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The Diffusion of Veterans Treatment Courts: An Examination of Political, Social, and Economic Determinants at the County Level

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The Diffusion of Veterans Treatment Courts: An
Examination of Political, Social, and Economic
Determinants at the County Level

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts in Political Science

by

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Abstract

In 2008, leading U.S. counties adopted innovative treatment courts specializing in the unique needs of veterans with substance abuse and other legal issues. Since then, pro-veteran advocacy has aided in the continued diffusion of additional veterans treatment courts (VTCs), with more than 300 county and state-level VTCs currently operating in 46 states across the country. Though the lens through which veterans are viewed may be positive in the public eye, institutional support for these wayward veterans appears to vary across levels of government; therefore, while some posit the increased social utility of budget-friendly VTCs, others suggest that VTCs offer favorable treatment unavailable to nonveterans. In light of these contending perspectives, this thesis employs time-series logit models to examine the county-level diffusion of VTCs utilizing integrated data ranging from 2004 to 2014. Counties that adopted VTCs were more likely to have a local military base, a local VA hospital, greater VA compensation expenditures per capita, and lower crime rates; additionally, they were likely to have a higher per capita income, a larger minority population, and a smaller veteran population than counties without a VTC. This thesis, providing general insight into the innovation and diffusion of county-level public policy and veterans policy, supports prior state-level VTC diffusion research findings of increased social utility, and contends a top-down trajectory of diminishing wayward veteran social construction across American institutions.

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Dedication

This paper is dedicated to Alpha Company 1-87 Infantry Battalion combat infantrymen Sargent Gary Underhill and Specialist Jeremiah Pulaski, as well as the (average of) 22 veterans lost per day to suicide.

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Introduction

The U.S. Army's initial study regarding the mental health of Operation Iraqi Freedom veterans found that about one in eight soldiers reported symptoms of post-traumatic stress disorder, and that less than half of those experiencing problems sought help (White et al. 2012). Anderson and Rees (2015) state that exposure to combat is often described by mental health experts as triggering, or indirectly leading to, acts of violent crime on returning home. Therefore, given the attribution of combat exposure as an indicator of unchecked mental and/or behavioral disorder, the onset of new military campaigns such as Operation Enduring Freedom and Operation Iraqi Freedom may foretell increased veteran crime rates. Anchorage, Alaska, hosting the highest per capita population of veterans (Murkowski 2011), established the first known VTC in 2004 with a mission to reduce the number of criminal cases involving veterans (Smith 2012). As of 2009, only one out of 34 veterans completing the Anchorage VTC program between July 2004 and July 2006 had been rearrested (Ruggeri 2009). Smith (2012) recognizes the spectrum of (individual) VTC policies and procedures across the country, and though many of these specialized courts follow a latter VTC model proposed by Judge Russell of Erie County, New York in 2009, the geographic boundaries of VTCs' jurisdictions also vary. Today, VTC jurisdictions include: municipalities, counties, (regional) judicial circuits, and an entire state.

Although Alaska's was the first VTC, the creation of the VTC in Erie County, New York was the first to draw national attention. In the midst of America's 21st century War on Terrorism, the Honorable Robert Russell in Buffalo, New York began to notice a surge in justice-involved U.S. military veterans. While presiding over his Drug Court and Mental Health Court dockets, Judge Russell found that many post-9/11 combat veterans were facing serious, often service-connected issues such as: alcohol and substance abuse, mental illness, homelessness,

unemployment, and strained personal relationships (Russell 2009). Building upon the tenets of problem-solving drug courts, Judge Russell established the nation's first official VTC in January 2008 with the assistance of the local veteran affairs medical center and volunteer veterans in the community. This innovative concept, in recognition of the unique service and sacrifice borne by veterans, unites resources critical to the successful rehabilitation of wayward veterans, including Department of Veterans Affairs (VA) veteran benefits, rehabilitative community-based programs, and the inspirational fraternity observed between members of the United States armed forces.

In lieu of their ability to reduce recidivism rates and the costs associated with traditional sentencing methods, these specialized problem-solving courts have spread rapidly throughout the country. According to the U.S. Department of Veterans Affairs, more than 350 VTCs are in operation across the United States (U.S. Department of Veterans Affairs 2017), with many more currently in development. Critics of the veterans treatment court collaborative approach suggest that such an exclusive problem-solving program amounts to a "get out of jail free" card for veterans; however, VTCs have proven to be rigorous and challenging programs, generating both economic and social returns on investment to their respective communities (Russell 2015). Judge Russell, addressing concerns raised by these specialized courts, poses the following question to proponents and skeptics alike: why create a treatment court specific to veterans, and why not work with these individuals within the established drug and mental health treatment courts (Russell 2009)? While the concern for potentially favorable treatment embodies a vigilant dedication to democratic principles, the proliferation of VTCs appears to be based on the ancient principle of *nemo resideo*: leave no one behind (Button & Schreckhise 2017).

The genealogy of *nemo resideo* as a precept of military and civic culture dates to the Spartans of Greece. According to the Greek biographer Plutarch (1931), Spartan women were said to hand deploying husbands and sons their shields, saying “either this or upon this”, suggesting the soldier either live by their shield or return home (dead or wounded) on it. A Spartan shield was more than a defensive armament, it was a symbol of pride for soldiers, it was a necessary component for Spartan battle tactics, and it represented Spartan culture and military doctrine; therefore, the shield was a battle implement for the common good of all soldiers, and thus for the entire Spartan community (Plutarch 1931). Due in part to the concept of a Spartan soldier being returned home on his shield, the cultural promise of no one left behind permeates time and space as an enduring tenet of civilization.

Contemporary U.S. military culture rigorously adheres to the ancient precedent of *nemo resideo*. The renowned Warrior Ethos is a core U.S. Army value, and is embraced by all branches of the armed forces as an inseparable pledge of duty to both country and comrade. *Nemo resideo* is found within a number of military ethos, creeds, and mottos, including: The Airman’s Creed, the motto of the Marine Corps’ Personnel Retrieval and Processing Company, the Air Force Pararescue Motto, the Coast Guard Rescue Swimmer Motto, and the Navy Air Rescue Swimmer Motto. Despite the lack of official policy of “no one left behind” in U.S. military doctrine, U.S. military battle readiness and esprit de corps are profoundly influenced by this promise forged in military culture.

Revered for its doctrinal adherence to *nemo resideo*, military culture does not hold a monopoly over the ancient concept. Several world-renowned service organizations embrace the principle in its contemporary civilian adaptation, such as: Human Rights Watch, No One Left Behind, the United Nations Office for the Coordination of Humanitarian Affairs, numerous

organizations like the Overseas Development Institute, UNICEF, and the Center for Global Development who have pledged to support the U.N.'s Sustainable Development Goals, and many more. While it is evident that civilian culture often embraces the principle of *nemo resideo* through service organizations, efforts are not isolated to assisting other civilians. Just as Spartan women did, many U.S. civilians engage in service-oriented industries that support military veterans, such as the VA.

Originally borrowed for the title of a VA report to the Congressional Committee on Veterans' Affairs, "To care for him who shall have borne the battle" was adopted as the VA's motto based on a passage from Abraham Lincoln second inaugural address (U.S. Department of Veterans Affairs 2017). The VA motto embodies the sacred promise to care for U.S. military veterans, completing the cycle of *nemo resideo* between soldiers and an indebted nation. As Lincoln explained, to bear the wounds of battle, both physical and mental, is a sacrifice worthy of not being left behind; therefore, the VTC concept is not designed to treat an exclusive faction of stakeholders better than others, but rather to fulfill a contemporary promise to those who have sacrificed so much.

Nemo resideo is evident in modern American culture, and while the promise to return soldiers home has endured and evolved (e.g. through new technologies), so too has the return on investment to their communities. Today's American polity continues to trend towards an increased penchant for streamlined program budgeting that preserves existing public services and entitlements with increased efficiency, a trend relevant at the national, state, and local-levels (McKean 1958; Wildavsky 1966; Bohn 1995; Bischoff & Blaeschke 2016). To achieve such goals, government institutions have adopted policy and program innovations projected to enhance fiscal efficiency. Often looking to innovation leaders for existing program models,

governments incorporate cost-benefit analyses when considering the cost-savings power of adoption. Therefore, the reciprocating returns on investment for civilian stakeholders (i.e. taxpayers) can be observed in the adoption of VTCs that promise increased cost-savings, increased public safety, and decreased rates of recidivism in exchange for the promise of leaving no soldier behind, even after soldiers reintegrate post-service.

