Since 2001, over 2.5 million veterans have served in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). For many of these soldiers, returning home and resuming civilian life has proven to be anything but a simple task—especially for those struggling with substance abuse and mental health problems. These often untreated and unknown consequences of combat, otherwise known as the “Invisible Wounds of War,” range from Post-Traumatic Stress Disorder (PTSD) to prescription drug addictions. In an effort to address the needs of these returning veterans and the communities these veterans are returning to, Veterans Treatment Courts (VTCs) were created to provide veterans who have come in contact with the criminal justice system the structure and supervision needed to ensure that they stay out of the justice system and receive treatment services that address their unique needs.

The Justice Programs Office at American University is committed to supporting the transformative work of problem solving courts like VTCs. In 2014, through funding provided by the Bureau of Justice Assistance, the Drug Court Technical Assistance Project (DCTAP) implemented a Veterans Treatment Court Initiative to provide focused technical assistance to Veterans Treatment Courts. Since then, the DCTAP has supported the development of VTCs by providing services that promote the use of evidence-based practices and address common issues faced by these courts.

Why are Veterans Treatment Courts Necessary?
The wars in Iraq and Afghanistan have taken a devastating toll on those who served in our nation’s Armed Forces, with nearly 7,000 fatal casualties and nearly 1,000,000 men and women reporting some type of non-fatal casualty as a result of OIF and OEF. The RAND Corporation estimates that approximately 300,000 military members in OIF and OEF currently suffer from PTSD or major depression, and approximately 320,000 military members from OIF and OEF experienced a probable Traumatic Brain Injury during deployment. Furthermore, according to Justice for Vets, a division of the National Association of Drug Court Professionals, one in six post-September 11 veterans struggles with substance abuse, while the number of veterans being treated for substance-use disorders and mental illness has increased 38% since 2004. Additionally, between 2002 and 2005, prescription drug abuse...
among U.S. military personnel doubled and continues to increase. These issues have also resulted in the highest military suicide rates in 10 years. The cumulative effect of extended absences, multiple deployments, Post-Traumatic Stress Disorder, and Traumatic Brain Injury not only affect the lives of these service members, but also affect the families and communities that these veterans are returning to. Given the unique qualities of the types of trauma that service members encounter as a result of their service, including Military Sexual Trauma and the cross-cultural transition encountered by veterans returning from service, there is a need to differentiate veteran-specific considerations through treatment.

Unfortunately, these unseen and often untreated consequences of war can lead to behavior resulting in incarceration. According to a Department of Justice Special Report, veterans account for approximately nine of every one hundred individuals in U.S. jails and prisons. Of these, an estimated 60% have a substance abuse problem, with 25% reportedly under the influence of drugs at the time of their offense. Research suggests that prevalence of substance use disorders and mental health conditions are among the major risk factors for the incarceration of veterans. These wide-ranging consequences call for a unique solution; a solution that provides fair adjudication as well as the treatment that our veterans deserve. Veterans Treatment Courts deliver the necessary, specialized services that can properly address the complex issues faced by justice-involved veterans, while also ensuring accountability for the participants in these courts.

**How do Veterans Treatment Courts Work?**

The first Veterans Treatment Court was founded by Judge Robert Russell in Buffalo, NY in 2008, after Judge Russell noticed a growing number of veterans in his Drug Court and Mental Health Court. Based on his observations and the recognition that more needed to be done to connect veterans to their benefits and treatment, Judge Russell developed a model that would better address the unique needs of justice-involved veterans. Following the implementation of the Buffalo Veterans Treatment Court in 2008, courts across the country developed treatment programs based on Judge Russell’s model. Today, more than 300 of these courts serve veterans in almost every state.

VTCs are structured as a hybrid drug and mental health treatment court. They follow the successful problem solving court model, while introducing innovative measures to address the specific needs of justice-involved veterans. Similar to other treatment courts, VTCs promote sobriety, recovery, and stability through coordinated, judicially supervised treatment and community-driven responses. However, VTCs are unique in that they incorporate mentor programs and coordinated treatment services through a variety of government organizations, including the U.S. Department of Veterans Affairs and the Veterans Benefits Administration. VTCs attempt to mirror the military culture that veterans are used to by providing a structured environment and promoting camaraderie among veterans as they complete the treatment court process.

**The Role of Veterans Justice Outreach Program**

Within the VTC model, the Department of Veterans Affairs’ Veterans Justice Outreach (VJO) program plays a vital role. The program is

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“Some people say, ‘Why are we treating them [Vets] differently. They’re criminals just like anybody else.’ And my answer is most of them entered the system, went into the military with no criminal record. There’s a lot of them that never had these issues until they came back from the war. They come out, they’re damaged. They have all sorts of issues they didn’t have before. We damaged them by sending them to defend us. We have this special extra obligation to really reach out and try to make their lives different.”

- Justice Evelyn Stratton (retired)
designed to link justice-involved veterans to treatment and other services offered through the Department of Veterans Affairs (VA), with an end goal of preventing veteran incarceration and homelessness. VJO specialists work one-on-one with veterans in the justice system, conducting clinical assessments and case management as well as coordinating referrals for VA and non-VA health care services. Specialists also provide education and training on veterans’ health issues and VA services to law enforcement, courts, and jails. Research suggests that VJOs are successful in linking justice-involved veterans to needed treatment. Ninety-seven percent of veterans who are seen by VJO Specialists access mental health treatment services, and 72% of veterans seen by a VJO Specialist access substance abuse treatment services.

