked participants to evaluate their social closeness—especially regarding values and background—with the VTC staff. Tyler and Huo (2002) found social bonds important in increasing citizen trust with legal decision makers. In both studied VTCs, staff frequently stressed their own veteran status or familial connections with members of the military. Thus, it is interesting to examine if participants in the VTCs perceived themselves as socially similar to the court employees. Table 16 presents levels of perceived social bonds in Tyler and Huo’s survey of Californians and participants in the present study. (Tyler and Huo only presented race/ethnicity based results for this measure.) Two differences stand out. First, participants in the VTCs have a markedly higher level of perceived social bonds than do the reference group. Whereas all groups in the California study had a mean score on the negative side of the scale, the three mean scores in the present study are on the positive

side. Second, the racial and ethnic differences that Tyler and Huo (2002) observed are smaller and differently ordered. This raises interesting questions about the functioning of race and ethnicity in this sample of VTC participants. They will be explored more directly when the competing hypotheses focused on race and ethnicity are tested.

Table 16

Comparing Mean Social Bonds Perceptions

Sub-group	California general population	Arizona VTC participants
African American	2.11 (.93)	3.87 (.73)
Hispanic	2.32 (.91)	4.00 (.95)
White, non-Hispanic	2.47 (.75)	3.94 (.76)

Procedural justice.

As was discussed in the measures section, the core of this scale was a slightly modified version of a nine-item measure of procedural justice used in an experimental study of restorative justice conferences (as opposed to traditional prosecution) for individuals charged with driving under the influence (DUI) in Australia (Tyler et al., 2007). The items are firmly rooted in Tyler’s notions of procedural fairness and motive-based trust. Although the mean scores for both the conference participants (3.79) and the traditional prosecution cohort (3.31) in the Australian study were on the positive side of the scale, the mean of 4.28 by VTC participants is markedly higher.

The three veteran-centric procedural justice items were developed for the present study in a somewhat exploratory manner. When examined separately, the two procedural justice scales were highly correlated ($r = .75, p < .001$). Additionally, when these two measures were used separately in regression equations there was evidence of multicollinearity (mean VIF of 1.78 and 1.73 when regressing on veteran identity and

legal legitimacy respectively). When replaced with the combined measure the mean VIFs were reduced to 1.23 and 1.28. For these related reasons, the decision was made to use the combined 12-item measure of procedural justice. All future references are to the combined measure.

Gratitude.

This 3-item measure was developed to identify the extent to which VTC participants felt court staff had thanked them for their military service. The index is structured in such a way that only individuals who indicated they had been thanked were prompted to complete the next two items. Thus, it was not appropriate to compute a measure of internal consistency. It is, however, useful to examine the response patterns to the items. These data are presented in Table 17. Taken together with the very high mean score presented in Table 15, it is clear that the vast majority of the sample felt employees of the VTC expressed gratitude to them for their past military service, that these expressions were genuine and that they were important to the participant. What is less clear is if a more refined measure would have identified greater variability in perceptions on the issue.

Table 17

Gratitude, Item-Level Description

Item	Yes	No
Did a lawyer, judge or other employee of the veterans court thank you for your military service?	97.3%	2.7%
If you were thanked, did it seem genuine?	98.4%	1.6%
If you were thanked, was it important to you?	87.4%	12.6%

Veteran identity.

As was discussed in the measures section, Cameron’s scale was developed with three theoretically-informed sub-scales. Although reliance on the full score is acceptable and will be the measure of focus when hypotheses are tested, an examination of the sub-scales is helpful to better understand the components of veteran identity and how they fit together in the sample. The mean scores are presented above in Table 15 and the correlations between scale components follow in Table 18. As the bivariate correlations demonstrate, the sub-scales are highly correlated with each other and very highly correlated with the scale total.

Table 18

Veteran Identity, Scale Components, Correlations

Sub-scale	In-group ties	Centrality	In-group affect	Total
In-group ties	1	.54***	.63***	.85***
Centrality	--	1	.60***	.85***
In-group affect	--	--	1	.86***
Total	--	--	--	1

Note. All values are Pearson’s product moment correlations.
*** $p < .001$.

Although the measure used for veteran identity (Cameron, 2004) is well validated and widely used, meaningful comparisons in the published literature do not exist as this is the first known study to apply it to veteran identity. However, a pilot study conducted with veteran and non-veteran university students using the same measure offers a useful comparison (Gallagher, 2016). The results are presented side-by-side in Table 19.

Although the full sample for the university survey contained 1,016 individuals, only the results for the veteran sub-sample ($n = 82$) are presented. In both samples, participants expressed high levels of veteran identity and the sub-scale patterns (i.e. centrality as

lowest and affect as highest) were identical. However, on all sub-scales and the full-scale, participants in the VTCs had higher mean scores.

Table 19

Comparing Mean Levels of Veteran Identity

Sub-scale	Veteran university students	Arizona VTC participants
In-group ties	3.89 (.82)	4.05 (.76)
Centrality	3.70 (.90)	3.78 (.79)
In-group affect	4.26 (.93)	4.38 (.67)
Total	3.95 (.77)	4.07 (.63)

Legal legitimacy.

As with the measure of social identity, the legal legitimacy scale was developed with a full-scale total and three theory-driven sub-scales: obligation to obey, trust and confidence, and normative alignment (Jackson et al., 2011). Again, the decision was made to focus on the full-scale score for all analyses in the present study. However, a review of the sub-scale means (Table 15 above) and correlations (Table 20 below) is again helpful in conceptualizing how the components fit together with this sample of VTC participants. As with the identity measure, all sub-scales are strongly correlated with each other and very highly correlated with the full-scale score.

Table 20

Legal Legitimacy, Scale Components, Correlations

Sub-scale	Obligation	Trust	Norms	Total
Obligation	1	.69***	.70***	.92***
Trust	--	1	.64***	.89***
Norms	--	--	1	.83***
Total	--	--	--	1

Note. All values are Pearson's product moment correlations.
 *** $p < .001$.

Two studies offer useful comparisons. First, a national probability sample of U.S. adults was administered the full scale (Tyler & Jackson 2014), including the 15 items regarding police officers that were not used in the present study. Nonetheless, it is a useful comparison. Respondents in the national survey had a slightly lower perception of legal legitimacy ($M = 3.47$, $SD = .56$) than did the VTC sample ($M = 3.52$, $SD = .68$). Although they have not been discussed before, the scale contains a second level of subscales (police, courts, and laws generally). Without presenting all results, the following summary is offered. The VTC sample expressed lower levels of trust in laws, normative alignment with laws, and trust in courts but higher levels of obligation to obey laws, obligation to obey courts and normative alignment with courts.

Finally, it is useful to compare the levels of legitimacy in the current VTC sample with a general veteran sample. Although limited by its reliance on convenience sampling with university students, the pilot study (Gallagher, 2016) offers the only known study of perceptions of legitimacy among veterans. The mean scores from the 82 veterans in that study are presented side-by-side those of the veterans in the present study on Table 21. Although the VTC sample has consistently higher levels of perceived legitimacy, it is important to note that the ASU sample was younger (mean age of 33), contained more women (26%) and had less racial and ethnic diversity (White, non-Hispanic = 70%). It is noteworthy that individuals actively engaged in a criminal court expressed higher levels of perceived legal legitimacy than did either of the other samples.

Table 21

Comparing Mean Levels of Legal Legitimacy

Sub-scale	Veteran university students	Arizona VTC participants
Obligation	3.37 (.69)	3.61 (.69)
Trust	3.11 (.75)	3.30 (.85)
Norms	3.58 (.83)	3.66 (.77)
Total	3.24 (.66)	3.52 (.68)

Pre-VTC fairness.

This measure was created to be used as an exploratory variable. It focuses on respondents' perceptions of their responsibility for and the fairness of the charge that resulted in their referrals to the VTC. They were prompted to consider these issues apart from their perceptions of the VTC. As was discussed in the measures section, one of the three items was not included in the final scale as it could be read ambiguously and did not perform as well as the other two items psychometrically. As the mean value on Table 15 suggests, survey participants tended to perceive fairness in this area—albeit at a lower level than the assessment of procedurally fair treatment by the VTC.

Core Hypotheses

In this section the results of the four core hypotheses are presented. Apart from H1 the hypotheses are all multivariate in nature. Before discussing the individual hypotheses Table 22 presents bivariate correlations for all five of the measures used in the core hypotheses. As can be seen, nine of the 10 pairwise correlations are statistically significant and moderate in magnitude.

Table 22

Core Measures, Bivariate Correlations

Measure	Social bonds	Procedural justice	Gratitude	Veteran identity	Legal legitimacy
Social bonds	1	.47***	.07	.34***	.38***
Procedural justice	--	1	.25**	.36***	.39***
Gratitude	--	--	1	.30***	.25**
Veteran identity	--	--	--	1	.43***
Legal legitimacy	--	--	--	--	1

Note. All values are Pearson's product moment correlations.

** $p < .01$. *** $p < .001$.

Hypothesis 1.

To test the hypothesis that procedural justice, social bonds and gratitude would be positively correlated Pearson's product moment correlation tests were conducted on each of the three bivariate relationships. The results are included in Table 22 above. Although gratitude was not significantly associated with social bonds the other two correlations were significant. Individuals who reported higher levels of procedural justice were more likely to feel they were thanked by court staff for their past military service and were more likely to believe themselves as socially similar to those VTC employees.

Hypothesis 2.

OLS regression was used to test the hypothesis that social bonds, procedural justice and gratitude are positively associated with veteran identity in multivariate analysis. The overall model was significant ($F(4,183) = 13.19, p < .001$) with a moderate effect size (Adj. $R^2 = .21$). Regression coefficients for all variables in the model are presented in Table 23. While controlling for study site—and the other independent variables in the model—higher levels of social bonds, gratitude and procedural justice were associated with stronger salience of the veteran identity. Based on the standardized

beta weights the strengths of the associations were roughly similar with procedural justice being slightly less strongly associated than either social bonds or gratitude.

Table 23

Regression of Veteran Identity (N = 188)

Variable	b	SE	β	p
Social bonds	.19	.06	.23	.002
Procedural justice	.20	.07	.21	.007
Gratitude	.26	.07	.24	.001
Site	.12	.09	.09	.212
Constant	1.64	.37	--	--

Hypothesis 3.

Here, it was hypothesized that social bonds, procedural justice and gratitude would be positively associated with perceptions of legal legitimacy among VTC participants. The overall model was significant ($F(4,183) = 13.68, p < .001$) with a moderate effect size (Adj. $R^2 = .21$). Table 24 presents the regression coefficients for all variables in the model.