This thesis examines the development of these VTCs across the country. It begins by briefly discussing the history of veterans' compensation benefits, the development of problem-solving courts, leading federal court rulings on veterans' benefits, and how each of these policy environments have converged to promote the proliferation of VTCs. Drawing from the literature on diffusion theory, its applicability to the antecedent drug court innovation, and the adoption of Judge Russell's veteran-specific treatment court innovation to rehabilitate local wayward veterans, the thesis then develops models that explain why some counties have developed VTCs and others have not.

A Genealogy of Veterans Treatment Courts

With origins dating back to ancient Greece, military and civic culture has honored the sacrifices of military servicemembers with the solemn promise of *nemo resideo*, and the combined promise from both cultures is evident in the VTC concept. Numerous communities in the U.S. have created and sustained these specialized courts, and many veterans have made the commitment to serve within VTC programs in a variety of roles (sometimes *pro bono*), such as: judges, counselors, veterans justice outreach specialists, mentors, and others. Spanning the origins of *nemo resideo* and the modern paradigm of VTCs is a rich history of culture embracing the care of military servicemembers; however, the focus herein will be the American cultural influence on the VTC concept.

A Brief History of Veterans Compensation Benefits

Though President Lincoln may have inspired the VA's motto, the American promise to its servicemembers dates as far back as the Revolutionary War. Revolutionary War soldiers serving through to the end were granted pensions, public land grants, and (severe) disability pay by the Continental Congress; however, only about 3,000 were able to receive a pension (U.S. Department of Veterans Affairs 2017). The intent of such benefits was to encourage enlistment, prevent desertions, and to further compensate maimed and severely disabled soldiers. The ratification of the U.S. Constitution brought about significant change for the bureaucratic management of veterans' compensation, placing the fiscal and administrative responsibilities on the Department of War's Bureau of Pensions. After its reassignment to the Department of the Interior, the Bureau of Pensions faced the unprecedented challenge brought about by a protracted Civil War. While new innovations in veteran benefits had already been approved prior to the

war, the scale and severity of the Civil War brought about a series of additional innovations in veterans' compensation benefits.

At the conclusion of the Civil War, the country had over 20 times the number of veterans it had prior to the war's advent. Furthermore, these figures do not account for Confederate veterans who were not awarded federal benefits until 1958. Recognizing the immediate need for veterans' compensation, Congress passed The General Pension Act of 1862 that extended both the quality of compensation benefits based on degree of disability and rank, and the range of benefactors that were eligible to receive federal compensation (U.S. Department of Veterans Affairs 2017). Following several years of continued growth, development, and realignment, the Bureau of Pensions received additional support through the Dependent Pension Act of 1890, which provided significant expansion of veterans' compensation benefits by broadening the scope of eligibility. Subsequently, the number of veterans enrolled in federal pensions doubled to nearly one million (U.S. Department of Veterans Affairs 2017).

Taking veterans compensation into the twentieth century, the Sherwood Act of 1912 reflected an era of progressive social reform in its expansion of pensions to all military veterans, regardless of being sick or disabled. Within that same decade, a series of new laws produced a number of benefit-expanding services, to include The War Risk Insurance Act of 1914 to insure veterans against loss of life, personal injury or capture by the enemy while on board American merchant ships, a 1917 amendment providing government subsidized life insurance, rehabilitation and vocational training for veterans with disabilities, and the eventual provision for vocational education to all honorably discharged veterans (U.S. Department of Veterans Affairs 2017). The United States' decision to enter into World War I played an integral role in the continued advancement and expansion of veteran compensation benefits. Such progress

continued in the interwar period, with the consolidation of veteran programs into three agencies and a period of legal reform initiated by Bureau of Pensions director Frank Hines, producing a 62% increase in compensation and pension expenditures (U.S. Department of Veterans Affairs 2017).

Prior to the onset of WWII, the recently-formed Veterans' Bureau experienced backlash from veterans who believed that their government was defaulting on its sacred promise. A direct result of the hard times faced during the Great Depression, the federal government began issuing promissory certificates to be paid out many years into the future, rather than making immediate payments. After thousands of veterans descended on Washington D.C. to protest the policies of the newly formed Veterans Administration, Congress began working on and eventually passing the GI Bill of Rights. Despite these difficult times, the passage of the GI Bill of Rights ensured that the 16 million veterans returning from WWII would receive a comprehensive benefits package for their dedication to service expenditures (U.S. Department of Veterans Affairs 2017).

A number of new laws were passed in the post-WWII era, generating compensation benefits programs that would greatly improve the comprehensiveness of VA services. The Veterans' Readjustment Assistance Act of 1952 added new employment and education benefits; furthermore, it added new policies that placed benefit-specific restrictions on eligibility, effectively streamlining the allocation of veterans' benefits (U.S. Department of Veterans Affairs 2017). Such streamlining policies became the precedent for future legislation and bureaucratic policymaking, whereby payments of benefits would be measured on a sliding scale according to the individual veteran's determined degree of need. Following the Vietnam War, several special eligibility programs were developed to provide ever-more inclusive compensation benefits to veterans in need. As battlefield wounds become increasingly more survivable, and as society

continues to progress through social and technological advancements, the responsibility of delivering a nation's commitment to veterans has demanded the pursuit of more expansive, more specialized, and more efficient compensation benefits programs; however, to achieve such goals, the judicial branch has joined with the legislative and executive branches to ensure a promise kept.

A Brief History of Problem-solving Courts

As predecessors to VTCs, drug courts offer a bridge between criminal justice reform and the provision of health services for justice-involved drug addicts, forging an alternative path away from mass incarceration. In return for its investment into these non-violent drug offenders, community stakeholders investing in such diversionary programs expect to realize such benefits as: lower rates of recidivism, increased public safety, reduced prison system operating costs, and a greater contribution to society from drug court participants (Eaglin 2016). As Lessenger and Roper (2007) elucidate, judges find it undesirable for repeat drug offenders to serve out their period of incarceration (often to an adverse and unstable environment) and soon find themselves once again in legal turmoil. The social utility of this downward spiral lacks in effectiveness and efficiency; however, while the feasibility of the drug court paradigm appears to support adoption, some trade-offs may be expected.

Eaglin (2016) suggests three distinct deficiencies of the drug court paradigm that may aggravate defects in the criminal justice system, and Lessenger and Roper contribute a set of roadblocks as well. First, Eaglin (2016) notes that drug court eligibility requirements are limiting to the degree that most offenders are excluded from participation, and thus from the opportunity to realize the benefits of diversionary programs. Eaglin's second observation is that, for the

remaining offenders not eligible for drug court, the reality of increased sentence lengths due to criminal justice reforms often takes a backseat to the narrative touting drug court successes.

Eaglin's third observation suggests that the drug court paradigm allows the state a greater scope of incursion and control into the private lives of citizens through the justice system, voluntary or not (Eaglin 2016). Finally, Lessenger and Roper (2007) weigh in, suggesting a set of institutional roadblocks, including: a loss of local autonomy from the acceptance of federal funds, the added responsibility placed on judges to act as social workers, the increased lethargy of the criminal justice system due to an increased case load, resistance from public servants to accept criminal justice innovations, and public perceptions of risk associated with drug addiction, the robust program requirements, and fairness. Despite such concerns, drug courts have generally been successful since their inception.

In 1989, Miami-Dade County opened the first drug court in an attempt to end the costly cycle of recidivism among drug offenders, and since then hundreds of new drug courts have emulated Miami-Dade's model, each utilizing their own court-level policies and techniques. Generally, all drug courts utilize the same method: identify addicted offenders, assess offenders for candidacy, refer qualifying drug offenders to treatment programs, maintain close supervision (including routine drug testing) through the process, and punish or reward program participants based on their performance (Lessenger & Roper 2007). In addition to these operational methods, drug courts are founded on seven principles: 1) retaining the participant in treatment through the pain of withdrawal; 2) helping the participant overcome fear, cravings, and shame; 3) providing modulated and immediate sanctions; 4) discerning between behavior and addiction symptoms; 5) providing a system of rewards; 6) Understanding that whether an act constitutes a punishment or a reward depends on the perception of the recipient; 7) Dismissing charges as a reward

(Lessenger & Roper 2007). Due to the challenges participants face throughout the process, judges and program administrators often rely on coercion to encourage retention to increase the likelihood of successful program completion and recovery.

