



Dispatch FROM THE Front Lines

Identifying the Veteran Population Within the Criminal Justice System

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Why Identify Veterans?

Identifying and then targeting interventions for certain populations within the criminal justice system is common practice.¹ However, the military and veteran community is often overlooked as a culturally relevant population. Identifying this population provides an opportunity to engage with unique resources while integrating cultural competency.

To identify justice-involved veterans at the earliest possible opportunity, communities need to incorporate a structured and targeted process within the criminal justice system that surveys the justice-involved population to determine those that have served in the U.S. armed forces. Only through identification can a community connect justice-involved veterans to resources and interventions explicitly designed to support them, including veterans treatment courts (VTCs) and U.S. Department of Veterans Affairs (VA) Veterans Justice Outreach Program (VJO) specialists.

Veterans Treatment Courts

A VTC is designed specifically to work with justice-involved veteran and military populations. Through this model, court teams can leverage the shared experiences and camaraderie of the military and veteran community. These courts also facilitate engagement and interaction with resources such as the Veterans Health Administration, Veterans Benefit

Administration, state departments of veterans affairs, and community veterans service organizations. This integration of services and resources is often done in partnership with a VJO specialist.

Veterans Justice Outreach Program Specialists

VJO specialists provide a range of services to assist justice-involved veterans, including outreach to veterans across the possible span of their interactions with the criminal justice system, such as law enforcement encounters, courts, jails, and state and federal prisons. VJO specialists provide this outreach to assess each veteran's needs and to connect that veteran with appropriate VA services at the earliest possible point.

In their work in VTCs, VJO specialists serve as liaisons between the VTC team and the VA medical center or other facility from which eligible participants are receiving care. With a veteran's permission, VJO specialists keep the judge and other members of the court team apprised of the veteran's use of treatment and other VA services over time, informing the judge's decisions about the veteran's progress through the court system.²

While the work that VJO specialists do with veterans who participate in VTCs is often the most visible aspect of the program, it is necessary to remember that VJO specialists may be able to assist any justice-involved veteran who is eligible for VA care, regardless of whether he or she is being considered for or is ultimately admitted to a VTC. Developing local communication processes that make VJO specialists aware of individuals identified as veterans at the earliest opportunity—regardless of where and by what mechanism that identification takes place—enables the specialists to work toward the shared mission of facilitating veterans' access to VA health care and other needed services.

How Do You Define “Veteran”?

Unfortunately, for the criminal justice system, identifying the justice-involved veteran population is not a simple matter, as the term “veteran” has no single meaning.

Federally, 38 CFR Chapter I Department of Veterans Affairs defines “veteran,” in part, as “a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.”³ Notice here that veteran status is limited to those with active military service and requires that their discharge be “*other than dishonorable*.”

This statutory definition alone may be both more exclusive and more inclusive than a community wants to adopt. It also does not fully encompass the idea that, for purposes of interventions, veteran identity is based on a shared cultural identity. Using this definition could exclude reserve and National Guard members, as well as individuals whose service ended with unfavorable discharges. As noted in Justice For Vets’ August 2021 Dispatch from the Front Lines, “Almost all service members who are incarcerated while serving are subsequently discharged with other-than-honorable (OTH), bad conduct, or dishonorable discharges, and because of this are often ineligible for the same resources that an honorably discharged member may receive.”⁴

Additionally, this federal definition may include commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration (NOAA) who meet the legal definition of a veteran but may not have the same cultural experience, having served in the more expansive uniformed services rather than the narrowly defined armed forces.⁵

Other entities providing services, including states, localities, and supporting agencies, also may have varying definitions of who they consider to be a veteran,

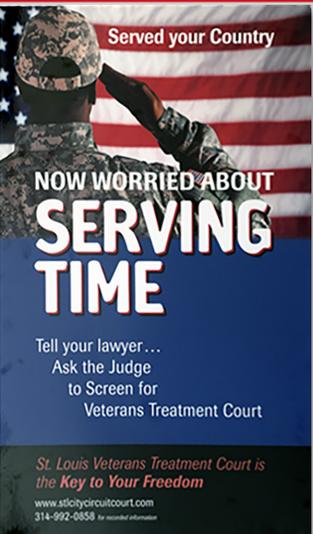
all based on access determinations rather than cultural identity.⁶ These definitions may exclude individuals based on discharge status, lack of combat exposure, or the geographic area or era of an individual’s service.

Finally, within the military and veteran community there are varying interpretations of what it means to be a veteran. Some of those beliefs mirror the definitions above, such as requiring honorable service or combat experience, and they do not assess whether an individual has the cultural characteristics specific to military service.