Table 24

Regression of Legal Legitimacy (N = 188)

Variable	b	SE	β	p
Social bonds	.23	.06	.27	<.001
Procedural justice	.21	.08	.21	.007
Gratitude	.21	.08	.18	.009
Site	-.02	.10	-.01	.833
Constant	1.19	.40	--	--

All three of the independent variables are again significantly and positively associated with the dependent variable while controlling for study site. There is greater variability in the strength of the associations between the predictors and legal legitimacy than there

was with veteran identity. Based on the standardized beta weights, social bonds stands out as being more strongly associated with legal legitimacy when controlling for the other variables.

Hypothesis 4.

OLS path analyses was used to test the hypothesis that veteran identity mediates the relationships social bonds, procedural justice and gratitude have with legal legitimacy. As was discussed above, the three predictor variables were significantly associated with legal legitimacy (H3) and veteran identity (H2). Here, legal legitimacy was regressed on the three predictor variables and the hypothesized mediator. The overall model was significant ($F(5,182) = 14.82, p < .001$) with a large effect size ($Adj. R^2 = .27$). The regression coefficients for the full model are presented in Table 25 below. The introduction of veteran identity altered the relationships between the three predictors and legal legitimacy. Most dramatically, gratitude was no longer significantly associated with legal legitimacy. Although still significant, the magnitude of the associations with legitimacy decreased for social bonds and procedural justice. In fact, veteran identity had the strongest association—based on standardized beta weights—in the model.

Table 25

Regression of Legal Legitimacy, Mediated by Veteran Identity (N = 188)

Variable	b	SE	β	p
Social bonds	.17	.06	.20	.006
Procedural justice	.15	.08	.16	.046
Gratitude	.13	.08	.11	.098
Veteran identity	.30	.08	.28	<.001
Site	-.06	.10	-.04	.565
Constant	.71	.40	--	--

Next, the direct, indirect and total effects for each of the three predictor variables were examined and are presented in Table 26. The indirect effects were tested through the generation of bias-corrected confidence intervals through bootstrapping (10,000 samples). Each of the three independent variables had a significant and positive effect, supporting the hypothesized path through veteran identity to legal legitimacy. The total effects are all significant and their respective magnitudes again highlight the importance of perceived social connections with court staff in predicting the perception that our laws and legal systems are legitimate.

Table 26

Standardized Effects, Mediated Regression of Legal Legitimacy

Variable	Direct	Indirect (CI)	Total
Social bonds	.20**	.06 (.02, .14)	.27***
Procedural justice	.16*	.05 (.01, .14)	.21**
Gratitude	.11	.07 (.02, .17)	.18**

Note. * $p < .05$. ** $p < .01$. *** $p < .001$. CI = confidence interval.

Figure 2 offers a graphical overview of the model. Taken together, these results support the hypothesis that veteran identity mediates the relationships between the three independent variables and legal legitimacy. In the cases of social bonds and procedural justice, veteran identity can be thought of as partially mediating the associations with legal legitimacy. That is, the associations between them and legal legitimacy work both through veteran identity (significant indirect effects) and independent of it (significant direct effects). However, the association between gratitude and legal legitimacy was fully mediated by veteran identity as evidenced by the non-significant direct effect. Although partial mediation was hypothesized for all three predictors, upon reflection the

full mediation of gratitude makes sense. Unlike the other two, this construct was fully operationalized by veteran-oriented content.

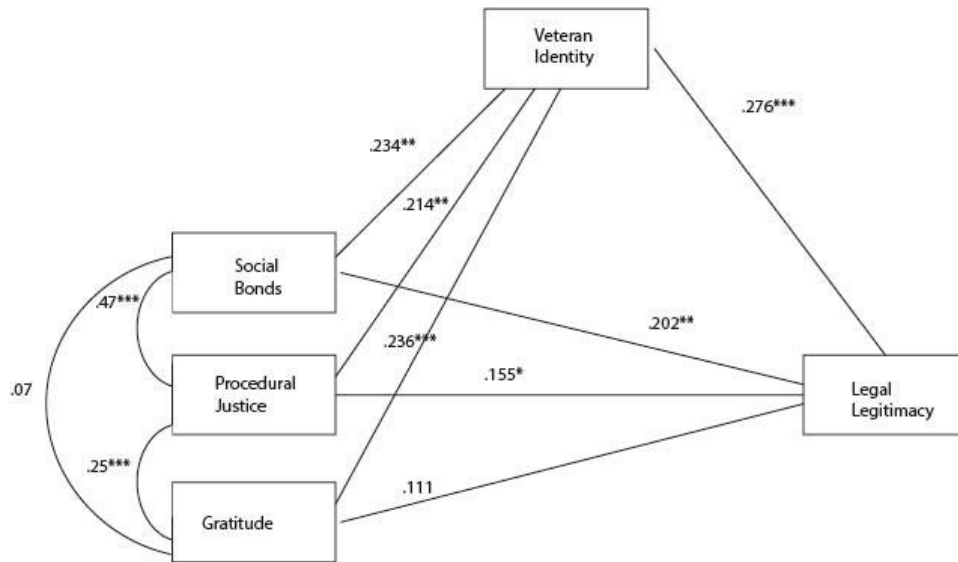


Figure 2. Tested mediational model. Coefficients marked ** are significant at the $p < .01$ level and those marked *** are significant at the $p < .001$ level.

Summary.

With the exception of the bivariate correlation between gratitude and social bonds, all of the core hypotheses were supported. Although the cross-sectional design prevents the drawing of causal conclusions, the results strongly support positive associations between the independent and dependent variables and the mediational role of veteran identity. Furthermore, the magnitudes range from moderate to large.

Although all multivariate analyses in this section controlled for study site and the potential confounding effects of gender had been ruled out earlier, analyses were conducted without regard to other potentially important within-group distinctions. This leaves open the possibility that the associations discussed in this section do not hold for

all important sub-groups in the sample. These issues will be explored in the ensuing sections through the testing of the study's competing hypotheses and analysis of exploratory questions.

Competing Hypotheses

In this section, two sets of competing hypotheses are tested. Based on theory and research (detailed in Chapter Two), there is reason to believe that the associations found in the core hypotheses could be moderated by recidivism risk or race/ethnicity. A series of tests of moderation were undertaken for recidivism risk (H5) and race/ethnicity (H6). Under each hypothesis the models tested and results are summarized.

Hypothesis 5.

Prior to testing the hypothesized moderations, bivariate correlations between recidivism risk (as measured by proxy score) and the five core constructs (social bonds, procedural justice, gratitude, veteran identity and legal legitimacy) were computed. In two instances, there were significant, negative correlations of small magnitude. As proxy score increased perceptions of gratitude ($r = -.19, p = .008$) and legitimacy ($r = -.17, p = .017$) tended to decrease.

In order to test for potential interactions between recidivism risk and the associations described in the core hypotheses three separate regression analyses were conducted. In each, the interaction term was the product of proxy score and—each in turn—social bonds, procedural justice, and gratitude. Also included in each equation were: site, gender, veteran identity, social bonds, procedural justice and gratitude. Gender was added as a control variable as it was associated with mean differences in proxy score.

Legitimacy was the dependent variable in each model. As was discussed above, the PROCESS plugin for SPSS (Hayes, 2013) was used and the 15 cases with missing proxy scores had their values imputed. In all three instances, the overall models remained significant, but the interactions were non-significant. Thus, despite two significant bivariate associations, level of recidivism risk did not moderate the relationships between any of the independent variables and legitimacy. The unstandardized beta weights, standard errors, t-scores and *p* values for the three interactions (entered in separate regression analyses) are presented in Table 27.

Table 27

Interactions with Recidivism Risk, Separate Regression Analyses (N = 188)

Tested interaction	b	SE	t	<i>p</i>
Social bonds X proxy	.01	.04	.37	.712
Procedural justice X proxy	.02	.05	.37	.708
Gratitude X proxy	-.04	.06	-.69	.489

Hypothesis 6.

To help frame the testing of moderators based on race and ethnicity, it is helpful to review descriptive statistics for the five core measures broken out by the racial and ethnic groupings of interest as well as bivariate tests of difference. Table 28 presents the mean scale scores broken out by the three largest racial and ethnic groupings in the sample. Two series of t-tests were conducted. Being African American was not associated with significant mean differences on any of the five core measures. The Hispanic individuals in the sample had a significantly higher mean level of legal legitimacy ($t(184) = -2.80, p = .006$) with a moderate effect size (Cohen's $d = .51$) but did not differ on the four other measures.

Table 28

Means and Standard Deviations of Key Measures by Race and Ethnicity

Measure	African American (n = 35)	Hispanic (n = 39)	White, non-Hispanic (n = 93)
Social bonds	3.87 (.73)	4.00 (.95)	3.94 (.76)
Procedural justice	4.11 (.84)	4.45 (.55)	4.25 (.68)
Gratitude	2.89 (.32)	2.88 (.52)	2.72 (.68)
Veteran identity	4.16 (.50)	4.24 (.61)	3.99 (.66)
Legal legitimacy	3.47 (.62)	3.78 (.64)	3.47 (.68)

The basic approach to testing potential interactions between race and ethnicity and the associations described in the core hypotheses was the same as that used in H5. There were, however, two modifications. First, gender was not used in the models. Second, two sets of analyses were conducted: one for race and another for ethnicity. The tests were not significant and are highlighted in Table 29. The results are highlighted in Table 29. In all instances, the tests were not significant, meaning that neither race nor ethnicity moderated the relationships between the independent variables and perceptions of legal legitimacy in the multivariate models.

Table 29

Interactions with Race and Ethnicity, Separate Regression Analyses (N = 186)

Tested Interaction	b	SE	t	p
Social bonds X African American	-.16	.16	-1.01	.313
Procedural justice X African American	-.03	.23	-.13	.895
Gratitude X African American	-.48	.25	-1.91	.058
Social bonds X Hispanic	.11	.17	.64	.524
Procedural justice X Hispanic	-.11	.20	-.57	.568
Gratitude X Hispanic	-.54	.64	-.85	.399

Summary.

In this section, a series of competing hypotheses were tested. Despite their established importance in theory and research—as well as some significant bivariate relationships in the present study—neither recidivism risk nor race/ethnicity moderated the relationships between any of the three independent variables and legal legitimacy.

Exploratory Questions

As has been discussed throughout, VTCs are new, relatively underresearched, and characterized by significant diversity in courts and participants. Similarly, the sample in the present study has significant within-group diversity. Existing theory offered several useful lines of inquiry which were explored in the core and competing hypotheses. Here, a small number of exploratory questions are examined. Questions one and two explore potential bivariate and multivariate associations between participants' military characteristics and the study's core measures. Questions three and four use court-related distinctions in the same manner.

Question 1.

The first exploratory question focuses on bivariate relationships between three military-related issues—era of service, exposure to combat and probable PTSD—and the five core constructs. Each is discussed in turn.