After twelve years of drug court innovation and adoption, the Department of Justice initiated a set of federal sentencing reforms designed to quantify the economic and logistical status quo, reduce prison populations, and to provide cost-saving policy alternatives. This Justice Reinvestment Initiative (JRI), instituted a series of strategic reforms over the following decade, aided by the 2010 Omnibus Consolidated Appropriations Act that provided additional support and funding from Congress (Eaglin 2016). Eaglin (2016) further explains that, while each state receives its own customized assessment of the dynamics driving its prison population growth, JRI generally extends a number of standard recommendations, including: the adoption of evidence-base policies and practices, the use of risk and needs assessments, problem-solving courts, graduated sanctions, and program monitoring to measure effectiveness. As a result of its strategic reforms, JRI successfully contributed to reduced rates of prison population growth in over half of all U.S. states through 2014; additionally, JRI has diffused down to state-level governments, with eighteen states implementing their own JRI-style legislation at the time of Eaglin's article. In summary, JRI has further demonstrated the effectiveness of the drug court model through strategic reforms targeting returns on investment such as recidivism and program expenditures.

Despite drug court innovations and the ensuing reform efforts, social and political concerns within the problem-solving court system remained. At a time when politicians were ramping up their narrative of a tougher stance on crime, federal, state, and local government institutions continued to adopt and implement reform-based drug courts and other problem-solving criminal

justice programs (Eaglin 2016; Tiger 2011). While the political rhetoric in Washington D.C. raged, local communities drove the criminal justice reforms that shifted focus to the individual offender, encouraging accountability, performance-based rewards, and new perspectives on what constitutes a successful outcome for both the offender and the local community. Eaglin (2016) illuminates the evolving political discourse on criminal justice reform, once focused on a position of being “tough on crime” and shifting towards policies that capitalize on the utility of being “smart on crime.” While drug courts have demonstrated an ability to reduce recidivism, reduce criminal justice expenditures, and provide improved outcomes for offenders and their communities, the problem-solving court paradigm would soon adopt specialized VTCs in the wake of Supreme Court rulings expanding the legal rights of veterans.

A History of Supreme Court Rulings on Veterans Benefits

In response to the diffusion of the drug court innovative, efforts to expand individual legal rights and the degree to which a person may exercise their proposed rights within this new legal frontier found renewed salience. At the same time, veterans were fighting for the expansion of their own service-connected benefits, and as is often the case, such efforts experienced institutional pushback (Ridgeway 2012). Despite this pushback, a number of cases challenging the limitations of existing and newly implemented veterans’ benefits programs found their way to the Supreme Court (Gugliuzza 2011). Among these cases are a select few that answered pivotal questions regarding Constitutional rights within an emerging focus of the criminal justice system, providing one of the final key ingredients necessary to concoct the VTC concept (Gugliuzza 2011).

Opening the door for a new era of veterans' law within the federal circuit, the Judicial Review Act of 1988 put an end to the VA's entitlement to benefits decision-making process. Allen (2011) referred to as an era of "splendid isolation". Prior to the Judicial Review Act, the U.S. Veterans Administration held the predominance of power over determinations regarding veterans' benefit claims; however, the new law created the U.S. Court of Appeals for Veterans Claims (CAVC), extending the precedent of judicial review established by *Marbury v. Madison* (1803)¹ (Allen 2011). Prior to the Judicial Review Act, the Supreme Court decision handed down from *Mathews v. Eldridge* (1976)² was hailed as the "most important contemporary doctrinal development in procedural due process", as it ruled government actions (e.g. the termination of social security benefits) would not require a prior hearing on the bases of the utility of the hearing relative to its cost (Serota & Singer 2011). As a result, the *Mathews* balancing test was created, which measures the adequacy of a procedure according to the impact on a claimant, the government, and the public. More specifically, to determine if a certain procedure complies with the Due Process Clause, a judge must take into account each of the following factors: the private interest affected by government action, the risk of an erroneous deprivation of such private interest, and the government's interest as it pertains to fiscal and administrative burdens (Serota & Singer 2011).

Having established the constitutional legality of due process and judicial review within veterans' law, the stage was then set for a new era of jurisprudence reining in the regulations governing veterans' benefits rights. In some instances, the Supreme Court would rule in favor of veterans by expanding their rights, and sometimes it would rule in favor of the Government's

¹ 5 U.S. 137 (1803)

² 424 U.S. 319 (1976).

interests by limiting the scope of veterans' rights. First, *Shinseki v. Sanders* (2009)³ relaxed the burden on the VA in determinations of error that might be ruled as prejudicial, thus reversing the appeal in favor of the veteran. The decision emphasized a "case-specific application of judgement"; subsequently, the United States Supreme Court in the case *Henderson v. Shinseki* (2011)⁴ reversed a U.S. Court of Appeals for Federal Circuit Court ruling that a statutory 120-day deadline for filing a notice of appeal to the VTC was a jurisdictional deadline (Gugliuzza 2011). In an opinion presented by Justice Alito, The Court determined that Congress did not intend jurisdictional consequences regarding an appeal deadline, citing the pro-veteran, informal, and non-adversarial nature of the veterans' benefits system (Gugliuzza 2011). Gugliuzza, citing the recentness of these cases, speculated that The Supreme Court may be taking an increased interest in veterans' law, and that the increased veterans' demands placed on the benefits system may warrant the added interest.

Further extending the rights of veterans who apply for benefits, the U.S. Court of Appeals for the Federal Circuit in *Cushman v. Shinseki* (2009)⁵ ruled that applicants for VA benefits had a constitutionally protected property interest, which entitled applicants to procedural protections under the Fifth Amendment. This decision was reached based on the interpretation that veteran entitlement benefits are "nondiscretionary", and "statutorily mandated"; subsequently, the nature of the ruling was pivotal to the protection of the Due Process Clause (Allen 2011). Finally, after a sequence of victories for the protection of veteran benefit claims, *Gambill v. Shinseki* (2009)⁶ addressed the question of a veteran's available due process resources when challenging the written medical opinions of the VA Medical Board. The decision limited federal court

³ 556 U.S. 396 (2009)

⁴ 562 U.S. 428 (2011)

⁵ 576 F.3d 1290 (2009)

⁶ 576 F.3d 1307 (2009)

jurisdiction to constitutional issues, suggesting that “the most effective way of countering a questionable opinion is to offer a contrary opinion with more support in the medical literature of from other medical experts” (*Gambill v. Shinseki* 2009). Since *Gambill*, The Federal Circuit has reaffirmed the constitutional limitations in both the *Wanless v. Shineski* (2010)⁷ decision and the *D’Auria v. McDonald* (2015) dismissed appeal, noting the Federal Courts’ lack of jurisdiction to “review a challenge to (A) a factual determination, or (B) a challenge to a law or regulation as applied to the facts of a particular case (*Wanless v. Shineski* 2010).

These cases, in their determinations of the extent to which due process applies to veteran benefits claims, profoundly impact veteran access to VTC programs that often determine program eligibility according to VA compensation and benefits eligibility. Finally, the pivotal Supreme Court case of *Porter v. McCollum* (2009)⁸ supplied what might be labeled at the keystone for the proliferation of VTCs. As Jones (2013) explains, the *per curiam* decision of the Supreme Court elevated the significance of combat exposure to sentencing determinations in death penalty cases, requiring the inclusion of military service records as evidence for consideration. The consideration of military service, when deciding on a departure from sentencing guidelines, is designed to incorporate a more complete profile of offender characteristics and any unusual degree of deviation from typical cases encompassed by the sentencing guidelines (Jones 2013). By choosing not to produce such evidence, according to the Supreme Court, the defense attorney would be deemed to have violated the client’s 6th Amendment right to effective legal counsel. Therefore, *Porter v. McCollum* laid the groundwork for the expansion of military service record evidence into criminal cases other than those involving a potential death sentence for the defendant.

⁷ 618 F.3d 1333 (2010)

⁸ 558 U.S. 30 (2009)

Making the Connection: The Veterans Treatment Court Concept

The veterans treatment courts concept was created from the combination of government actions expanding, regulating, and modernizing veteran benefit programs through contemporary interpretations of Constitutional law, and the work of public policy entrepreneurs such as Judge Russell. In his 2009 article “Veterans Treatment Court: A Proactive Approach”, Judge Russell provides the blueprint for his pioneering problem-solving court model. Reinforced by the rise of post-9/11 veteran populations and their coinciding increase in criminal justice system involvement, Russell (2009) echoes the timeless burden of those who have borne the battle, citing a litany of issues and problems facing modern-day veterans, including: substance abuse, homelessness, strained relationships, unemployment, and (general) mental health. These issues and problems, which can vary greatly based upon individual circumstance, are not necessarily mutually exclusive of one another. Furthermore, it could be argued that, if left untreated due to barriers such as pride, stigmatization, or socioeconomic status, problems experienced by veterans may likely be compounded.