While these definitions are important to understand and engage with in terms of access to resources, they do not fully capture the justice-involved population, which may possess unique values, training, history, and experiences that are distinct characteristics of military and veteran cultures. When addressing veteran culture rather than resource access, the focus is on identifying a population with those shared experiences who can be better served through learned competency, specific interventions, tools, and resources. As the VA notes in its Community Provider Toolkit, “Awareness of your clients’ military service and potential implications can inform treatment planning and open doors to resources and benefits.”⁷

Identifying the Justice-Involved Veteran Population: Asking the Question

Determining whether an individual is a veteran is not as simple as asking, “Are you a veteran?” Affirmative responses to this question may be affected by several factors, including shame associated with being involved in the criminal justice system or a feeling of being disconnected from the veteran community because of gender⁸ or race. Factors such as whether the individual meets access criteria such as the definition required for VA services may also influence responses. Asking “Are



To improve the rate of self-reporting one’s veteran status, a community may choose to highlight the benefits of identifying military service. This can be done by presenting information to the justice-involved population and their communities (such as family) about specific veterans programs, such as a veterans treatment court or other unique opportunities. In this way, communities may help the individual overcome potential shame regarding their circumstances and identify their military service.

Examples of this information may be

- Poster (such as the one shown here)
- Tri-fold or flier about veteran-specific programming, located at bail bondsman or court offices

you a veteran?” does not elicit an objective, binary yes or no. In some cases, an individual’s response will reflect their unique feelings regarding their veteran status, making it a subjective evaluation. Such a reflection can and often does limit self-identification of justice-involved veterans. This is particularly true when the question is aimed at determining cultural identity as a veteran rather than one’s ability to access resources.

Rephrasing the question to focus on military service can help capture a greater affirmative response rate from those who possess the cultural characteristics of the veteran population. When you ask more directly, “Are you now or have you ever served in the United States armed forces, including the National Guard and Reserves?” individuals are more free to make an objective determination about their military experience. Either they served or they did not, regardless of discharge, era, or other qualifiers that may affect access to services but not their cultural identity. This question is widely understood to elicit far more affirmative responses, identifying many individuals who otherwise would not have responded yes to “Are you a veteran?”

VA Search Tools: VRSS and SQUARES

While changing the question to focus on whether an individual has served in the military improves affirmative response rates, that still may not identify all veterans within the system. As noted earlier, some individuals may not self-identify due to shame or not feeling connected to the veteran community. The U.S. Department of Justice’s Bureau of Justice Statistics estimates that 7 to 8 percent of the U.S. prison and jail populations are veterans.⁹ Yet in the California Department of Corrections and Rehabilitation, for example, only 2.7 percent of inmates self-identified as veterans. This disparity highlights the unreliability of self-reporting for capturing the true extent of veterans among the justice-involved population. Broader national comparisons are not available because most states do not capture or report this data.

To help address this discrepancy, there are two VA programs that allow entities to identify whether an individual has prior military service: Veterans Re-Entry Search Service (VRSS) and Status Query and Response Exchange System (SQUARES). While surveying or self-reporting should still be incorporated throughout the criminal justice process, each of these tools can play a role in further identifying whether an individual has served in the military. VRSS should be strategically implemented for those within the criminal justice framework; SQUARES can be vital for agencies partnering outside of the criminal justice system.

Veterans Re-Entry Search Service (VRSS)

VRSS is a secure web-based tool that allows the VA to offer its criminal justice partners an improved method of identifying veterans within their justice-involved populations. Criminal justice partners include not only correctional facilities such as prisons, jails, and detention centers but also entities within the court system like pretrial services, probation, prosecutors, and public defenders’ offices. Requesting access to and using VRSS is done through <https://vrss.va.gov>. After requesting and receiving an account, users can upload to the tool lists of justice-involved individuals to be compared with records in the VA’s military personnel records, checking for any record of military service, rather than just VA eligibility. Uploaded lists are limited to 14 predetermined fields, with 6 of those information fields being mandatory: the full social security number (SSN), a unique personal identification number (PID), first name, last name, and then a facility name and state.

After the submission, typically within a few hours, users will receive a list indicating those individuals who have a record of military service. This list will contain only the PIDs, to be matched on the user’s end with the individuals’ complete profiles. While veteran status is not protected information, the VA cannot return any other personal information. In addition to returning responses to the initial requester, VRSS forwards the names of those identified to the VA’s VJO specialists, allowing more targeted and effective outreach within the criminal justice system.

Early tests of users’ VRSS files found that veterans made up from 7.7 percent to 9.5 percent of the justice-involved population. As noted above, in one of these early tests, California identified that 7.7 percent of its inmates had a record of military service, although only 2.7 percent had self-identified as veterans. This means that more than 5,000 veteran inmates would otherwise have gone unidentified, missing their chance at VA reentry assistance and other available resources. VA recommends updating VRSS listings on a regular basis, especially in jails where the population changes daily.