Analysis regarding era of service used one contrast: individuals who served during the current era (which includes the wars in Iraq and Afghanistan) versus all others. This decision was made for three reasons. Substantively, some VTCs either limit their eligibility to or prioritize veterans from the current era. Therefore, this is the only

comparison with potential policy implications. Methodologically, orthogonal comparisons using all eras was impossible as 22 individuals served during multiple eras. Finally, as was presented in Table 12 in the sample description, this is the era with the highest rate of service (43.6%) in the present study and, therefore, allowed for comparison groups of nearly equal size. Using this dichotomous variable, five independent sample t-test were conducted and one was significant: gratitude ($t(139.22) = 2.51, p = .013$). Individuals who served after August of 2001 had lower mean levels (2.66 vs. 2.88) of perceived gratitude. Although significant, this difference is of small magnitude (Cohen's $d = .38$).

Next, five t-tests were conducted to test for mean differences based on exposure to combat. The study participants who were exposed to combat differed on one measure: veteran identity ($t(184) = -1.99, p = .049$). Again, the effect size was small (Cohen's $d = .30$); individuals exposed to combat had higher levels of veteran identity on average (4.18 vs. 4.00).

Finally, mean differences were tested based on probable PTSD. Participants with probable PTSD differed on one of the five measures: legitimacy ($t(183) = 2.09, p = .038$). Individuals who screened positive for probable PTSD had lower perceptions of legal legitimacy on average (3.45 vs. 3.66). This difference was also of small magnitude (Cohen's $d = .32$).

Question 2.

Hierarchical regression was used to explore if the bivariate relationships from Q1 affected the multivariate relationships tested in the core hypotheses. As bivariate

relationships were found with an independent variable (gratitude), the mediating variable and the dependent variable, hierarchical regression was used with the three models tested in H2, H3 and H4. In each instance, the three military variables were added individually as new blocks. This allowed the testing of each variable's contribution individually.

Neither of the models that regressed perceptions of legitimacy (H3 and H4) were significantly improved by the addition of any of the three military variables. Therefore, they are not discussed further. However, the fit of the model that regressed veteran identity was improved by the addition of exposure to combat. The results are depicted in Table 30. Although the bivariate relationship between exposure to combat and veteran identity is maintained in the multivariate test, the resultant increase in the model's overall fit is small and none of the relationships between the three independent variables and veteran identity are changed in a meaningful way.

Table 30

Hierarchical Regression of Legal Legitimacy with Military Variables (N = 188)

Variable	Step 1		Step 2		Step 3		Step 4	
	β	<i>p</i>	β	<i>p</i>	β	<i>p</i>	β	<i>p</i>
Social bonds	.23	.002	.24	.002	.24	.002	.24	.002
Procedural justice	.20	.012	.20	.016	.21	.009	.21	.010
Gratitude	.24	.001	.25	.001	.24	.001	.24	.001
Site	.07	.293	.08	.285	.09	.182	.10	.157
Post 2001	--	--	.02	.768	-.04	.553	-.03	.638
Combat exposure	--	--	--	--	.19	.006	.23	.003
Probable PTSD	--	--	--	--	--	--	-.09	.229
Constant	1.71		1.70		1.55		1.61	
R^2	.22		.22		.25		.26	
Adj. R^2	.20		.20		.23		.23	
ΔR^2	--		.00		.03		.01	
ΔF	12.62		.09		7.89		1.46	
<i>p</i>	<.001		.768		.006		.229	

Question 3.

This question focuses on bivariate relationships between two court-related constructs—intervention dosage and pre-VTC perception of fairness—and the five core constructs. Each is discussed in turn.

The study contained two measures of dosage: months in the VTC and number of appearances in the VTC. Both were based on participant recollection. Bivariate correlations were generated between each and social bonds, procedural justice, gratitude, veteran identity and legal legitimacy. The number of appearances was not significantly correlated with any of the measures. Months in the VTC had a significant, but small, positive correlation with procedural justice ($r = .24, p = .001$).

Bivariate correlations were also generated between pre-VTC fairness and the five core measures used in the study. Three of the correlations were significant: procedural justice ($r = .47, p < .001$), veteran identity ($r = .26, p < .001$), and legal legitimacy ($r = .32, p < .001$). Unlike the earlier bivariate associations discussed in this section, two of these associations would be considered moderate—with the correlation between pre-VTC fairness and procedural justice approaching the threshold for a large effect.

Question 4.

Hierarchical regression was used to explore if the bivariate relationships from Q3 affected the multivariate relationships tested in the core hypotheses. The approach taken was almost identical to that described in Q2. The models tested in H2, H3 and H4 were again used as the initial blocks in three separate hierarchical tests. As only two variables from Q2 had significant bivariate associations, there were only two subsequent blocks.

Pre-VTC fairness was entered before months in VTC as it had a larger number of significant correlations and they were of larger magnitude.

The measure of dosage did not result in a statistical improvement in model fit in any of the three tests and will not be discussed further. However, the measure of pre-VTC fairness significantly improved each of the three models¹⁵. The regression on veteran identity (originally tested in H2) changed as follows: $\Delta F(1, 182) = 5.27, p = .023, \Delta R^2 = .02$. The model originally tested in H3 (regression on legitimacy without veteran identity included) changed as follows: $\Delta F(1, 182) = 9.80, p = .002, \Delta R^2 = .04$. The model originally tested in H4 (regression on legitimacy with veteran identity as a mediating variable) is summarized below in Table 31. Although each of the three models were significantly impacted by the addition of pre-VTC fairness, this model is highlighted due to its inclusion of all five of the core constructs.

Table 31

Hierarchical Regression of Legal Legitimacy with Court Variables (N = 188)

Variable	Step 1				Step 2			
	b	SE	β	<i>p</i>	b	SE	β	<i>p</i>
Social bonds	.17	.05	.20	.006	.20	.06	.24	.001
Procedural justice	.15	.08	.16	.046	.06	.08	.07	.437
Gratitude	.13	.08	.11	.098	.15	.08	.12	.062
Veteran identity	.30	.08	.28	<.001	.26	.08	.25	.001
Site	-.06	.10	-.04	.565	-.03	.10	-.02	.790
Pre-VTC fairness	--	--	--	--	.12	.05	.19	.010
Constant	.71	.40	--	--	.55	.40	--	--
<i>R</i> ²	.29				.32			
Adj. <i>R</i> ²	.27				.29			
ΔR^2	--				.03			
ΔF	14.82				6.75			
<i>p</i>	<.001				.010			

¹⁵ To avoid the pairwise deletion of five cases with missing dosage data, the three hierarchical models were tested again—without the months in VTC variable/block. All subsequent results are from these tests.

The addition of pre-VTC fairness was more than simply statistically significant. In the respecified model, procedural justice no longer has a significant relationship with legitimacy. To better understand the relationship between procedural justice and pre-VTC fairness within the context of the multivariate relationship, one final test was conducted.

A respecified model, testing an interaction between procedural justice and pre-VTC fairness, was significant ($F(7,180) = 12.98, p < .001$) with a large effect size (Adj. $R^2 = .31$). As can be seen in Table 32, there is a significant interaction between procedural justice and pre-VTC fairness. The significant interaction will be reviewed in greater detail. First, comparisons with the models from Table 31 are helpful. Pre-VTC fairness decreased in magnitude but remained significant, while procedural justice increased in magnitude but remained non-significant. Social bonds and veteran identity remained significantly associated with legal legitimacy. Unlike either of the models in Table 31, gratitude was significantly associated with legitimacy.

Table 32

Regression of Legal Legitimacy with Interaction (N = 188)

Variable	b	SE	p
Social bonds	.19	.06	.002
Procedural justice	.15	.09	.092
Gratitude	.15	.08	.048
Veteran identity	.25	.08	.001
Site	-.01	.09	.880
Pre-VTC fairness	.13	.05	.005
Procedural justice X Pre-VTC fairness interaction	.11	.05	.018
Constant	1.31	.39	--

The significant interaction is presented visually in Figure 3. As can be seen by the slope associated with low levels of pre-VTC fairness, for these participants, changes in

levels of procedural justice had little impact on levels of legal legitimacy. It is not until the slope for individuals with higher than average levels of the moderator is reviewed that level of procedural justice appears strongly associated with level of legal legitimacy.

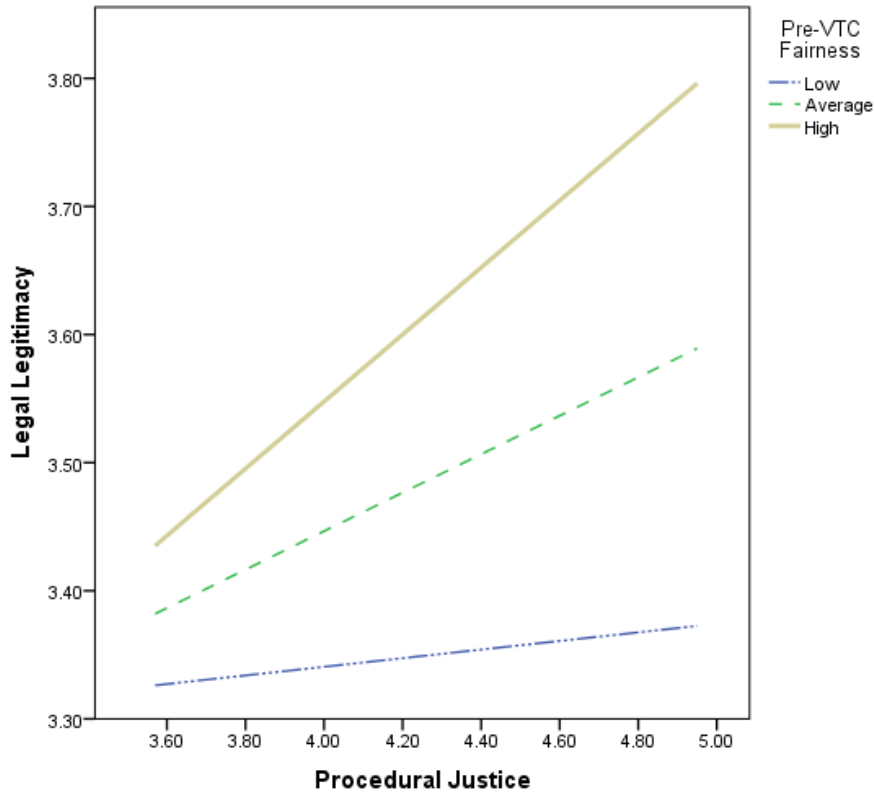


Figure 3. Pre-VTC fairness by procedural justice interaction on legal legitimacy.

Although the visual depiction is helpful, the nature of the interaction can be tested statistically. Two approaches were taken to probe the nature of the interaction between procedural justice and pre-VTC fairness. First, the conditional effects of procedural justice on legitimacy at low, average and high values of the moderator were tested. Essentially, this is testing the three slopes from Figure 3. As can be seen in Table 33, only individuals with higher levels of pre-VTC fairness had a significant relationship between procedural justice and legal legitimacy.