To support his framework of the most commonly reported veteran issues and problems, Russell laments the burgeoning trend of justice-involved veterans, both through his own observations as a judge and through national crime statistics. Therefore, with the alarming growth of justice-involved veterans defined, and the most likely determinants enumerated, Russell presents the question of “Why a Veterans Treatment Court?” His answer: specialized drug and mental health treatment courts already exist, so why not implement a program of tailored justice and care for a unique segment of the population that may not respond favorably to traditional (and costly) community service (Russell 2009)? Having set the stage for problem-solving courts designed to leverage modernized veterans’ rights to benefit services, Russell sets

forth the 10 key components of the VTC model. These ten key components are a modification of the essential tenets of the 10 key components described in the U.S. Department of Justice publication entitled *Defining Drug Courts: The Key Components* (Russell 2009). Table 1 enumerates these 10 key components.

Table 1

10 Key Components of the Veterans Treatment Court Model

Key Component #1	Veterans Treatment Court integrates alcohol, drug treatment, and mental health services with justice system case processing
Key Component #2	Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights
Key Component #3	Eligible participants are identified early and promptly placed in the Veterans Treatment Court program
Key Component #4	The Veterans Treatment Court provides access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services
Key Component #5	Abstinence is monitored by frequent alcohol and other drug testing
Key Component #6	A coordinated strategy governs Veterans Treatment Court responses to participants' compliance
Key Component #7	Ongoing judicial interaction with each veteran is essential
Key Component #8	Monitoring and evaluation measures the achievement of program goals and gauges effectiveness
Key Component #9	Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operation
Key Component #10	Forging partnerships among the Veterans Treatment Court, the VA, public agencies, and community-based organizations generates local support and enhances the Veterans Treatment Court's effectiveness

As stated within the key components of its model, the VTC model is an evolution in the drug court paradigm, facilitated by the expansion of veterans' benefit services and Constitutional rights addressing the modernization of veterans' law. However, while VTCs have proliferated since Judge Russell's Buffalo court, the VTC concept demonstrates the capacity to capitalize on available opportunities for increased inclusivity and diversification of services. As Cartwright (2011) explains, there is an opportunity to expand the capacity for judges in jurisdictions outside

of the existing VTC network to consider a defendant's military service and subsequent placement into problem-solving treatment programs. While a number of other opportunities exist, the evolution of the VTC concept is reliant upon the ardent pursuit of program goals by its many stakeholders, to ensure the healthy and safe reintegration of military veterans into their communities through a proactive problem-solving approach that benefits veterans, their communities, and all other stakeholders.

Literature Review

Fulfilling such a promise to U.S. veterans requires both legal and cultural paradigms spanning multiple policy arenas within a federated system of government. Veteran treatment court innovation has been adopted through multiple streams such as: a local court's creation of a new docket, state-level legislation, a commission of local and/or state policy elites, and through partnerships with key stakeholder such as the VA. Presently, 46 states have at least one VTC in operation, with more than 350 courts in operation nationwide and no known cases in which an existing VTC has suspended operations. These figures provide a substantial pool of host states and localities when considering the determinants of adoption across time. An exploration of prior research, often analyzing the economic and social utility of VTCs (and other alternative courts) via cost-benefit analyses, will lend perspective to the selection of independent variables employed in this study. Therefore, building on prior research examining the political, economic, and social determinants of VTC successes through individual case studies or regional effects, this study of VTC diffusion utilizes a near-nationwide dataset of county-level variables.

Diffusion of Innovation

Walker (1969) defines innovation as a program or policy which is new to the government adopting it. Though Walker's article addresses innovation in the context of states, the definition is applicable at the county level. Berry and Berry (2014) refer generically to government entities as jurisdictions. Given the phenomenon of innovation, Berry and Berry (1990) ask "what causes government to adopt a new program or policy?" Berry and Berry posit two answers to this question. First, a model of internal determinants argues that factors leading a jurisdiction to innovate are political, economic, and social characteristics internal to that jurisdiction (Berry &

Berry 1990). Second, regional diffusion argues that a jurisdiction emulates its neighbors when confronted with policy problems (Berry & Berry 1990), which may occur through mechanisms such as: learning, imitation, normative pressure, competition, and coercion (Berry & Berry 2014). Though a jurisdictional condition has the potential applicability as both an internal determinant and regional diffusion effect, Berry and Berry note that prior research has often held these two explanations separate, even when both are included in research.

Existing diffusion of innovation literature posits the influence of regional diffusion on the adoption of innovation (i.e. veterans treatment courts), including: the diffusion of other public policy innovations (Gray 1973; Savage 1978; Mooney 2001), federal government involvement (Welch and Thompson 1980; Allen et al. 2004; Karch 2006), influence from interest groups (Allen 2005; Garrett and Jansa 2015), and judicial intervention (Canon and Baum 1981; Shah 2014). In contrast, internal determinants of VTC diffusion may include such measures as the jurisdiction's veteran population per capita, measures of partisanship (i.e. election results), the presence of public or private facilities, or others. Furthermore, research has explored the diffusion of innovations at the local-level (Crain 1966; Bingham 1977; Walker et al. 2011), with studies of drug court diffusion focusing on topics such as civil rights law (Johnson 2016) and strategies to combat methamphetamine usage within high-risk localities (Huddleston 2005). Diffusion analyses by Berry and Berry (1990) and Mintrom (1997) have utilized a proportional measure of boundaries within their models, applicable to county-level diffusion research.

Alternative Courts: The Antecedent Innovation

At their core, VTCs are a type of alternative court, evidenced by Judge Russell's 10 key VTC components that were derived from existing drug court models. Generally, alternative

courts aim to rehabilitate qualifying offenders, diverting them from traditional, cost-prohibitive correction measures such as incarceration (National Drug Court Institute 1999; Nolan 2002; Lessenger & Roper 2007). As well, alternative courts have demonstrated the capacity to generate a greater net social benefit through second chance opportunities for offenders at a reduced cost to stakeholders such as the respective communities, taxpayers, and the state. Due to its successes, interest in the diffusion of drug court innovations has arisen to help identify the political, economic, and social determinants of adoption (Terry 1999; Douglas et al. 2015). Holding as a salient topic in political discourse, alternative courts have remained a staple of the American judicial institution since Miami pioneered the first drug court in 1989 (Tauber and Huddleston 1999, Wenzel et al. 2001, Eaglin 2016). Research such as that of Terry, Douglas et al., and Nolan has examined the qualitative influence of socioeconomic determinants of alternative court adoption via case studies. However, the availability of county-level data quantifying institutional criminal justice attributes such as prison capacity rates and local crime rates supports additional opportunities for study, including time-series analysis.

Existing literature on alternative courts is expansive. Research has outlined the framework and strategies behind the establishment of successful treatment courts (Fulkerson et al. 2013), estimated the returns on investment for communities linked to alternative court outcomes (Logan et al. 2004; Burrus et al. 2011), and analyzed measures of recidivism, effectiveness, and quality within the drug court model (Goldkamp et al. 2001; Koetzle-Shaffer 2011). Additional strategies, beyond the implementation stages of adoption, posit budgetary and political strategies for sustainable court operations (Douglas & Hartley 2004). Rounding out the drug court literature, research has utilized predictive analyses to posit successful graduation rates of these problem-solving courts (Gill 2016; Mattson et al. 2012; Schiff & Terry 1997), and estimated the overall fit

of alternate treatment courts in the American criminal justice system and their respective communities (Nolan 2002). Burrus et al., in their analyses of program costs, avoided costs, and post-treatment economic and behavioral benefits for program graduates, demonstrate the viability of a county's economic position when considering VTC adoption. These considerations are aided by a veteran's eligibility for VA benefit services, as well as the proximity of VA hospitals capable of providing such services.

Veterans in Society

Making the connection between alternative courts and VTCs first requires an exploration of literature regarding the treatment of U.S. military veterans. Veteran policy, most notably the treatment of veterans, has seen a significant increase in its salience within American political discourse due to the recent VA wait-time crisis (Kizer & Jha 2014). Perceptions of veterans are essential to the adoption of effective policy innovations, and their diffusion. These perceptions originate from veterans themselves (Hepner et al. 2014), and from the civilian populace (Sayer et al. 2011; Osborne 2014; Adler et al. 2015; Schreger and Kimle 2016). Subsequently, comparisons of veteran and civilian perceptions (Teclaw et al. 2016) have joined the discussion. These perceptions, formed in part by the social construction (Schneider & Ingram, 1993) of veterans, have historically afforded the group a number of compensation benefits, embodying the fundamental principle of *nemo resideo*. Such compensation and benefits (depending on eligibility) are exemplified by The Servicemen's Readjustment Act of 1944, also known as the G.I. Bill (Simon et al. 2010; Patterson 2011). Generally, veteran status as a social construction equates to a high-powered, positively advantaged classification. Since VTCs are designed as problem-solving courts for wayward veterans, measures of local political support, such as elections, may be indicative of varied perceptions within the populace.