To return a result, VRSS requires certain data to be input for each individual. These data points are often already available, requiring only formatting for submission.

- First name
- Last name
- Complete SSN
- PID (a user-created unique Identifier)
- Facility name
- Facility state

Status Query and Response Exchange System (SQUARES)

Another tool developed by the VA's Homeless Programs Office is SQUARES. It is a VA web application that provides external homeless service organizations with reliable, detailed information about veteran eligibility (<https://www.va.gov/homeless/squares/index.asp>). Users submit identity attributes for individuals (name, date of birth, SSN, gender), and SQUARES returns information regarding their veteran status and eligibility for homeless programs. The tool facilitates quick and simple access to care for homeless and at-risk veterans. While this tool was originally designed for more traditional homeless service providers, criminal justice users have been granted access with an agreement to use the data to advance the goal of ending veteran homelessness. Because incarceration as an adult male is the single highest risk factor for being homeless at some point,¹⁰ the VA grants access to criminal justice systems to improve the identification of veterans in their systems and to connect them with services. As part of the intake process, the VA may request an email from a local VA colleague who can validate your criminal justice system's role in the community effort to end veteran homelessness.

Comparison of VRSS and SQUARES

VRSS and SQUARES differ in their functionality and the output file provided to both the criminal justice system and the local VJO program. VRSS is built to accept inmate/defendant records submitted in large batches. SQUARES can accept large batch files as well, but it also offers a rapid individual query function that allows a user to obtain a result for an individual within a few minutes. To the criminal justice system, VRSS provides a simple yes or no regarding the existence of a record of any military service for each individual queried. Within about two hours of the initial submission, VRSS notifies the external requester of which individuals from the submitted file have a record of military service. "Yes" results are delivered via the return of a unique inmate or defendant ID number that must be included with each individual record submitted to VRSS. "No" results are communicated through the absence of those unique ID numbers from the requester's results file. VRSS also forwards this information to the VJO staff who work in the requester's jurisdiction, in a format that includes some additional data from VA records that can help facilitate efficient outreach and access to VA services for the veterans identified.

SQUARES provides more information in the output file it generates for the external requester, including the veteran's eligibility for a range of VA homeless programs. However, SQUARES does not forward any information to the local VJO program. Obtaining this information is vital for the local VJO specialists' ability to contact these veterans through outreach and begin the process of connecting them with appropriate VA services. VJO specialists can assist identified justice-involved veterans in this way regardless of whether they are being considered for or ultimately enter your VTC; this linkage provides a valuable alternative pathway for a broader population of justice-involved veterans to access the stabilizing services and long-term supports available through the VA. If your jurisdiction chooses to use SQUARES instead of VRSS, it is important to develop an alternative method to share the names of the identified veterans with your local VJO program.

Summary

Within the criminal justice system, attempts to identify individuals who have prior military service or veteran status should be done early and often. Identification is integral, because without it communities miss opportunities to integrate services and resources specifically available to this population.

This principle is expressly reflected in *The Ten Key Components of Veterans Treatment Courts*, Key Component #3, which states:

“Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans Treatment Court program. Arrest can be a traumatic event in a person’s life. It creates an immediate crisis and can compel recognition of inappropriate behavior into the open, making denial by the veteran for the need for treatment difficult.”¹¹

Identification should be achieved by asking, “Have you ever served in the U.S. Armed Forces...” and incorporating the tools provided by the VA. Asking the question is the easiest, though least reliable, way to identify whether an individual is a veteran. VRSS requires some technical prowess, given the need to have data and input it into the system. However, VRSS returns a more accurate response and interfaces directly with the VA's VJO program. It also enables scalable veteran identification, as opposed to the one-off reporting provided by self-identification.

Finally, SQUARES enables either individual or batch queries, uses VA and Department of Defense data for validity, and provides an expedient response from the system. However, unlike VRSS, SQUARES is not a criminal justice-facing program, as it is designed for agencies focused on homelessness. It also does not notify the VA that identification has occurred.

To varying degrees, these identification strategies can be implemented at many points within the criminal justice system. These points include during booking at a jail or detention center, by pretrial services agencies, at court appearances, by defense counsel, and by any supervision agency, including probation or parole. Additionally, the question can be added to intake forms, judicial colloquies, and other written policies and procedures to ensure that the inquiry is not dependent on a single individual but instead is built into the system.

Whether identification is done by verbal questioning, inquiry on a form, or using the web-based VA tools, it is essential to record the information about prior military service or veteran status in a way that informs the criminal justice system. Veteran status is not protected information and can be shared whether received through self-reporting or the VA tools.