Table 33

Conditional Effects of Procedural Justice on Legal Legitimacy (N = 188)

Level of procedural justice	Pre-VTC fairness value	b	SE	t	<i>p</i>
Low	2.91	.03	.08	.41	.682
Average	3.98	.15	.09	1.69	.092
High	5.00	.26	.12	2.25	.026

While this broad testing of slopes at the mean and one standard deviation above and below is helpful, the Johnson-Neyman technique offers a more nuanced perspective on the nature of the interaction. In the present study, it allows the identification of 4.37 as the exact level of pre-VTC fairness at which procedural justice becomes a significant predictor of legal legitimacy ($b=.19$, $t = 1.97$, $p<.05$). Further, it informs us that 41.49% percent of the sample is above this threshold. For the individuals in this zone of significance, procedural justice is significantly associated with legal legitimacy while controlling for the other variables in the model.

Chapter 6

Discussion

The objective of this study was to test if a veteran-informed modification of Tyler's theory of procedural justice held in two misdemeanor VTCs in Arizona. Theory-driven competing hypotheses concerning the impact of recidivism risk and race/ethnicity were also tested. Finally, owing to the relative newness of and diversity within VTCs, a series of exploratory questions were pursued based on potentially important military and legal factors.

The study is well-timed. VTCs have spread rapidly and continue to do so. Although the gap is beginning to close, the intervention's growth has far outpaced relevant research. More pointedly, among the research that has been conducted, few studies have used existing theory to explore how VTCs function and this is the first known study to explicate and quantitatively test such a theory in this novel setting.

This chapter begins with a review and integration of the study's key findings. This leads to discussions of the study's limitations and future research avenues. Finally, the study's implications for social work practice and policy are identified.

Key Findings

Here, a synthesis of the study's findings—ranging from sample description through the testing of hypotheses and exploratory analyses—is offered. Although it is not possible to statistically evaluate the representativeness of the sample, it can be said that: 1) eligible individuals agreed to participate at a high rate (approximately 85% in Phoenix and 73% in the RMVTC), 2) the sample is rich with within-group diversity

based on key demographic, socioeconomic, legal and military factors, and 3) when comparative data are available the sample usually (but not always) resembles local and national populations of VTC participants.

The key measures all demonstrated sufficient internal consistency. When relevant comparisons existed, participants tended to report relatively high levels of key constructs. Related, some of the independent variables were skewed (markedly so in the case of gratitude).

The results support the use of the veteran-oriented modification of Tyler's theory of procedural justice within the studied veterans treatment courts. The three modifications themselves were generally supported. First, the three items added to the Tyler et al. (2007) measure of procedural justice increased the internal consistency of that measure in this VTC sample. Next, the addition of gratitude as a third independent variable (joining social bonds and procedural justice) was generally supported. In bivariate analyses, it was significantly correlated with procedural justice, veteran identity and legal legitimacy. However, the hypothesized correlation between gratitude and social bonds was rejected. This could potentially be related to the lack of variability in the gratitude measure discussed in Chapter Five. However, it may simply be that gratitude is not associated with perceptions of shared social bonds as it is with perceptions of fair treatment, veteran identity, and legal legitimacy. On its face, being thanked seems more likely to lead to the other constructs than a perceived common situation. While pro-social, the expression of gratitude is not inherently associated with having a common status. In fact, Buck (2004) points out that some exchange-based perspectives on gratitude assume differences in

power and/or standing between parties. Although this one relationship was not supported, gratitude functioned well in the multivariate models at the core of the study. Finally, the decision to focus on veteran identity as the mediating identity in Tyler's model was supported by significant and moderate bivariate correlations with social bonds, procedural justice and gratitude as well as legal legitimacy. More importantly, the relationships persisted in multivariate testing.

Having found support for the three modifications, the functioning of the model as a whole is considered. Beyond the hypothesized association between gratitude and social bonds discussed above, all core hypotheses were supported. In the multivariate models tested in H2 and H3, perceptions of shared social bonds with VTC staff, the receipt of gratitude for their past military service and procedurally fair treatment were associated with both veteran identity and legal legitimacy. Further, as hypothesized (H4), veteran identity functioned as a significant mediator between the three independent variables and legal legitimacy. These models were of modest and large magnitude with the final mediational version explaining 27% of the variance.

The associations from the core hypotheses were not moderated by the recidivism risk (H5) nor the race or ethnicity (H6) of the participants. These results regarding race and ethnicity are particularly interesting. As outlined in Chapter Two, it is common to find significant differences based on race (especially) and ethnicity in perceptions of criminal justice processes and legal legitimacy. Although the reason for not finding such differences in the present study is unclear (and may not persist in other VTCs) it is

interesting to consider in light of the efforts the U.S. military has placed on accentuating military cohesion above racial and ethnic differences (Lundquist, 2008).

Although the theoretically-driven competing hypotheses did not, the exploratory questions identified significant associations between the core measures and paths and military and court characteristics. Significant bivariate relationships were found between era of service and perception of gratitude, probable PTSD and perceptions of legal legitimacy and exposure to combat and level of veteran identity. The negative correlation between probable PTSD—but not combat exposure—and legal legitimacy is interesting in light of the discussion of correlates of criminal involvement among veterans from Chapter Two (e.g. Elbogen et al., 2012; Fontana & Rosenheck, 2005). However, the relationship did not persist during multivariate analysis. In contrast, the positive association between combat exposure and veteran identity was maintained during multivariate testing but is of less substantive interest.

The most noteworthy finding from the exploratory analyses concerns the role of participant perceptions of pre-VTC fairness. In contrast with how they were treated by VTC staff, this construct evaluates if they believe they were responsible for and reasonably charged with the offense that resulted in their referral to the VTC. This measure had significant negative associations with procedural justice, veteran identity and legal legitimacy. These associations were of moderate magnitude and the one with procedural justice persisted during multivariate analysis. Finally, a test of moderation yielded a significant interaction between pre-VTC fairness and procedural justice when regressing legal legitimacy in the full mediational mode. The relationship between

procedural justice and legal legitimacy held for the 41% of the sample with the highest levels of pre-VTC fairness, but not for the other 59%.

Although this interaction between perceptions of pre-VTC fairness and procedural justice while in the VTC is worthy of comment and future exploration, it does not fundamentally alter the assessment that the veteran-oriented modification of Tyler's theory of procedural justice fits well in the present study. Stepping away from the narrow focus on support for the study's hypotheses, these findings are important. They offer support for the approaches that the two studied (and many other) VTCs have taken. Specifically, they lend credence to the idea that courts which treat veterans fairly—rooted in a recognition of their past military service—and encourage them to see connections between themselves and the veteran community (including those working and volunteering in the court) will see positive associations with the idea that our laws are legitimate and worthy of being followed.

Study Limitations

As with all research, there are important limitations to be mindful of as the above results are weighed. The most obvious limit is the cross-sectional nature of the data. Although the support offered for associations between the study's key constructs is important, the questions most relevant are causal in nature. Does, for example, being thanked by court staff increase first the salience of identification as a veteran and ultimately the perception that our laws and legal institutions are legitimate? Although a failure to support correlation would have also rejected a causal relationship, the design is unable to fully support a causal path between the constructs.

The lack of a control or comparison group is another limitation. Even if a time-ordered increase in levels of veteran identity and legal legitimacy could be demonstrated, the single-cohort design cannot ensure that those changes were due to the VTC itself.

The reliance on a convenience sample opened the door to selection bias. Although steps were taken to minimize the threat, the possibility remains that individuals who declined to complete the survey differed in important ways from study participants.

Researchers that rely on self-report must be mindful that social-desirability may impact responses. The confidential—as opposed to anonymous—nature of the present study likely increases this threat. Related, self-report instruments can also be impacted by failures in memory. Although most items and measures in the present study were only focused on current perceptions, some (notably the criminal history items used to generate recidivism risk) relied on participant recollection.

Generally, the measures used in the study were well-validated by previous research and demonstrated solid internal consistency in the present study. However, the measures of gratitude and pre-VTC fairness were both used for the first time. The level of positive skew with the gratitude measure is a related concern. Although it seems clear and is reasonable to believe that perceptions of gratitude were high, it is also reasonable to assume that a more refined scale would have identified greater variability in experience and perception on this issue.

Finally, the ability to generalize from the present study is limited by a variety of contextual factors. Both study sites were misdemeanor courts. By extension, all of the presenting criminal charges were relatively minor and the legal proceedings relatively

informal. It is conceivable that defendants and staff behave and perceive matters differently in VTCs that hear felonies. Additionally, both courts were set in Arizona. There are significant cultural and legal differences between states which may impact VTC functioning. Like other problem solving courts, VTCs are marked by differences in personalities and inter-agency partnerships.

Future Research

Flowing from the findings and limitations of the present study, the continuing expansion of the VTC model, diversity among VTCs, and the relative dearth of research on VTCs several important lines of future research are clear. Broadly, they can be thought of as 1) efforts to explore the same questions with a more rigorous design and 2) extensions of this line of research.

The issue of gratitude for past military service seems important. Despite the measure's informal development, limited range and heavy skew, significant associations were usually found with the theoretically-informed and previously-validated measures in the study. Here, it seems appropriate to backup and craft a measure in accordance with best practice (e.g. DeVellis, 2012). Briefly, this process should include interviews and/or focus groups with VTC participants, the development of an item pool and response format and the refinement of both through testing.

In order to test the hypothesized causal relationships, future research should 1) utilize a longitudinal design and 2) include some manner of a comparison group. Veteran identity and legal legitimacy should be assessed at program entry and exit. Conducting true experiments is difficult in applied criminal justice settings. Even if such a design

cannot be implemented, a variety of quasi-experimental options would significantly improve the ability to evaluate the impact of the intervention. Two particularly interesting options are 1) conducting a natural experiment in a court system before and after the development of a VTC and 2) drawing a comparison group from veterans participating in a DTC or MHC similar to the court/community of the studied VTC.

Although the relationships between perceptions described in the present study are informative, as VTCs and their research base mature, it will be necessary to test if they help predict behavioral outcomes. Thus, integrating surveys such as this (ideally with the design enhancements noted above) with court and provider datasets that track changes in clinical symptoms and social functioning, program completion, and criminal desistance will be crucial. As an initial step in this direction, both VTC partners from this dissertation have agreed to share program completion and two-year recidivism data for all individuals who participated in their respective VTCs during the period the surveys were collected. This will allow testing (still limited by the design facets noted above) of the associations documented in the current study and two types of outcomes.

The diversity among VTC participants and courts and the limited generalizability of the present study suggest three avenues. Including more control variables within studied VTCs may help. Of particular interest considering the moderating effect of pre-VTC fairness is the original charge. Like the outcome data, both courts have agreed to share this data. As a second approach, testing the same veteran-modified theory of procedural justice in differently structured and/or located VTCs would be a positive step.

Conducting coordinated, multi-site research set in diverse courts and communities would be the ideal option.