Dating back to the provision of pensions and land for Revolutionary War veterans (Department of Veterans Affairs 2017), compensation benefits for qualifying veterans have evolved (Fox Jr. 2004; Mall 2013) to include service-connected disabilities (Sayer et al. 2004; Hynes et al. 2007; Singleton 2009, Maynard et al. 2010; Belsher et al. 2012). The addition of due process (Riley 2010; Allen 2011; Serota and Singer 2011), via the United States Court of Appeals for Veterans Claims, ensures that veterans are provided the full measure of disability benefits they have earned. Finally, fair and impartial justice for veterans (and taxpayers in kind) is embodied in the application of judicial review (Eaton et al. 2010; Gugliuzza 2011; Ridgeway 2013; Moshiashwilli 2015) to veteran-specific legal matters. Measuring county-level VA compensation and pension expenditures is supported by the expansion of veterans' compensation and benefits rights through the federal court system, typically granting eligible veteran offenders access VTC services.

Veterans Treatment Courts: Putting it All Together

If the tenets of the VTC mission include *nemo resideo* and a correlating return on investment for state budgets, a comprehensive framework of judicial intervention is essential to addressing the many (and complex) issues faced by justice-involved veterans. With a chronicle of precedents dating back to Judge Russell's innovative court, literature recounting the foundations of VTCs (Wall 2014; Russell 2015; Frederick 2014) exemplifies the crucible in which continuing research and development is forged (Button & Schreckhise 2017). Similar to veterans seeking compensation benefits, justice-involved veterans have their own needs, both in navigating the criminal justice system, and in mitigating the service-connected conditions that may have led them there. As observed by Judge Russell, conditions such as trauma (Walls 2010; Cavanaugh 2010; McCormick-Goodhart 2012; Slattery et al. 2013; Knudsen and Wingefeld

2016), have (in part) been linked to increasing trends of justice-involved veterans. Localities with proportionally higher veteran populations may find greater utility in early adoption of the VTCs problem-solving approach.

Just as drug courts have done for civilians, VTCs have sought out alternative treatment methods to mitigate the increased trend in justice-involve veterans (Smee et al. 2013; Smelson et al. 2015; Albertson et al. 2015). County-level success of VTCs (Gales 2012) highlight the efficacy of well-executed methods, which may garner increased attention from local policymakers, and for continued proliferation nationwide (Russell 2009; Cartwright 2011; Baldwin 2014). In lieu of the given social construction of veterans, advocacy both for and against specialized treatment courts for justice-involved veterans can be expected (Button & Schreckhise 2017). However, the Supreme Court specifically addressed concerns of favorable sentencing for veterans in *Porter v. McCollum* (2009). The *Porter* decision holds that presenting a veteran's military service record in court, as mitigating evidence applied to the sentencing phase, is a requirement of adequate representation within the domain of due process set forth in the 14th Amendment. Salient to the VTC process, the precedent established in *Porter* relegates advocacy against VTCs to either the degree in which they are advocated for, or to a general disagreement with the Supreme Court's interpretation of the 6th (right to effective counsel) and 14th Amendments (Jones 2013; Lee 2013).

While much is known about VTCs, the proliferation, relative success, and ongoing evolution of VTCs provides opportunities for further study, including this study's quantitative approach to potential determinants of the diffusion of the VTC innovation. As new VTC dockets are adopted, continued study of these courts' economic and social returns on investment, in addition to local political considerations, could provide more robust evidence of conditions

significantly contributing to the assessment of net social benefits. Therefore, advancing the knowledge of determinants significant to the diffusion of VTCs at the county level may aid in illuminating the social utility of communities in which these specialized courts reside. This study seeks to further illuminate the county-level political, social, and economic conditions favorable to the adoption of new VTCs. This new approach, applying statistical analysis methodology to a near-nationwide dataset of county-level variables, offers a uniquely expansive examination of the VTC concept's diffusion of innovation at the local-level.

Data and Variables

Data

The unit of analysis for this study is the individual county for a given calendar year for each year from 2004 to 2014. The District of Columbia, U.S. territories, and all 41 independent cities are not included within this study. Data for each county-year were collected from all 50 states; however, as it pertains to this research, a number of considerations should be noted. First, while some states publish and maintain comprehensive lists of active VTCs and their respective start-years, not all states do; therefore, the dataset for this research may include partial data for some states. Secondly, a handful of islands throughout the U.S. are counties unto themselves, which may impact the determinants of diffusion in ways not found among counties sharing physical borders. Furthermore, the geographic isolation of Hawaii and Alaska removed these two states from the analysis. Third, because time-series analyses do not incorporate missing data, a multiple imputation technique via Amelia's bootstrapping-based algorithms was utilized. This technique "fills in data in such a way as to not change any relationships in the data but which enables the inclusion of all the observed data in the partially missing rows" (Honaker et al. 2017). This technique allowing for a strongly balanced dataset when conducting time-series logit regression, and avoids the use of listwise deletion methods common to analytic software. Fourth, the unique characteristics of Virginia and Alaska's county equivalents removed Virginia from the analysis and further supports Alaska's removal. Finally, three individual counties were excluded from consideration due to inconsistencies among the utilized datasets⁹. The total N for Model 1 equals 32,670 county-years (2,970 counties per year). For comparison, Model 2 incorporates Virginia and has a total N of 33,715 county-years (3,065 counties per year).

⁹ Excluded counties: Broomfield, Colorado; Henderson, Nevada; Shannon, South Dakota

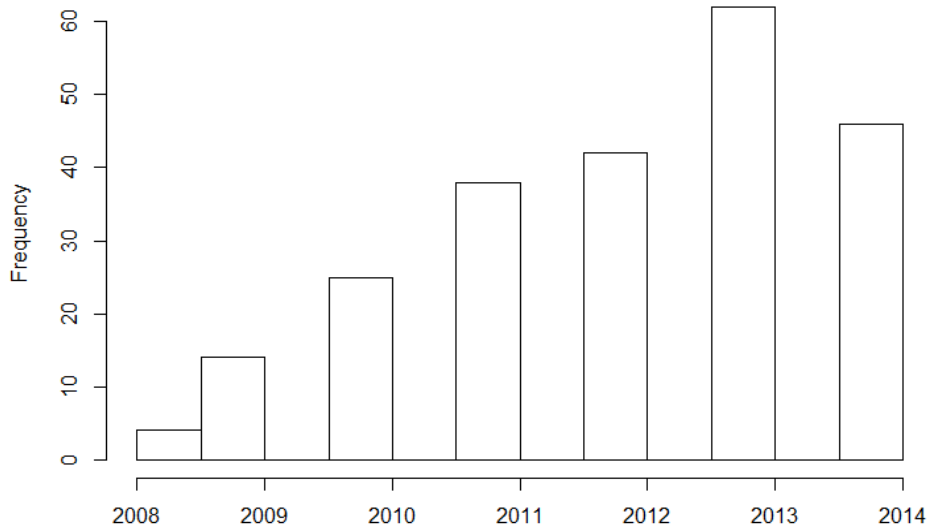
Dependent Variable

A dichotomous dependent variable was utilized in which counties not falling within the jurisdiction of an operating VTC were assigned a value of “0”. For every county falling under the jurisdiction of a qualifying VTC, a value of “1” was assigned beginning with year in which that VTC began operations and remaining at “1” for each successive year the court was operational. This binary dependent variable is ideal for logistic regression, which hypothesizes that the logit (the natural log of the odds of success) is linearly related to the predictors (Chatterjee & Simonoff 2013). The logistic regression model parameters provide the basis for clinically meaningful estimates of effect, to include a dependent variable not normally distributed (Hosmer et al. 2013). Parameters are estimated using maximum log-likelihood, which implies that the resultant estimated probabilities of success are the maximum likelihood estimates of the conditional probabilities of success given the observed values of the predictors (Simonoff 2017). For this study, the event of interest is adoption of the VTC innovation by a given county. Data for the dependent variable were derived by the author from several sources, as there is no (known) existing repository that comprehensively maintains this information. Figure 1 displays a histogram of the dependent variable by year of county VTC adoption, ranging from 2008 to 2014.