Including this information in an individual's case or client file allows the system to respond appropriately. For example, defense attorneys can engage in conversations that may lead to mitigation, or prosecutors may find individuals appropriate for diversion programs or VTCs. Similarly, supervision agencies like probation may identify candidates for VTCs and connect veterans with tools to assist in achieving case plan goals. These outcomes may include employment assistance through the Department of Labor, education assistance through the VA,¹² and interventions like Moral Reconciliation Therapy (MRT) for veterans.¹³

Identifying justice-involved veterans within the criminal justice system allows communities to ensure that they are best addressing the needs of these individuals, both through access to resources and cultural competency. Rehabilitation and restoration, two goals of the criminal justice system, are best achieved by applying interventions and resources specific to the populations within the system. Veteran identity provides the opportunity for communities to access not only unique but often cost-reducing resources like the VA and enhance outcomes through cultural competency.

About the Author

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¹ Readings on culture as a responsibility principle:

Kane, M., Bechtel, K., Revicki, J., McLaughlin, E., & McCall, J. (2011). *Exploring the role of responsibility and assessment with Hispanic and American Indian offenders*. Crime and Justice Institute at Community Resources for Justice. https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/CRJ_Role_of_Responsivity.pdf

Cobb, K. A., Mowatt, M. A., & Mullins, T. (2013). *Risk-needs responsivity: Turning principles into practice for tribal probation personnel*. U.S. Department of Justice, Bureau of Justice Assistance. <http://www.appa-net.org/eweb/docs/appa/pubs/mrtpptpp.pdf>

Marlowe, D. B., Shannon, L. M., Ray, B., Turpin, D. P., Wheeler, G. A., Newell, J., & Lawson, S. G. (2018). Developing a culturally proficient intervention for young African American men in drug court: Examining feasibility and estimating an effect size for Habilitation Empowerment Accountability Therapy (HEAT). *Journal for Advancing Justice* 1, 109–130. <https://www.nadcp.org/advancingjustice/journal-for-advancing-justice/>

² For more detailed information about the VA's role in a VTC, see Finlay, A. K., Clark, S., Blue-Howells, J., Claudio, S., Stimmel, M., Tsai, J., Buchanan, A., Rosenthal, J., Harris, A. H. S., & Frayne, S. (2019). Logic model of the Department of Veterans Affairs' role in veterans treatment courts. *Drug Court Review*, 2, 45–62. NIHMSID: 1038038. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6996232/>.

³ 38 CFR Chapter I – Department of Veterans Affairs. <https://www.law.cornell.edu/uscode/text/38/101>

⁴ Lowery, M. (2021, August). *The Department of Defense's inTransition Program*. Dispatch from the Front Lines. Justice For Vets. <https://justiceforvets.org/resources/resource-library/general-veterans-treatment-court/dispatches-from-the-front-lines/>

⁵ Wright, Captain S. F. (2021). *NOAA and PHS veterans are entitled to benefits administered by the Department of Veterans Affairs (VA)*. Reserve Organization of America Law Review, No. 210003. <https://cdn.ymaws.com/www.roa.org/resource/resmgr/LawReviews/2021/21003-LR.pdf>

⁶ Rose, V. (2010, February 9). *Definition of veteran in Connecticut, Maine, and other states*, Research Report 2010-R-0040. Connecticut General Assembly, Office of Legislative Research. <https://www.cga.ct.gov/2010/rpt/2010-R-0040.htm>

⁷ U.S. Department of Veteran Affairs. Community Provider Toolkit. <https://www.mentalhealth.va.gov/communityproviders/military-experience.asp>

⁸ Goldstein, A. N. (2018, March 8). *Women are the most visible servicemembers, and the most invisible veterans*. Center for a New American Security. <https://www.cnas.org/publications/reports/women-are-the-most-visible-soldiers-and-the-most-invisible-veterans>

⁹ Bronson, J., Carson, E. A., Noonan, M., & Berzofsky, M. (2015, December). *Veterans in prison and jail, 2011–12*. Special Report. U.S. Department of Justice, Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/vpj1112.pdf>

¹⁰ Burt, M. (1996). *National Survey of Homeless Assistance Providers and Clients*. U.S. Census. <https://www.census.gov/programs-surveys/nshapc.html>

¹¹ Justice For Vets (2010). *The ten key components of veterans treatment courts*. <https://justiceforvets.org/resource/ten-key-components-of-veterans-treatment-courts/>

¹² See the following Justice For Vets Dispatches from the Front Lines by Stiner, M. (2012):

Veterans treatment courts and the U.S Department of Labor: Putting veterans back to work

Veterans treatment courts send veterans back to school

The VBA in veterans treatment courts: Accessing the full range of support

<https://justiceforvets.org/resources/resource-library/general-veterans-treatment-court/dispatches-from-the-front-lines/>

¹³ See Little, G. L., & Robinson, K. D. (2013). *Winning the invisible war: An MRT workbook for veterans*. Correctional Counseling. https://www.ccimrt.com/mrt_programs/veteransptsd/



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