Although more tentatively, the study raises questions and research avenues outside of VTCs. As noted in Chapter Three, research into veteran identity is virtually nonexistent. Courts are far from the only social institution attempting to be more responsive to the needs of veterans. As such, it will be important to better map out 1) what factors contribute to the salience of this identity and 2) the degree of advantage (or disadvantage) conferred by the identity in different social processes and contexts.

Implications for Social Work

Recognizing important limitations just discussed, the study offers implications for social work practice across the micro, mezzo, and macro levels. They apply most firmly to the VTCs, but extensions can be considered for veterans outside the criminal justice system and non-veterans within that system.

Although the study's design did not contain a qualitative element, there was unmistakable power in some of the interactions observed while collecting surveys. Although each court approached it differently, their respective processes called for court participants (criminal defendants—although term was almost never used) as well as staff and volunteers to publically share aspects of their military service. These practices resonated with the empirical findings regarding social bonds and veteran identity and should remind social workers of the importance of 1) managing social distance between client and worker and 2) helping clients define themselves by strengths and accomplishments as opposed to current challenges. Although not novel, these are

important elements of micro social work practice. As with Tyler's general theory of procedural justice, these results remind us that while there can be a role for instrumental considerations, prosocial attitudes are associated with normatively-oriented treatment.

Both courts leveraged volunteers and partnerships with stakeholders from the veterans' community. Volunteers in both courts were recruited, trained and supervised. They drew upon VTC graduates as well as the larger veterans communities. They seemed to make participants feel more comfortable and these informal observations again resonate key measures and paths from the empirical study. In both courts masters level social workers and other professionals from local behavioral health and social service agencies spent significant staff resources supporting these courts. Although they at times made it appear so, these efforts are not easy. As VTCs continue their rapid proliferation it is important that agencies and courts set aside time and resources for these mezzo-level tasks. Coordinated services and even volunteers are never truly free.

This section ends with a broad consideration of a social justice issue raised indirectly by my time in veterans courts. One of the most striking aspects of the observed VTCs is the respect with which defendants are treated. As noted above, they are encouraged to recall and share their past accomplishments. Frankly, it is a sad reflection on our criminal justice system that my first informal observations of VTCs were so jarring. Without denying the difficult and inherently power-laden work that criminal courts have to do, there is significant room for improvement in how the justice system helps individuals move forward following arrest and/or adjudication. Again, this is not a novel observation—it lies at the core of the work of Tyler and others—but all defendants

should be treated with respect, thanked for their good deeds, helped to find a positive social identity and given reasons to find our laws worthy of respect and obedience. Social workers must continue to engage with our criminal justice partners—and the legislators who too often tie our collective hands—to advocate for such efforts.

Conclusion

The current state of veterans courts makes this study well-timed and—despite its limitations—able to offer important insights. It helps highlight connections between well-tested theories of procedural justice and practices in an emerging intervention. We are reminded of the power of fair and courteous treatment, social connections, and a valued identity have in understanding the notion of legal legitimacy. Coupled with the innovation of diverse VTCs and other emerging research, it suggests many ways to evaluate the functioning and outcomes of these new courts.

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APPENDIX A
SELECTED DATA FROM CITED WORKS

Table A1

Demographic Characteristics by Veteran Status and Gender

Characteristic	Men		Women	
	Veterans	Non-veterans	Veterans	Non-veterans
Age distribution of populations				
17 to 24	1.3%	17.9%	3.9%	13.9%
25 to 34	6.2%	19.9%	17.5%	16.6%
35 to 44	9.0%	18.7%	19.8%	16.3%
45 to 54	14.1%	19.2%	25.0%	17.8%
55 to 64	21.8%	14.5%	17.9%	15.9%
65 to 74	23.8%	6.7%	7.0%	10.3%
75 to 84	16.6%	2.4%	4.3%	6.1%
85 and older	7.1%	0.6%	4.6%	3.1%
Race and ethnicity distribution				
White, non-Hispanic	80.3%	62.2%	66.5%	64.9%
Non-White, non-Hispanic	13.7%	19.4%	25.3%	19.7%
Hispanic	6.0%	18.4%	8.2%	15.4%
Marital status distribution				
Married	66.0%	48.6%	47.7%	47.7%
Divorced	14.9%	9.3%	24.0%	12.7%
Widowed or separated	9.6%	3.6%	11.2%	12.1%
Never married	9.4%	38.5%	17.0%	27.5%

Note. Source for all data is Department of Veterans Affairs (2014)

Table A2

Socioeconomic Characteristics by Veteran Status

Characteristic	Veterans	Non-veterans
Less than high school	7.3%	14.1%
Unemployment rate (ages 18-64)	7.4%	8.4%
Below poverty in past 12 months	7.3%	14.5%
With any disability	28.5%	14.1%

Note. Source for all data is Census Bureau (2013)

Table A3

Service Related Characteristics

Period of service ^a	
September 2011 or later	11.7%
August 1990 to August 2001 (includes Gulf War)	18.7%
May 1975 to July 1990	27.2%
Vietnam War	33.5%
February 1955 to July 1964	17.5%
Korean War	10.9%
January 1947 to June 1950	1.7%
World War II	8.6%
Pre-World War II	0.4%
Branch(es) served on active duty ^a	
Army	47.3%
Navy	23.0%
Air Force	20.4%
Marine Corps	9.9%
Coast Guard	1.5%
Reported serving in combat or war zone	
Total	33.9%
Men	35.2%
Women	19.4%
Reported exposure to dead/dying/wounded	
Total	33.9%
Men	34.5%
Women	26.7%

Note. All data based on Westat (2010). ^a Individuals may have served during more than one period and in more than one branch.

Table A4

Behavioral Health Screenings, Perceptions of Problems, and Services

Measure	Pre-deployment		Post-deployment	
	Army, Iraq (N=2350)	Army, Afghanistan (N=1962)	Army, Iraq (N=894)	USMC, Iraq (N=835)
Positive screen, broad criteria				
Depression	11.4%	14.2%***	15.2%***	14.7%*
Anxiety	15.5%	17.2%	17.5%	15.7%
PTSD	9.4%	11.5%*	18.0%***	19.9%***
Any of above	20.9%	24.5%***	27.9%***	29.9%**
Positive screen, strict criteria				
Depression	5.3%	6.9%***	7.9%***	7.1%
Anxiety	6.4%	7.4%	7.9%	6.6%
PTSD	5.0%	6.2%	12.9%***	12.2%***
Any of above	9.3%	11.2%*	17.1%***	15.6%***
Alcohol misuse				
More use than intended	17.2%	24.5%***	24.2%***	35.4%***
Felt/wanted to reduce or quit	12.5%	18.2%***	20.6%***	29.4%***
Perceived problems and services ¹				
Perceived problem, moderate or severe	14.3%	17.1%***	19.5%***	17.1%
Interested in services	9.4%	10.2%	16.7%***	15.0%***
Services received past month	4.7%	6.6%***	11.4%***	9.4%***

Note. All data and tests of significance based on Hoge et al. (2004). * P<0.05 for the comparison of groups responding after deployment with the group responding before deployment, calculated with chi-square test. ** P<0.01 for the comparison of groups responding after deployment with the group responding before deployment, calculated with chi-square test. *** The result remained significant (level not specified by authors) after multiple logistic regression was used to control for age, rank, educational level, marital status, and race/ethnicity. 1 = data for perceived problems and services only focused on sub-set of cohort respondents who screened positive for at least one of above issues.

Table A5

Demographic and Socioeconomic Characteristics, Veterans and Non-Veterans in Jails and Prisons

Characteristic	State prisons ^a		Federal prisons ^a		Local jails ^b	
	Veterans	Non-veterans	Veterans	Non-veterans	Veterans	Non-veterans
Gender, male	99.0%	92.6%	98.8%	92.4%	98.5%	88.7%
Race/ethnicity						
White, non-Hispanic	54.1%	33.1%	49.0%	23.6%	51.9%	35.3%
Black, non-Hispanic	32.1%	41.5%	37.6%	44.1%	36.6%	41.3%
Hispanic	6.2%	19.6%	5.3%	27.3%	8.6%	19.8%
Other	7.7%	5.8%	8.0%	5.1%	2.9%	3.6%
Marital status						
Married	22.1%	15.8%	25.0%	26.1%	21.4%	14.9%
Widowed	3.6%	1.8%	3.6%	0.9%	3.6%	1.1%
Divorced	42.7%	17.0%	43.5%	17.7%	34.7%	13.1%
Separated	6.1%	5.0%	5.5%	5.1%	12.6%	8.1%
Never married	25.5%	60.4%	22.4%	50.2%	27.8%	62.7%
Education completed						
8 th grade or less	2.6%	13.3%	1.9%	11.3%	4.0%	14.4%
Some high school	6.3%	26.9%	4.5%	17.6%	9.5%	36.7%
GED	29.8%	34.6%	21.6%	34.1%	21.8%	18.5%
High school graduate	28.6%	15.6%	30.4%	17.4%	28.1%	17.8%
Some college or more	32.6%	9.7%	41.6%	19.6%	36.7%	12.7%
Median age	45 yrs.	33 yrs.	46 yrs.	34 yrs.	38 yrs.	28 yrs.

Note. a = Adapted from Noonan and Mumola (2007). b = Adapted from Mumola (2000).

Table A6

Selected Behavioral Health Characteristics by Veteran Status

Measure	State		Federal	
	Veterans	Non-veterans	Veterans	Non-veterans
Substance Abuse				
Dependence or abuse, alcohol	43%	44%	36%	36%
Dependence or abuse, drug	54%	55%	46%	45%
Using at time of offense, alcohol	31.1%	31.1%	18.5%	17.9%
Using at time of offense, drug	23.6%	33.1%	24.2%	26.7%
Mental Health				
Any mental health problem	54.4%	56.5%	42.9%	45.0%
Services 12 months prior arrest	29.9%	23.6%	20.7%	13.0%
Symptoms 12 months prior arrest	44.7%	49.7%	35.0%	40.2%

Note. Source is Noonan & Mumola (2007).