Previous data collection initiatives, such as the American University (2016) study, have been conducted by the VA and other organizations to compile information regarding each VTCs’ year of commencement. Those studies have produced significant breakthroughs in the consolidation of data regarding the characteristics of scores of VTCs; however, these data supplemented this thesis’s primary data collection method. State and local court coordinators were the primary source of data collection for this thesis. These court coordinators perform a

number of critical functions in support of their courts, and graciously provided the requested data so vital to this research. Communication with the court coordinators was primarily conducted via direct email and telephone. In some cases, communication was achieved through the court’s website, via an online email-based form submission to the assigned account manager (i.e. Utah and Arizona). The format in which the requested data were delivered include: Excel spreadsheets, Microsoft Word documents, portable document files (PDFs), and direct responses to the email inquiry. An additional method of data collection included an online search of documents and articles from government and reputable publishers, which were utilized so long as the document provided specific reference to the county/counties in which the court served and the year in which it began operations. Mention of a specific court circuit, VTC region, or otherwise was not deemed to be sufficient information, as these territories may be malleable across time.

Figure 1
Histogram of Adoption of County VTCs by Year



As mentioned, VTC jurisdictions vary greatly, operating at all levels of government and embodying the core U.S. principle of federalism. Table 2 displays the composition of VTC jurisdictions at the time of the Department of Veterans Affairs’ (2017) Veterans Court Inventory 2014 Fact Sheet Update. These regional and statewide jurisdictions are typically drawn along county lines. As such, once a county, regional, or statewide VTC was found to have commenced operations in a given year, all counties falling within the jurisdictional territory of that VTC were assigned a value of “1” for this research.

Table 2
Proportion of VTC Jurisdictions

Court Jurisdiction (N = 349)	
County	54.2%
City	8.3%
Mixed city/county	23.2%
Regional	8.6%
Statewide	4.3%
Federal	1.4%

The selection and operationalization of the dependent variable serves a set of functions. First, a binary dependent variable is appropriate for the estimation of logit models. Secondly, it accounts for the various jurisdictions and levels of government in which VTCs operate. Lastly, the authorization and implementation of a new VTC is dependent upon state and local polities, with the state legislature, the governor, existing courts, criminal justice commissions and/or committees, and others all as potential stakeholders. Just as the composition of authorizing collaborations vary, so too does the documentation that chronicles the authorization and implementation of a new VTC. Examples include the state of Illinois’ Veterans and Servicemembers Court Treatment Act that authorized VTCs before any VTCs began operations,

and North Carolina's Governors Crime Commission tasked with investigating, planning, and implementing the VTC innovation. Regardless of its pedigree, the year in which a court began operations was recorded for each county it reported to serve.

Independent Variables

Employed in this study's analyses are a number of political, economic, and social variables. First, the **Border_VTC** variable was constructed utilizing a regional diffusion model (F. Berry & W. Berry 1990; Mintrom 1997) that measures the proportion of border counties falling under the jurisdiction of an operating VTC. For a given calendar year, the number of qualifying border counties was divided by the total number of border counties, generating a value ranging between 0 and 1. This variable was generated using data collected for the dependent variable and county-level maps of the U.S. and individual states. Bordering counties located in a state other than that of the subject county were not included in this ratio.

The first political variable employed consists of county-level election results for U.S. House of Representatives elections. This election data was chosen primarily for its 2-year nationwide availability, arguably the most consistent and frequently occurring data of its kind. The **County_HOR** variable is measured by subtracting the Democratic candidate's total votes from the Republican candidate's total votes; therefore, this measure will produce a positive result when the Republican candidate's total votes equal 50% plus one or greater, and it will produce a negative result when the Democratic candidate's total votes is equal to or greater than 50% plus one. These data were derived from datasets made available through Dave Leip's Atlas of U.S. Presidential Elections (Leip 2017), whose data has been utilized by a number of reputable media and academic entities such as *The New York Times*, *The Economist*, Princeton University, *The*

Washington Post, and others. The Atlas of U.S. Presidential Elections offers a comprehensive listing of all sources both on its website and within individual datasets.

The second political variable, **Base_Count**, is a count of all military bases residing within a given county's borders. Since the boundaries of many military bases traverse the borders of two or more counties, all counties were included that had discernable amounts of land reserved for a given military base's usage. This operationalization was utilized due to an inability to determine both the active entry and egress points of the base, and the nearby residency of active duty servicemembers and veteran as a result of the base's current or former operational status. Multiple sources were utilized to produce a county-level military base count, including the National Park Service's (2017) Military Bases in the Continental United States Map Index and Continental United States Map, individual states' county maps from Digital-Topo-Maps.com, and the manual process of identifying each military base according to its designated index number, interpreting each military base's territory (indicated by the red areas marked on the map), and identifying the appropriate counties in which a military base's territory traversed.

The first economic variable is derived from the VA's General Description of Geographic Distribution of the Department of Veterans Affairs Expenditures (2017), which is prepared by the Department of Veterans Affairs Office of Policy, Planning, and Preparedness. The **VA_compensation_perCap** variable is a county-level measurement of VA compensation and pension expenditures, which is divided by the coinciding U.S. Census County Characteristics Resident Population Estimates figures (2017). As an integral component of the veterans treatment court design, compensation expenditures data was utilized in lieu of the VA's description for determining VTC eligibility: "When a person is arrested, police officers ask whether he or she is a Veteran. If so, the Veterans' eligibility for Veterans Treatment Court and

for VA benefits is assessed”. The VA publishes and periodically updates a “General Description of Geographic Distribution of the Department of Veterans Affairs Expenditures” where further information may be found regarding descriptions, methodology, and data sources.

The second economic variable measures the county-level corrections expenditures per capita. Because VTCs are designed to be (among other things) diversionary programs to incarcerations, the examination of county corrections budgets may yield some insight into the role these budgets play in the adoption of a VTC. The **Corrections_Expnd_PerCap** variable is derived from two U.S. Census Bureau reports. First, the line-item labeled “Correct-Total Exp”, falling under the subcategory of “Public Safety”, is extracted from the U.S. Census Bureau (2017) State & Local Government Finances Individual Unit Files that displays county-level figures. Secondly, the corrections figures are divided by their coinciding U.S. Census County Characteristics Resident Population Estimates figures, generating the standardized corrections expenditures per capita variable. The yearly U.S. Census State & Local Finances datasets varied in their completeness, averaging just over 1,740 counties’ worth of available figures and are provided in thousands of dollars.

An additional economic variable of **Surplus_perCap** is derived from county-level revenue and expenditures data gathered from U.S. Census State & Local Government Finances data, utilizing the Individual Unit Files¹⁰. Similar to the method used by Button and Schreckhise (2017), the total yearly county expenditures are subtracted from the total yearly county revenue, followed by the deduction of the coinciding corrections per capita to ensure mutual exclusivity of the two variables. Subtracting a county’s revenue from its expenditures offers a more standardized measure of a county’s yearly fiscal position. As before, these financial data

¹⁰ U.S. Census State & Local Government Finances data for 2013 and 2014 were formatted to pivot tables by Geoffrey Shook

averaged just over 1,740 counties' worth per year, and are provided by the U.S. Census Bureau in thousands of dollars. The final economic variable included is a measure of the yearly county-level unemployment rates among the civilian labor force. This **Unemploy_rate** variable is published yearly as a percentage by the Bureau of Labor Statistics Local Area Unemployment Statistics (2017).

The first social variable utilized, similar to that used by Button and Schreckhise (2017), is a demographic measure of state veteran population adjusted for total population; however, in this study the variable **Vets_100** represents the number of veterans per 100 people within the county, which accounts for the inclusion of counties with populations of under 1000. Datasets from the VA's General Description of Geographic Distribution of the Department of Veterans Affairs Expenditures were again utilized to generate county-level veteran populations. The values for this variable, reflective of the number of veterans per 100 people in the general population, are calculated by dividing the yearly veteran population figures by the coinciding U.S. Census County Characteristics Resident Population Estimates figures. For this study, the definition of a veteran is "a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable", which is provided by Title 38 of the Code of Federal Regulations (Code of Federal Regulations 2008).

The next social variable is a demographic measure of the racial/ethnic composition of county populations. Once again data is drawn from the U.S. Census County Characteristics Resident Population Estimates figures. To generate the **Race_ethnicity** variable, the combined male and female Caucasian populations were divided by the coinciding total county population. This produces a ratio of Caucasian population to the entire county population; thus, to calculate

the combined minority population of a county, one would simply subtract the Caucasian ratio from 1.