Why VTCs Use Peer Mentors

One of the defining features of the Veterans Treatment Court is the incorporation of peer mentorship programs. The vision of these programs is that “no veteran is left behind.” Mentorships have proven essential for the success of VTC participants, as active and supportive relationships with mentors increase both the retention of veterans court participants and the likelihood of maintaining their sobriety and law-abiding behavior.

Mentors are active or retired service members who volunteer their time to support VTC participants. Often, participants are matched with mentors who have similar branches of service, combat experience, or occupational specialty. Mentors attend court-scheduled meetings and lead one-on-one mentoring sessions, while assisting participants in navigating the VA and in securing housing, employment, job training, education, and transportation. Mentors serve as resources, advocates, and allies to their fellow veterans, and guide and encourage their mentees throughout the court process.

Veterans Treatment Courts vs. Veterans Treatment Court Tracks

As VTCs have rapidly proliferated in recent years, courts have adapted them in different ways. The vast majority of programs follow the original VTC model, with nearly 75% developed as stand-alone programs. However, many programs have been developed as tracks or dockets within another type of problem-solving court.

The choice between implementing a stand-alone veterans court or a veterans track is often determined by the resources available and the number of veterans identified in the community. It can often be difficult to generate the funding and support needed to implement and sustain a new problem solving court; however, funding for VTCs and other treatment courts may be available through the Bureau of Justice Assistance’s Drug Court Discretionary Program.

Additionally, identifying justice-involved veterans has presented a challenge to many jurisdictions—an issue that is exacerbated by the lack of data collected on existing courts. In these cases, veterans court tracks are a low-level, cost-effective alternative, and are often used as a catalyst for later developing stand-alone programs.

What are the Benefits of VTCs?

While few longitudinal studies have collected data on the benefits of Veterans Treatment Courts, several smaller evaluations have been conducted by individual courts. The results of these evaluations are remarkable, as they show across-the-board reductions in recidivism rates for participants, significant cost benefits to both courts and taxpayers, and life-changing effects for the veterans and families involved.

Cutting Crime

Nationwide studies have shown that veterans courts are at least as effective—and potentially more effective—in reducing recidivism as other problem-solving courts. A study conducted in 2011 on the outcomes of veterans in VTCs found that for graduated participants, recidivism rates were under 2%. When compared to individuals processed through traditional courts, veterans court participants recidivate at significantly lower rates, and, similar to participants in other problem-solving courts, veterans in VTCs tend to stay in treatment longer than other voluntary clients.

Studies conducted on treatment courts have shown similar benefits; in its first three years, the Buffalo Treatment Court maintained a zero percent recidivism rate, and since 2011, has maintained a recidivism rate below 10%. In states like Pennsylvania, statewide recidivism rates for Veterans Treatment Courts have remained as low as 1%.
Cutting Costs

VTCs and other treatment courts save taxpayers hundreds of thousands of dollars that would have otherwise been spent on incarceration.³⁶ In general, diversionary programs cost less as they reduce the number of individuals entering prison and parole supervision programs.³⁷ VTCs in particular save money because of the ability to connect eligible participants to VA treatment services and resources.³⁸ This connection offsets costs that would have otherwise been incurred by local jurisdictions if participants were to be incarcerated and receive services through the traditional court system.

Saving Lives

Veterans Treatment Courts work to improve participants’ family relationships and social support connections, in addition to improving the overall stability of their lives. By addressing the key risk factors for veterans—substance abuse, mental illness, and homelessness, among others—Veterans Treatment Courts help justice-involved veterans reintegrate into their communities.

Evaluations of VTCs have shown substantial improvements in levels of employment, education, and housing, both during and after treatment. In a study conducted on Minnesota’s Fourth Judicial District Veterans Treatment Court, more than half of the participants maintained or increased their level of employment from entry to graduation.³⁹

Further, the VTC model has proven effective in helping veterans on the path to recovery. A study of participants of the Colorado Springs Veterans Treatment Court showed that over a period of 6 months, veterans improved in terms of mental health, substance abuse, and social reintegration, all of which were sustained at 12 months.⁴⁰

The Justice Programs Office, through the Drug Court Technical Assistance Project, has a number of resources available for Veterans Treatment Courts, including a new report: Veterans Treatment Courts: 2015 Survey Results, as well as webinars, fact sheets, and FAQs. These resources can be accessed on the Justice Programs Website: www.american.edu/justice. Additional information on VTCs can be accessed through Justice for Vets (www.justiceforvets.org), the National Drug Court Institute (www.NDCL.org), and the National Drug Court Resource Center (www.NDRC.org). For inquiries, please send emails to justice@american.edu or contact the Justice Programs Office at (202) 885-2875.

End Notes

⁷ Seamone, E. (2016). Attorneys, Judges, and Court personnel as “First Responders”: Strategies to Identify and Mitigate Trauma Among Veteran Participants with PTSD and Operational Stress Injuries in Veterans Treatment Court [PowerPoint Slides]. American University. BJA Drug Court Technical Assistance Project.
⁸ Ibid.
¹⁰ Ibid.
¹² Ibid.
An inventory of VA Involvement in Veterans Courts, dockets, and tracks.


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