Table A7

Military Service Characteristics

Characteristic	State prisons, 2004 ^a	Federal prisons, 2004 ^a	Local jails, 1996 ^b
Branch of service^c			
Army	56.1%	56.2%	56.7%
Navy	21.9%	17.3%	19.8%
Marine Corps	14.3%	17.5%	14.8%
Air Force	8.6%	10.6%	10.1%
Other	1.9%	0.5%	1.3%
Type of discharge			
Honorable	61.6%	65.3%	Not reported
General, honorable conditions	16.9%	15.9%	Not reported
General, without honorable conditions	3.1%	1.9%	Not reported
Other than honorable	8.8%	6.4%	Not reported
Bad conduct	3.0%	2.5%	Not reported
Dishonorable	2.8%	5.6%	Not reported
Other/unsure	3.7%	2.4%	Not reported
Length of service			
12 months or less	15.4%	9.0%	13.6%
13 to 24 months	21.5%	19.8%	18.9%
25 to 36 months	21.5%	20.7%	24.7%
37 to 60 months	20.1%	25.1%	21.9%
61 months or longer	21.5%	25.4%	21.0%
Saw combat			
Yes	19.9%	25.7%	21%
No	80.1%	74.3%	79%
Time of service			
Peacetime	45.8%	35.5%	Not reported
Wartime	54.2%	64.5%	Not reported
World War II or Korea	2.4%	3.4%	Not reported
Vietnam War	35.6%	39.4%	Not reported
Persian Gulf War	14.0%	20.9%	Not reported
Iraq or Afghanistan	3.7%	4.5%	N/A

Note. a = Adapted from Noonan and Mumola (2007). b = Adapted from Mumola (2000). c = Individuals may have served in more than one branch.

Table A8

Incarcerated Veterans, Selected Characteristics

Characteristic	All veterans			Iraq/Afghanistan veterans		
	<i>N</i>	Value	Percent	<i>N</i>	Value	Percent
Age	30,964	48.43	--	1,201	32.04	--
Male gender	30,968	30,444	98.3%	--	--	--
Race/Ethnicity	30,834	--	--	1,197	--	--
White	--	16,103	52.2%	--	718	60.0%
Black	--	11,944	38.7%	--	308	25.7%
Hispanic	--	2,025	6.7%	--	127	10.6%
Marital status	30,950	--	--	1,201	--	--
Married	--	4,639	15.0%		251	20.9%
Never married	--	8,617	27.8%		471	39.2%
Combat exposure	30,863	4,553	14.8%	1,195	832	69.6%
Current violent offense	28,472	9,995	35.1%	--	--	--
Current drug offense	28,222	6,851	24.3%	--	--	--
Substance use during offense	17,204	8,601	50%	--	--	--
Current incarceration, months	29,322	49.5	--	1,164	24.3	--
Age at first arrest	30,949	26.5	--	1,201	23.7	--
Number of lifetime arrests	30,951	8.17	1,201	4.16	--	--

Note. Source for all Tsai et al. (2013).

Table A9

Veteran Court Inventory, Selected Data

Military admission issues	
Only veterans with military-related mental health conditions	14%
Only combat veterans	8%
Only Iraq/Afghanistan veterans	1%
Emphasize Iraq/Afghanistan veterans	14%
Only VA eligible veterans	36%
Accept active duty	52%
Accept current reserve/guard	71%
Accept family cases with veteran	4%
Offense admission issues	
Misdemeanor only	21%
Felony only	19%
Both	61%
Court jurisdiction	
Municipal	12%
County	74%
State	8%
Other (mixed/regional)	4%
Federal	2%
Mentorship program	
Has mentor program	55%
Under development	21%
Estimated lengths of stay in court program	
Misdemeanor only courts	11 months
Felony only courts	19 months
Mixed court, total	15 months
Mixed court, misdemeanor charges	10 months
Mixed court, felony charges	18 months
Court outcomes	
Successful completion	69%
Terminations (noncompliance, transfers, deaths, illness, other)	31%

Note. Source = McGuire, Clark, Blue-Howells, Coe (2013).

Table A10

Therapeutic Courts, Participating Veterans, Selected Characteristics

Characteristic	Value
Age, mean	45
Gender, male	96%
Race	
American Indian	2%
Asian/Pacific Islander	1%
Black/African American	34%
White	64%
Ethnicity	
Non-Hispanic	89%
Hispanic	10%
Marital status	
Married	21%
Remarried	<1%
Widowed	3%
Separated	11%
Divorced	34%
Never married	28%
Committed relationship	3%
Housing status	
Literally homeless	16%
Imminent risk of losing housing	5%
Unstably housed	14%
Stably housed	64%
Employment pattern, past 3 years	
Full time	27%
Part timer	10%
Military service	5%
Retired/disability	31%
Unemployed	20%
Military service era	
WWII	<1%
Korea	<1%
Vietnam	13%
Persian Gulf	10%
Other military intervention	9%
Iraq	32%
Afghanistan	11%
Received fire in combat	47%

Characteristic	Value
Branch of service	
Army	59%
Navy	16%
Marines	16%
Air Force	9%
Behavioral health treatment	
Ever receive professional treatment for substance abuse	64%
Every hospitalized for psychiatric problem	37%
Psychiatric diagnosis (clinician assessed)	
Schizophrenia, other psychotic	6%
Bipolar	9%
Affective disorder	34%
Anxiety disorder	22%
PTSD, military-related	35%
PTSD, non-military-related	6%
Alcohol abuse/dependency	59%
Drug abuse/dependency	42%

Note. Source = Clark, McGuire, & Blue-Howells (2014).

APPENDIX B

MEMORANDUM OF UNDERSTANDING, PHOENIX

Drafted by Gallagher-9/8/15

This Memorandum of Understanding (MOU) is between the Phoenix Veterans Court Prosecutor and Public Defender (Veterans Court Team) and John Gallagher as a doctoral student at the Arizona State University, School of Social Work.

Article I: Background:

- 1.1 Veteran treatment courts (VTC) are a new form of problem solving justice that use partnerships between court systems, the Department of Veterans Affairs (VA) and community entities to engage veterans in services to address the root causes of their involvement in the criminal justice system. The first VTC was established in 2005; there are now over 300 across the U.S. Despite the rapid growth, there has been limited research into VTCs. Research into how participants perceive VTCs and potential interactions between these perceptions, participant characteristics, and outcomes is essential. This study will increase our knowledge in these areas.
- 1.2 The Phoenix VTC is a partnership between the Phoenix Municipal Court, the Phoenix Prosecutor's Office, the Phoenix Public Defender's Office and the Phoenix VA. Eligible veterans, members of the Guard or Reserves or active duty military with criminal charges may elect to enter the Phoenix VTC.
- 1.3 Mr. Gallagher is a doctoral student in the School of Social Work at Arizona State University (ASU). His dissertation research will center on the interactions between procedural justice, social identity, legal legitimacy and compliance among participants in veteran treatment courts.
- 1.4 Mr. Gallagher's dissertation will have two related sources of data: 1) a survey completed by VTC participants who volunteer and 2) data maintained by the Phoenix VTC for all VTC participants during a study period of approximately six months; the exact dates are to be established by the parties. The data sources will be reconciled by Mr. Gallagher.
- 1.5 Mr. Gallagher's research proposal must be approved by his dissertation committee as well as the Institutional Review Board (IRB) of ASU. The research will be overseen by Jose Ashford, PhD, the chair of his committee and Professor of Social Work at ASU.
- 1.6 Rule 123 of the Supreme Court of Arizona governs public access to judicial records. Section 1-606 of the Arizona Code of Judicial Administration provides additional guidance for providing "specialized access to case records or data that may exceed the access available to the general public by Rule 123" to "state ... governmental agencies and private organizations [serving a public purpose] such as ... research for scholarly or governmental purposes."
- 1.7 The Phoenix VTC maintains three broad types of data on participants.
 - a. First, as a criminal court, it generates and collects publicly available data under Rule 123, including defendant name, date of birth, charge(s), docket/calendar/appearance details, program completion, legal disposition, and recidivism data.

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- b. Second, participants self-report social information (employment, military details, housing, education, etc.) directly to Phoenix VTC staff during the screening process.
- c. Third, based on participant authorization, Phoenix VTC receives Protected Health Information (under the Health Insurance Portability and Accountability Act of 1996) from treatment providers.

Article II. Survey Recruitment

- 2.1 Mr. Gallagher and research assistants (RAs) will conduct outreach at the Phoenix Municipal Court during VTC sessions to recruit volunteers for the survey.
- 2.2 Participation in the survey will be fully informed and voluntary for Phoenix VTC participants. The manner of obtaining informed consent will be reviewed and approved by the ASU IRB.
- 2.3 Mr. Gallagher and RAs will not disrupt Phoenix VTC proceedings.
- 2.4 The RAs will be trained and supervised by Mr. Gallagher and will complete all human subjects training required by the ASU IRB.

Article III. Record Access Agreement

- 3.1 The parties shall agree on beginning and ending dates to establish the study period. All defendants who are enrolled in the Phoenix VTC during any portion of the study period will comprise the study population.
- 3.2 For individuals in the study population, the data provided by Phoenix VTC to Mr. Gallagher will include that described in Sections 1.7(a-b) of this MOU. It will not include data described in Section 1.7(c) of this MOU or "sensitive data" as defined by Rule 123.
- 3.3 The parties shall agree on a schedule for the release of the data. It is understood that program completion, legal outcome, and recidivism data will not be available until at least two years after program completion of the last individual in the study population.
- 3.4 Only Mr. Gallagher and Dr. Ashford shall have access to the data provided by the Phoenix VTC. The original data—with personal identifiers—will be stored on a university computer with password protection. A working file which substitutes a unique subject identification number for names and dates of birth will be created.
- 3.5 Mr. Gallagher may use the data in his doctoral dissertation as well as publications and presentation. However, this usage will only be in the aggregate and will be conducted in a manner to prevent the identification of any individual participant in the Phoenix VTC.

Article IV. Terms required by Arizona Code of Judicial Administration Section 1-606

- 4.1 Recipient shall protect the records and data from unauthorized access and misuse.

Drafted by Gallagher-9/8/15

- 4.2 Recipient shall ensure the security and confidentiality of any records or data provided by the custodian that are sealed or closed by Rule 123 or any other rule or law.
- 4.3 Recipient will not copy or re-disseminate any records or data closed by Rule 123 other than for the stated purposes.
- 4.4 Recipient will not use the records or data to sell a product or service to an individual or the general public.
- 4.5 Recipient will inform its employees of the requirements imposed by applicable federal and state laws, rules, and terms of the record access agreement.
- 4.6 If requested by the individual who is the subject of a record, recipient will cooperate in correcting any inaccurate or incomplete records provided by the custodian.
- 4.7 A recipient will consult with the custodian prior to releasing any records or data provided under the record access agreement in response to a public records request.
- 4.8 Prior to merging any records or data obtained from the custodian with other records or data concerning an individual or organization, recipient will ensure there is sufficient identifying information to reasonably conclude that the record or data concerns the same individual or organization.
- 4.9 Recipient will notify the custodian of any record or data inaccuracies discovered by the recipient.
- 4.10 Recipient will permit the custodian to audit recipient's use of and access to the records or data provided.
- 4.11 The parties shall agree on how the records or data will be exchanged, and if done so electronically, the format, timing and frequency of exchanges.
- 4.12 The parties shall agree on a change management process and allocation of responsibilities for ensuring any unilateral software modifications do not disrupt the on-going exchange of electronic case record information.
- 4.13 All applicable rules and laws pertaining to the release of the records and data have been disclosed by the parties.