Next, the inmate population of a county's prison system is measured as a percentage of the rated prison capacity, utilizing the annual Prisoners Series survey and the periodic Census of Jails conducted by the Bureau of Justice Statistics (2017). This **Prison_capacity** variable divides the average daily population by the county's rated capacity. To provide context, the average daily population includes all confined prisoners held beyond arraignment, typically exceeding 72 hours; additionally, the Bureau of Justice Statistics defines rated capacity at "The number of beds or inmates assigned by a rating official to institutions within the jurisdiction" (Bureau of Justice Statistics 2017). The annual Prisoner's survey averaged over 800 county respondents, while the Census of Jails included more than 2,900 county respondents. The annual prisoner's survey is not conducted for years in which the Census of Jails is conducted. An additional crime-related variable measures a combination of county-level violent crime and property crime. Derived from the FBI's Uniform Crime Report (Federal Bureau of Investigation 2017), the variable **Crime_100** divides the sum of violent and property crime per 100 people within the county.

Fifth, the Department of Veterans Affairs publishes a list of operating VA hospitals within the United States; therefore, and county hosting a VA hospital is assigned a value of "1" for the **Co_va_hosp** variable, and counties not hosting a VA hospital are assigned a value of "0". This dichotomous variable is intended to measure the correlation between VA hospital location and VTC location. By design, VTCs coordinate with the VA to ensure program participants can utilize available veterans benefit resources as they navigate the VTC process; therefore, proximity to existing VA hospitals may exert some influence on a locality's decision to consider VTC adoption.

The final social variable is a county-level measure of the per capita personal income. This mean value of individual-level income was preferable to utilizing a measure of median household income, as the number of household occupants will tend to vary. Data for the **Income_perCap** variable is derived from the Bureau of Economic Analysis (2017), under the Department of Commerce. These datasets offered figures on total personal income, Census Bureau midyear (total) population estimates, and the subsequent per capita personal income calculation for each county (recorded by both county name and county FIPS code¹¹).

¹¹ https://www2.census.gov/geo/docs/reference/codes/files/national_county.txt

Results

What county-level factors account for the adoption of veteran treatment courts? As done by Button and Schreckhise (2017), this study estimates logit models to answer the given question. Longitudinal data between the years 2004 and 2014 was utilized to generate the dependent and independent variables for Table 3. Model 1, consisting of 47 U.S. states, excludes Alaska, Hawaii, and Virginia. Alaska and Hawaii are noncontiguous with any other U.S. state, Alaska's usage of boroughs rather than counties, and Virginia's prolific utilization of independent cities resulted in the exclusion of these three states from Model 1. The exclusion of these states is intended to provide a more accurate representation of the regional diffusion influence a border county hosting a VTC may have on a county's decision to adopt a VTC of its own. For comparison, Model 2 includes Virginia.

A National Analysis

Model 1, in addition to the border county variable, includes the political, economic, and social variables discussed in the previous chapter. Regarding the border county variable, the greater the proportion of border counties hosting a VTC, the more likely a county will be to adopt a VTC of its own. Among the two political variables, only the measure of military bases within a county's borders is related to the likelihood that a county will adopt a VTC. At the 95% confidence interval, counties with one or more military bases traversing its borders are more likely to adopt a VTC than counties without a military base. Counties tending to vote for Republican House of Representative candidates are no more (or less) likely to adopt a VTC than counties tending to vote for a Democrat House candidate.

Out of the four economic variables, only VA compensation and pension expenditures per capita are related to the likelihood that a county will adopt a VTC. Counties with higher per capita rates of reported VA compensation and pension expenditures are more likely to adopt a VTC at the 95% confidence interval. A county's unemployment rate, correction expenditures per capita, and budgetary surplus per capita were no more or less likely to have a veterans treatment court.

As expected, the social variables offer some explanatory power. Among the social variables, veteran population, crime rates, personal income per capita, county minority population, and the presence of a VA hospital are related to the likelihood that a county will adopt a VTC. First, the smaller the proportion of veterans in the overall county population, the more likely a county will have a VTC. Second, crime rates are likely to be lower in a county that adopts a VTC than one that has not. Next, personal income per capita is likely to be higher in counties that adopt a VTC. Finally, counties with a higher proportion of minorities within the overall county population are more likely to adopt a VTC.

The coefficient for the veteran population variable in Model 1 generates unexpected results: counties with higher per capita veteran populations are actually less likely to adopt a veterans treatment court than counties with lower per capita veteran populations. Taking into consideration that the presence of military bases, VA hospitals, and higher rates of VA compensation and pension per capita spending indicated a higher likelihood of VTC adoption, the relationship between county veteran population and VTC adoption warrants further discussion in the next chapter. Overall, the variables that were significant in Model 1 support this thesis's hypothesis.

Table 3
Time-series Logit Results

	Model 1			Model 2		
	Coef.	z	p> z	Coef.	z	p> z
Border VTC	45.46	39.51	0.000***	38.44	40.39	0.000***
<i>Political</i>						
Military Base Presence	1.79	4.01	0.000***	1.51	3.76	0.000***
House of Representatives vote margin	-0.07	-0.14	0.890	-0.30	-0.06	0.547
<i>Economic</i>						
% Unemployment	0.05	0.86	0.388	0.07	1.30	0.192
VA compensation per capita	28.79	18.83	0.000***	25.31	16.35	0.000***
Surplus per capita	-0.03	-0.12	0.901	0.00	0.00	0.998
Corrections expenditures per capita	0.09	0.24	0.808	0.05	0.13	0.900
<i>Social</i>						
Veterans per 100	-1.64	-12.64	0.000***	-1.39	-12.68	0.000***
Crime per 100	-0.76	-3.00	0.003**	-0.69	-2.99	0.003**
VA hospital presence	8.49	9.00	0.000***	6.56	5.46	0.000***
% Prison capacity	0.17	0.31	0.760	0.14	0.27	0.784
Income per capita	0.00	12.75	0.000***	0.00	10.45	0.000***
Race/ethnicity	-5.97	-3.02	0.003**	-3.89	-1.96	0.050
Constant	-30.35	-13.00	0.000***	-27.17	-11.13	0.000***
Number of Observations		32,670			33,715	
Number of Groups		2,970			3,065	
Log likelihood		-1324.01			-1337.49	

*p<0.05; **p<0.01; ***p<0.001.

Analyses of Select States

Ten states were selected for individual analysis, again estimating logit models. These ten states include: California, Florida, Georgia, Illinois, Michigan, Minnesota, Missouri, New York, Pennsylvania, and Texas. States were selected according to criteria conducive to individual analyses, including number of counties, number of VTCs, and regional diversity. Table 4

displays the relationship of each of the ten states' key significant independent variables to the dependent variable. The relationships of independent variables are consistent across the ten states when significant. Veteran Affairs compensation and pension expenditures was significant for each of the ten states. Among the ten states, only Florida's measure of diffusion was insignificant. As well, only Michigan's per capita personal income was insignificant. Remaining significant variables among the ten states are varied.

Table 4

Summary Table of Key Independent Variable Relationships to the Dependent Variable for Ten Select States

State	Key Independent Variables								
	Diffusion	Bases	Unemploy	VA comp	Vet pop	VA hosp	Prison cap	Income	Race
CA	+			+	-			+	
FL				+	-	+		+	
GA	+	+		+				+	
IL	+	+		+		+	+	+	
MI	+			+	-				-
MN	+			+	-	+		+	
MO	+			+		+		+	
NY	+	+		+				+	-
PA	+		+	+				+	
TX	+	+	+	+	-			+	-

Discussion and Conclusion

Discussion

As stated by Button and Schreckhise (2017), VTCs are a recent phenomenon that caught on quickly. The Anchorage, Alaska VTC, perhaps the earliest known court of its kind, maintaining a municipal jurisdiction that only recently began accepting felony cases. Since the inception of Judge Russell's Erie County VTC in 2008, these specialized treatment courts have spread to at least 328 counties within a 6-year time span. As more VTCs continue to open their doors, a greater understanding of the conditions accounting for the adoption of new VTCs may provide insight for localities considering adoption.

As was the case in Button and Schreckhise's examination of state-level VTC diffusion, political partisanship does not appear to play a role as framed by House of Representative election results at the county-level. The relative consistency of partisanship's less-than-significant role in the adoption of VTCs may be indicative of generalized bipartisan support for the VTC concept. Categorized as a political variable for their national security application, the significance of military base presence suggests that areas permeated by military culture are more likely to find utility in VTC adoption.