Article V—General Terms

- 5.1 This is a non-funding agreement. Mr. Gallagher is not required to compensate Phoenix VTC for providing data or records and Phoenix VTC is not required to compensate Mr. Gallagher for any of his work with the data. Additionally, nothing in this MOU obligates either party to commit funds or other resources in support of the project unless expressly stated in the agreement.
- 5.2 This MOU will become effective once fully executed by the parties and shall remain effective until the provision of the final (24-month) recidivism data for the study

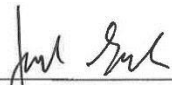
Drafted by Gallagher-9/8/15

population from Phoenix VTC. However, the confidentiality requirements related to these records shall continue beyond the terms of this agreement.

5.3 Either party may terminate this agreement at any time for any reason upon written notice to the other party.

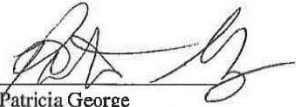
5.4 The terms of this agreement may not be amended except by written agreement of the parties.

5.5 This MOU shall be construed in accordance with the laws of the State of Arizona.



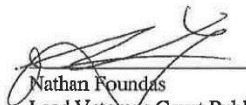
John Gallagher
Doctoral Candidate
School of Social Work
Arizona State University

12-3-15
Date



Patricia George
Assistant Bureau Chief
Lead Veterans Court Prosecutor
Community Prosecution Bureau
City of Phoenix Prosecutor's Office

12/2/15
Date



Nathan Foundas
Lead Veterans Court Public Defender
City of Phoenix Public Defender's Office

12/2/15
Date

Jose Ashford

Jose Ashford
Professor
School of Social Work
Arizona State University

12-3-15
Date

APPENDIX C

MEMORANDUM OF UNDERSTANDING, RMVTC

Memorandum of Understanding: RMVTC and John Gallagher

This Memorandum of Understanding (MOU) is between the Tucson City Court/Regional Municipalities Veterans Treatment Court (RMVTC) and John Gallagher as a doctoral student at the Arizona State University, School of Social Work.

Article I: Background:

- 1.1 Veterans treatment courts (VTC) are a new form of problem solving justice that use partnerships between court systems, the Department of Veterans Affairs (VA) and community entities to engage veterans in services to address the root causes of their involvement in the criminal justice system. The first VTC was established in 2008; there are now over 300 across the U.S. Despite the rapid growth, there has been limited research into VTCs. Research into how participants perceive VTCs and potential interactions between these perceptions, participant characteristics, and outcomes is essential. This study will increase our knowledge in these areas.
- 1.2 The RMVTC is a partnership between the Tucson City Court, the Southern Arizona Veterans Administration Health Care System, the James E. Rogers College of Law, other referring municipalities in Pima County (Marana, Oro Valley, Sahuarita, and South Tucson) and local non-profit agencies. Eligible veterans, members of the Guard or Reserves or active duty military with criminal charges may elect to enter the RMVTC. Individuals from the other four municipal courts have their cases transferred to the Tucson City Court in order to participate in the RMVTC.
- 1.3 Mr. Gallagher is a doctoral candidate in the School of Social Work at Arizona State University (ASU). His dissertation research will center on the interactions between procedural justice, social identity, legal legitimacy and compliance among participants in veterans treatment courts.
- 1.4 Mr. Gallagher's dissertation will have two related sources of data: 1) a survey completed by VTC participants who volunteer and 2) data maintained by the RMVTC for all RMVTC participants during a study period of approximately six months; the exact dates are to be established by the parties. The data sources will be reconciled by Mr. Gallagher.
- 1.5 Mr. Gallagher's research proposal must be approved by his dissertation committee as well as the Institutional Review Board (IRB) of ASU. The research will be overseen by Jose Ashford, PhD, the chair of his committee and Professor of Social Work at ASU.
- 1.6 Rule 123 of the Supreme Court of Arizona governs public access to judicial records. Section 1-606 of the Arizona Code of Judicial Administration provides additional guidance for providing "specialized access to case records or data that may exceed the access available to the general public by Rule 123" to "state ... governmental agencies and private organizations [serving a public purpose] such as ... research for scholarly or governmental purposes."
- 1.7 The RMVTC maintains three broad types of data on participants.
 - a. First, as a criminal court, it generates and collects publicly available data under Rule 123, including defendant name, date of birth, charge(s),

Memorandum of Understanding: RMVTC and John Gallagher

docket/calendar/appearance details, program completion, legal disposition, and recidivism data.

- b. Second, participants self-report social information (employment, military details, housing, education, etc.) directly to RMVTC staff during the screening process.
- c. Third, based on participant authorization, RMVTC receives Protected Health Information (under the Health Insurance Portability and Accountability Act of 1996) from treatment providers.

Article II. Survey Recruitment

- 2.1 Mr. Gallagher and research assistants (RAs) will conduct outreach at the Tucson City Court during RMVTC sessions to recruit volunteers for the survey.
- 2.2 Participation in the survey will be fully informed and voluntary for RMVTC participants. The manner of obtaining informed consent will be reviewed and approved by the ASU IRB.
- 2.3 Mr. Gallagher and RAs will not disrupt RMVTC proceedings.
- 2.4 The RAs will be trained and supervised by Mr. Gallagher and will complete all human subjects training required by the ASU IRB.

Article III. Record Access Agreement

- 3.1 The parties shall agree on beginning and ending dates to establish the study period. All defendants who are enrolled in the RMVTC during any portion of the study period will comprise the study population.
- 3.2 For individuals in the study population, the data provided by RMVTC to Mr. Gallagher will include that described in Sections 1.7(a-b) of this MOU. It will not include data described in Section 1.7(c) of this MOU or “sensitive data” as defined by Rule 123.
- 3.3 The parties shall agree on a schedule for the release of the data. It is understood that program completion, legal outcome, and recidivism data will not be available until at least two years after program completion of the last individual in the study population.
- 3.4 Only Mr. Gallagher and Dr. Ashford shall have access to the data provided by the RMVTC. The original data—with personal identifiers—will be stored on a university computer with password protection. A working file which substitutes a unique subject identification number for names and dates of birth will be created.
- 3.5 Mr. Gallagher may use the data in his doctoral dissertation as well as publications and presentation. However, this usage will only be in the aggregate and will be conducted in a manner to prevent the identification of any individual participant in the RMVTC.

Article IV. Terms required by Arizona Code of Judicial Administration Section 1-606

- 4.1 Recipient shall protect the records and data from unauthorized access and misuse.

Memorandum of Understanding: RMVTC and John Gallagher

- 4.2 Recipient shall ensure the security and confidentiality of any records or data provided by the custodian that are sealed or closed by Rule 123 or any other rule or law.
- 4.3 Recipient will not copy or re-disseminate any records or data closed by Rule 123 other than for the stated purposes.
- 4.4 Recipient will not use the records or data to sell a product or service to an individual or the general public.
- 4.5 Recipient will inform its employees of the requirements imposed by applicable federal and state laws, rules, and terms of the record access agreement.
- 4.6 If requested by the individual who is the subject of a record, recipient will cooperate in correcting any inaccurate or incomplete records provided by the custodian.
- 4.7 A recipient will consult with the custodian prior to releasing any records or data provided under the record access agreement in response to a public records request.
- 4.8 Prior to merging any records or data obtained from the custodian with other records or data concerning an individual or organization, recipient will ensure there is sufficient identifying information to reasonably conclude that the record or data concerns the same individual or organization.
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Article V—General Terms

- 5.1 This is a non-funding agreement. Mr. Gallagher is not required to compensate RMVTC for providing data or records and RMVTC is not required to compensate Mr. Gallagher for any of his work with the data. Additionally, nothing in this MOU obligates either party to commit funds or other resources in support of the project unless expressly stated in the agreement.
- 5.2 This MOU will become effective once fully executed by the parties and shall remain effective until the provision of the final (24-month) recidivism data for the study

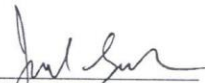
Memorandum of Understanding: RMVTC and John Gallagher

population from RMVTC. However, the confidentiality requirements related to these records shall continue beyond the terms of this agreement.

5.3 Either party may terminate this agreement at any time for any reason upon written notice to the other party.

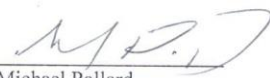
5.4 The terms of this agreement may not be amended except by written agreement of the parties.

5.5 This MOU shall be construed in accordance with the laws of the State of Arizona.



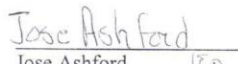
John Gallagher
Doctoral Candidate
School of Social Work
Arizona State University

12-3-15
Date



Michael Pollard
Judge
Tucson City Court

Dec 10, 15
Date



Jose Ashford
Professor
School of Social Work
Arizona State University

12-3-15
Date

APPENDIX D
CONSENT LETTER

I am a graduate student under the direction of Professor Jose Ashford in the School of Social Work at Arizona State University. For my dissertation, I am conducting a research study to learn about how participants of veterans courts feel about the courts, their status as veterans, and the legal system. The study will also look at program completion and future arrests.

I am inviting you to participate by completing a survey. It will take about 15 to 20 minutes. If you participate, you will need to provide your name and date of birth. This will allow us to compare your responses on the survey with data the court has in its system. It is important to know that the court will not know if you complete this survey and they will not receive your individual results. The researchers at ASU will match your responses with the court data.

In addition to the information you provide in the survey, we will receive the following regarding you from the Phoenix or Tucson/Regional Municipalities Veterans Treatment Court: gender, race, ethnicity, current criminal charge(s), military service information you share with them (branch, era, deployment), social information you share with them (employment, education, housing, marital status), dates you enter, attend and leave the Veterans Court and if you graduate or not. Approximately 2.5 years after you complete the program, the court will let us know if you were arrested again. It is important to note that we will never receive your protected healthcare records that the court may receive from the VA or other providers.

In order to participate you must be age 18 or older enrolled in either the Phoenix or Tucson/Regional Municipalities Veterans Treatment Court, and have attended at least two veterans court hearings. As compensation for your time, you will receive a \$10 gift card.

Your participation in this study is voluntary. You have the right not to answer any question, and to stop participation at any time. If you choose not to participate or to quit the study at any time, there will be no penalty. Your decision will not help or hurt your status in the court. Again, the court staff will not know if you participate or not or receive your answers.

Although there is no benefit to you as an individual, your participation will help us understand how veterans courts work and how veterans feel about them.

The researchers will make every attempt to protect your confidentiality. Information about you will be handled as confidentially as possible, but participating in research where you provide your name may involve a loss of privacy. The research team values your privacy and will take the steps below to safeguard your privacy.

- Initially, your data may be entered into and stored by Qualtrics. Qualtrics is a professional survey research corporation that uses encryption, password protection and other industry-standard protections for data. Only Mr. Gallagher

will have access to the Qualtrics data. At the end of the survey period (approximately 3 to 6 months), all data will be deleted from the Qualtrics system. For more information on Qualtrics privacy standards see:

<http://www.qualtrics.com/security-statement>

- If you complete your survey on a paper form, that document will be stored in a locked cabinet in the School of Social Work at Arizona State University. Only Mr. Gallagher and Dr. Ashford will have access. At the completion of the survey period (approximately 3 to 6 months), the data will be entered into a database and the paper file will be destroyed.
- Whether captured by Qualtrics or paper, your survey will be entered into a database that is stored on a computer or server. It will be protected by a password and only the research team from ASU will have access to the data file.
- Your name and date of birth will be replaced with a code. A list linking this code and your identifiable information will be kept separate from the research data. Only Mr. Gallagher and Dr. Ashford will have access to this list.
- The results of the study will be used in my dissertation and may be used in reports, presentations and publications. But, your name will not be used and the results will never be reported in a way that identifies you.

If you have any questions concerning the research study, please contact me at john.gallagher@asu.edu, 602-405-0421 or Dr. Ashford at jose.ashford@asu.edu, 602-496-0095. If you have any questions about your rights as a subject/participant in this research, or if you feel you have been placed at risk, you can contact the Chair of the Human Subjects Institutional Review Board, through the ASU Office of Research Integrity and Assurance, at (480) 965-6788.

By completing the survey, you are agreeing to be part of the study.

Sincerely,



John M. Gallagher, MSW
Doctoral Student
School of Social Work
Arizona State University
ASU IRB Study # 00003533

APPENDIX E
SURVEY

Name: _____

Date of birth:
 Month Day Year

Study ID (To be entered by ASU team): _____

Study ID (To be entered by ASU team): _____

Today's date: _____ _____ _____
 Month Day Year

Which Veterans Court do you participate in?

- _____ Phoenix
- _____ Tucson/Regional Municipalities

How many months have you been a participant in this Veterans Court?

_____ Months

How many appearances before the judge have you made in this Veterans Court?

What is your gender?

- _____ Male
- _____ Female

What is your race/ethnicity?

- _____ African-American
- _____ Asian/Pacific Islander
- _____ American Indian/Alaskan Native
- _____ Hispanic/Latino
- _____ White/Caucasian
- _____ Multiethnic or multiracial
- _____ Other: _____

Are you currently enrolled in a college or training program?

- _____ Yes
- _____ No

Which of the following best reflects your current employment status?

- Employed, full-time
- Employed, part-time
- Retired
- Disabled
- Unemployed

Which of the following best reflects your current housing status? (Select one)

- Homeless (emergency shelter or street)
- Transitional housing program
- Temporary arrangement with friends or family
- Private residence, in jeopardy
- Private residence, secure

During which period(s) did you serve? (Check all that apply.)

- September 2001 or later
- August 1990 to August 2001 (includes Persian Gulf War)
- May 1975 to July 1990
- Vietnam War Era (August 1964 to April 1975)
- February 1955 to July 1964
- Korean War (July 1950 to January 1955)
- January 1947 to June 1950
- World War II (December 1941 to December 1946)

Are you still a member of the active military, Guard or Reserves?

- Yes
- No

If you are no longer active duty or a member of the Guard or Reserves, how long ago was your final separation?

_____ Months _____ Years

What are your total years of military service (active duty, Guard and/or Reserves)?

_____ Years

Did you serve in a combat or war zone or receive hostile fire or imminent danger pay?

_____ Yes

_____ No

Were you personally exposed to combat-related situations (including, but not limited to, receiving fire, taking part in offensive activities, or exposure to dead or seriously wounded comrades, enemy combatants, or civilians)?

_____ Yes

_____ No

In your life, have you ever had any experience that was so frightening, horrible, or upsetting that, in the past month, you:

Have had nightmares about it or thought about it when you did not want to?	True	False
Tried hard not to think about it or went out of your way to avoid situations that reminded you of it?	True	False
Were constantly on guard, watchful, or easily startled?	True	False
Felt numb or detached from others, activities, or your surroundings?	True	False

During the time you have been in this Veterans Court, have you been diagnosed as having or treated for PTSD by a doctor or other mental health professional?

_____ Yes

_____ No

At what age were you first arrested (including juvenile)?

How many times have you been arrested (including juvenile arrests)?

Thinking about the judge, lawyers and other staff of the Veterans Court, please indicate how strongly you agree or disagree with the following statements.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
We have a lot in common as people.	1	2	3	4	5
We share values and concerns.	1	2	3	4	5
We share a common background.	1	2	3	4	5
The court has been fair to me.	1	2	3	4	5
The court has respected my rights.	1	2	3	4	5
People in the court have been polite to me.	1	2	3	4	5
I have had an opportunity to express my views in the court.	1	2	3	4	5
All sides have had a fair chance to bring out the facts in the court.	1	2	3	4	5
The court has taken account of what I said in deciding what should be done.	1	2	3	4	5
I have been treated with respect in the court.	1	2	3	4	5
I have had influence over the plan developed.	1	2	3	4	5
I have had enough control over the way things were run in court.	1	2	3	4	5
The court has taken time to learn about my military service.	1	2	3	4	5
The court has shown respect for my military service.	1	2	3	4	5
My service in the military has been considered by the court when making decisions about what should be done.	1	2	3	4	5

Did a lawyer, judge or other employee of the Veterans Court thank you for your military service?

_____ Yes

_____ No

If you were thanked, did it seem genuine?

_____ Yes

_____ No

If you were thanked, was it important to you?

_____ Yes

_____ No

Please indicate how strongly you agree or disagree with the following statements.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I have a lot in common with other veterans/members of the military.	1	2	3	4	5
I often think about the fact that I am a veteran/member of the military.	1	2	3	4	5
In general, I'm glad to be a veteran/member of the military.	1	2	3	4	5
I feel strong ties to other veterans/members of the military.	1	2	3	4	5
Overall, being a veteran/member of the military has very little to do with how I feel about myself.	1	2	3	4	5
I often regret that I am a veteran/member of the military.	1	2	3	4	5
I find it difficult to form a bond with other veterans/members of the military.	1	2	3	4	5
In general, being a veteran/member of the military is an important part of my self-image.	1	2	3	4	5
I don't feel good about being a veteran/member of the military.	1	2	3	4	5
I don't feel a sense of being "connected" with other veterans/members of the military.	1	2	3	4	5
The fact that I am a veteran/member of the military rarely enters my mind.	1	2	3	4	5
Generally, I feel good when I think about myself as a veteran/member of the military.	1	2	3	4	5

Please indicate how strongly you agree or disagree with the following statements.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
All laws should be strictly obeyed.	1	2	3	4	5
It is hard to break the law and keep your self-respect	1	2	3	4	5
People should do what the law says.	1	2	3	4	5
A person who disobeys laws is a danger to others in the community.	1	2	3	4	5
Obeying the law ultimately benefits everyone in the community.	1	2	3	4	5
Some laws are made to be broken	1	2	3	4	5
Sometimes doing the right thing means breaking the law	1	2	3	4	5
There are times when it is ok to ignore the law	1	2	3	4	5
Sometimes you have to bend the law for things to come out right.	1	2	3	4	5
You should support the decisions made by judges even when you disagree with them.	1	2	3	4	5
You should do what judges tell you even if you do not understand or agree with the reasons.	1	2	3	4	5
You should do what judges tell you even if you do not like how they treat you.	1	2	3	4	5
The courts in your community are legitimate authorities and you should obey them.	1	2	3	4	5
The law represents the values of the people in power, rather than the values of people like yourself.	1	2	3	4	5
People in power use the law to try to control people like you.	1	2	3	4	5
The law does not protect your interests.	1	2	3	4	5
The courts protect the interests of the rich and powerful above those of ordinary people.	1	2	3	4	5
The courts are unduly influenced by pressure from political parties and politicians	1	2	3	4	5
Judges take bribes	1	2	3	4	5
Judges put people in jail for no good reason.	1	2	3	4	5
Judges make decisions based upon their prejudices or personal opinions	1	2	3	4	5

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
When judges make decisions they almost always behave according to the law.	1	2	3	4	5
Your own feelings about right and wrong usually agree with the laws that are enforced by the police.	1	2	3	4	5
The laws in your community are consistent with your own intuitions about what is right and just.	1	2	3	4	5
The laws of our criminal justice system are generally consistent with the views of the people in your community.	1	2	3	4	5
The law represents the moral values of people like yourself.	1	2	3	4	5
Judges stand up for the values that are important to you.	1	2	3	4	5
Judges generally have the same sense of right and wrong that you do.	1	2	3	4	5

For the next 3 questions, please do not focus on how you have been treated by the Veterans Court. Instead, please think about how you feel about the original charge(s) and being in court in the first place.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I am responsible for the charge(s) that landed me in court.	1	2	3	4	5
It is reasonable that I have to go to court over the charge(s).	1	2	3	4	5
Other people would have been treated the same as I was for this charge(s).	1	2	3	4	5

APPENDIX F

ASU IRB STUDY APPROVAL LETTER



APPROVAL: EXPEDITED REVIEW

Jose Ashford
 Social Work, School of
 602/496-0095
 JOSE.ASHFORD@asu.edu

Dear Jose Ashford:

On 12/15/2015 the ASU IRB reviewed the following protocol:

Type of Review:	Initial Study
Title:	Procedural justice, veteran identity and legal legitimacy in veteran treatment courts
Investigator:	Jose Ashford
IRB ID:	STUDY00003533
Category of review:	(7)(b) Social science methods, (5) Data, documents, records, or specimens, (7)(a) Behavioral research
Funding:	None
Grant Title:	None
Grant ID:	None
Documents Reviewed:	<ul style="list-style-type: none"> • Phoenix Veterans Court Team-Signed.pdf, Category: Off-site authorizations (school permission, other IRB approvals, Tribal permission etc); • Recruitment-oral.pdf, Category: Recruitment Materials; • Gallagher-items and scales.pdf, Category: Measures (Survey questions/Interview questions /interview guides/focus group questions); • Recruitment-written.pdf, Category: Recruitment Materials; • Gallagher-dissertation-HRP-503a, Category: IRB Protocol; • Confidentiality statement.pdf, Category: Other (to reflect anything not captured above); • Gallagher-dissertation-consent.pdf, Category: Consent Form; • MOU - Tucson Regional Final 12-2015.pdf,

	Category: Off-site authorizations (school permission, other IRB approvals, Tribal permission etc);
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The IRB approved the protocol from 12/15/2015 to 12/14/2016 inclusive. Three weeks before 12/14/2016 you are to submit a completed Continuing Review application and required attachments to request continuing approval or closure.

If continuing review approval is not granted before the expiration date of 12/14/2016 approval of this protocol expires on that date. When consent is appropriate, you must use final, watermarked versions available under the "Documents" tab in ERA-IRB.

In conducting this protocol you are required to follow the requirements listed in the INVESTIGATOR MANUAL (HRP-103).

Sincerely,

IRB Administrator

cc: John Gallagher
John Gallagher