An examination of county economic positioning yields varied results from those found by Button and Schreckhise. First, as was the case at the state-level, per capita VA compensation and pension expenditures at the county level are a significant factor in the decision to adopt the VTC concept. This result is expected, as VTCs partnering with VA healthcare facilities often require veteran offenders to be VA healthcare eligible for acceptance into the treatment program.

Although Button and Schreckhise found that correction expenditures and tighter government

budgets were significant to state-level VTC adoption, these two variables' lack of significance at the county-level may indicate a greater state-level emphasis on cost-effective, problem-solving innovations such as the VTC concept. Further study may clarify if VA compensation and pension expenditures, covering some or all participant program costs, are sufficient in reducing a county's budgetary concerns.

Social variables utilized in Model 1's analysis yielded results of mixed expectations. Categorized as a social variable, the presence of a VA hospital was significant to VTC adoption, further demonstrating the critical partnership established between the VA and local courts in implementing the VTC concept. The significant trend in which VTCs are more likely to be adopted in higher-income communities with a higher proportion of minority populations may be indicative of (primarily) urban VTC and VA hospital settings. Results from Model 1 indicate negative relationships between VTC adoption and both county crime rates and the proportional veteran population. The county-level relationship between VTC adoption and veteran population is inconsistent with Button and Schreckhise's findings, and may once again be indicative of the country's federal system of national, state, and local power.

While a state's VTC adoption decision is more likely among states with a higher proportion of veterans to the overall population (Button and Schreckhise 2017), a given county's attributes may not be representative of its parent state. The location of a VA hospital, shown to influence county-level adoption of VTCs, may be decided according to criteria inconsistent with the variables selected for this research. As an example, the Veterans Healthcare System of the Ozarks (2017), located in Fayetteville, Arkansas serves "veterans living in and visiting 23 counties in Northwest Arkansas, southwest Missouri and eastern Oklahoma." VTCs benefitting from a partnership with local VA hospitals may be more inclined to follow the money as a trade-

off to taking up roots among the densest veteran populations. In the case of Northwest Arkansas, three area counties, Benton, Washington, and Madison, ranked 54th, 75th, and 67th respectively in veteran population per capita among 75 Arkansas counties as of 2014. The question then may be, do stakeholders considering the adoption of a new VTC find more social utility in partnering with VA hospitals and local rehabilitative programs, as opposed to the sheer volume of potential clients within the densest veteran populations? Future research may benefit from an exploration of the decision-making process behind the selection of a VA hospital location, which may involve a number of stakeholders from various levels of government.

Limitations

A discussion regarding the limitations of this research begins with the collection of county-level data. Source data for this research originates from a variety of institutions, all utilizing their own data collection and publication methods. As well, the federalist nature of American government greatly limits the uniformity in which data are reported. A county's cooperation with national data collection efforts may be dependent on a number of factors, including state-level intervention. As a result, several research limitations must be addressed.

This research is focused at the county level, limiting the scope of included U.S. territory. The District of Columbia and other non-state U.S. territories, not qualifying as county equivalents, were excluded from this study. While Alaska's boroughs and Virginia's many independent cities rendered these two states ineligible for inclusion in this study, Louisiana's parishes demonstrate county equivalent behavior deemed fitting for inclusion. Nevada's Carson City, Maryland's Baltimore City, and Missouri's St. Louis City were categorized across multiple

data sources as independent cities, and were therefore excluded from the dataset. As well, three individual counties were excluded due to their inconsistent inclusion across various data sources.

A central limitation of this research is the inconsistency found among the many data sources utilized. For example, per capita personal income was calculated using U.S. Census Bureau midyear population estimates (Bureau of Economic Analysis 2017), while county resident population estimates for race/ethnicity were based on decennial U.S. Census data in which some individuals may report more than one race (U.S. Census Bureau 2017). As well, multiple data sources were published in a manner that resulted in 2 or more lines of data for a single county. These multiple lines of data were summed, creating a single data point as needed. Lastly, the most obvious inconsistency among county-level data sources involved missing data. The amount of missing data and associated counties varied; therefore, to estimate logit models with a strongly balanced dataset, a multiple imputation technique via Amelia's bootstrapping-based algorithms was employed. This program is said to not change any relationships in the data; however, its essential function involves the estimation of missing data.

Limitations regarding this study's diffusion and political variables are also noteworthy. First, collection of data regarding the presence of border counties hosting a VTC was limited to border counties residing within a given state. This manual data collection process would be greatly compounded by considerations for border counties residing in neighboring states; therefore, the ratio defining the border county variable is restricted to state-internal measurement. Second, the "County_HOR" variable is inherently limited to the 2-year cycle in which national House of Representative elections are held nationwide. Based on this uniform limitation, non-election year data was cloned from the previous year's election data. Finally, the "Base_count" variable data was also collected through manual efforts. The National Park Service's Military

Base map limited the determination of a base's traversing county borders to the researcher's visual confirmation. If a visual confirmation could not be made, the default selection was to consider the base as not traversing the county's border. Considerations for The Defense Base Realignment and Closure Act of 1990 were not included in the creation of this variable, as no evidence was found to generalize a base closing's impact on adjacent communities.

A final limitation involves the collection of dependent variable data. Collecting data on the year in which a county adopted VTC, based on the commencement of the court docket's operations, utilized multiple sources. Previously mentioned data sources occasionally came into conflict. For a scenario in which multiple online local news publications were located and not in agreement, the most frequently stated time reference was utilized. Scenarios in which multiple types of sources came into conflict, such as an online local news publication and a state court coordinator, the source providing the greatest level of detail regarding the commencement of operations was utilized.

Conclusions

Conclusions draw about the diffusion of VTCs at the county-level are two-fold. First, the county-level climate of political partisanship does not appear to hold significant influence on the proliferation of the VTC phenomenon. In line with Button and Schreckhise (2017), political partisanship's lack of statistical significance raises the question: "could it be that the social construction of justice-involved veterans regards them as deserving, on the high-side political power?" This research posits a slightly less deserving, lesser powered justice-involved veteran. Collectively, the remaining conclusions will attempt to add clarity to this postulation.

A second conclusion drawn from this research combines the influence (or lack of influence) of employed economic and social variables. Beginning with economic factors, this research finds that per capita VA compensation and pension expenditures exert significant influence on the adoption of VTCs at both the state (Button and Schreckhise 2017) and county-level. Veteran Affairs compensation benefits have expanded to incorporate alternative treatment methods for mental health needs, inspired by a series of federal court cases expanding coinciding veteran rights. It appears then, that the VA's federal-level support positions veterans as highly deserving and high-powered; however, states have not been mandated to adopt the VTC innovation. Instead, state-level diffusion of the VTC innovation has occurred over time, with four states yet to open their own VTC. Button and Schreckhise find that the financial returns on investment do matter at the state level, while this appears less so at the county level. Further research may reveal the role of VA compensation and pension payments for county-level returns on investment regarding VTC adoption. These contrasting trends may indicate a slightly diminished veteran social construction from that found at the federal level.

Finally, social factors combine with the economic to illuminate the social utility of VTCs. This study finds that counties with a lower proportion of veterans among the overall county population are more likely to adopt their own VTC. Instead, other factors contribute significantly to county-level VTC adoption, including the presence of a VA hospital within county borders. The combination of factors contributing significantly to county-level VTC adoption, not including veteran population, may indicate a pattern of diminished social construction, highest at the federal level and lowest at the local level. In addition to the posited top-down trajectory of diminishing justice-involved veteran social construction, the significance of crime rate and socioeconomic status on the county-level adoption of the VTC phenomenon appears to support

the hypothesis of this paper. In the spirit of *nemo resideo*, counties tend to gravitate towards VTC adoption when conditions are favorable for the enhanced social utility of serving veterans in need through innovative, cost-effective programs that provide some measure of returns on investment for taxpayers and local communities.

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Appendix



Office of Research Compliance
Institutional Review Board

September 26, 2017

MEMORANDUM

TO: Eric Button
William Schreckhise

FROM: Ro Windwalker
IRB Coordinator

RE: New Protocol Submission

Protocol Title: *The Diffusion of Veterans Treatment Courts: An Examination of Political, Social, and Economic Determinants at the County Level*

In reference to the request for IRB approval of your project titled *The Diffusion of Veterans Treatment Courts: An Examination of Political, Social, and Economic Determinants at the County Level*, the IRB is not authorized to oversee and approve such research. This protocol does not meet the definition of research involving human subjects in the federal regulations. (See the citation below.) You are free to conduct your research without IRB approval.

45 CFR 46.102 (f)

(f) Human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains

- (1) Data through intervention or interaction with the individual, or
- (2) Identifiable private information.

If you have any questions do not hesitate to contact this office.