



Dispatch FROM THE Front Lines

Mentor Roles and Boundaries: Setting the Conditions for Success

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"Ready on the left . . .
ready on the right . . .
the firing line is ready . . .
shooters, watch your lane."

Every veteran who has spent—choose any of the following that apply—a long/hot/wet/cold/make-work/seemingly endless/rock-painting/chow's late day at the rifle range honing their marksmanship skills has heard these words. Booming via loudspeaker from the "range control" tower, those instructions mean that the firing will begin and shooters are reminded to engage the targets in their lane—that is, "watch your lane." To do otherwise affects your score and the scores of the shooters on either side and, I assure you, will create a safety issue if you overachieve and shoot way outside your lane, like in the direction of downtown Fayetteville, North Carolina. With that said, if you remember your training, listen to the tower, and stay in your lane, the mission—marksmanship—has a greater chance of success.

For the purposes of this article, that formula—while not a "center-of-mass bullseye"—also works to explain the roles and boundaries of the veterans serving as mentors in veterans treatment courts (VTCs).

Volunteer veteran mentors have been described as the "secret sauce" of VTCs and, I humbly submit, rightly so. If you've heard the Honorable Judge Robert Russell tell his story of how the first VTC came to be in Buffalo, New York, you know that it started with a

discussion at his urging between two members of his court team who were U.S. military veterans and a veteran defendant appearing in Judge Russell's court. That discussion not only gave rise to the concept of VTCs, but also cemented the significant role that fellow veterans could play in assisting a defendant—a justice-involved veteran—in navigating his or her way through the criminal justice process, with the goal of coming out of that process as a productive and contributing member of the community.

My colleagues at Justice For Vets travel the country, in person and, this past year, virtually, to train, provide technical assistance to, and—very importantly—form professional relationships with the dedicated men and women of the court teams charged with the daunting but rewarding task of making VTCs nationwide work as designed.

Speak to my colleagues or any VTC team member and they're unlikely to dispute the value, impact, and benefit of volunteer veteran mentors. Early studies confirm the positive impact of mentors. As former NADCP CEO West Huddleston describes it, VTCs have learned to draw upon "the camaraderie that exists among those who have served."

That mentors can make a positive difference is, to me, certain. I also realize that, as told to me by many a candid subordinate in my active-duty Army days, just because I say it doesn't make it so. We are fortunate to have a number of studies that highlight the value of using mentors while also identifying that much more scholarship and study are needed.

My colleagues argue convincingly that being a mentor is not that different from serving in the military. When in the military, the service member did not inherently possess warfighting skills—even though the "Rambos" in the crowd thought they did. Instead, as any veteran will tell you, they were given good training, direction, and leadership. Similarly, mentors must be adequately trained; given clear direction as to roles, responsibilities, and boundaries; and supervised well, often by a mentor coordinator.

While the much-needed and warmly welcomed scholarship and research develops, the VTC mission is ongoing in more than 450 courts across the country. That mission simply can't, and realistically won't, wait for guidance to help courts identify, communicate, and "codify" the role, responsibilities, and boundaries of mentors. It will also help courts if we identify the conditions that need to be set to shape a successful mentor/mentee relationship.

Until reinforcements arrive, I suggest the following as a starting point in explaining—and understanding—the mentor's role. Any volunteer veteran mentor will instantly understand their role if told they are to serve as a battle buddy (aka "Battle") to the justice-involved veteran. They will know that they are to assist the other person, i.e., their Battle, that they are responsible for the well-being of their Battle, that they will work as a team, that they will help each other succeed no matter the task, and that they will look out for each other. Stated bluntly, it means, "I'm your Battle and I will be there for you; I also know you will do the same for me."

The Buffalo court describes the role of the mentor, in part, as that of a coach for the justice-involved veteran. Army veteran, retired colonel, and former VTC judge in Pennsylvania Craig Trebilcock goes a step further and describes the role of battle buddy as being part of a "powerful support system" that helps (justice-involved) veterans "regain their footing."

There's an important caveat, however. Veterans understand, as do those currently serving, that the role of the Battle does not necessarily include being their friend. Experienced mentor coordinators echoed that message, both to me in interviews and in what they tell their mentees: "I'm not a friend and I'm not your friend." I submit that the main role of the mentor, just like the role of the Battle in the military, is not to be a friend to the veteran, but to support the veteran. Sometimes friendships develop, but mentors are more than friends. Mentors are individuals who care enough about their veteran mentees to do what's best for them and, more importantly, to enable them to do what's best for themselves. Crossing that line may imperil the mentee's path to independence and self-reliance. As another experienced and well-respected mentor coordinator told me, "You don't do for them, you help them do things themselves."

That doesn't mean, however, that the discussion with a mentor of his or her role and boundaries ends with, "Congratulations, here's your shirt, you are now a mentor and battle buddy." Remember, the veteran mentor is being asked to apply a tried-and-true concept—being a good Battle—in an environment that

is likely, but not always, new to them: the criminal justice system.

Additionally, don't assume that the mentor will know the right next steps. If you make that assumption, they are likely to draw from their military training and, in the absence of guidance or direction "from higher" (headquarters), "move out" and define their role and boundaries in ways you may not have expected, wanted, or even imagined. But as in the military, you will avoid that outcome by not making assumptions and by training, retraining, and training again.

Simply put, you want the mentors to do their job, set the conditions for the success of the veteran, and stay within their boundaries. In discussing their role, you can bring to life the usual actions of a battle buddy in this context by sharing examples of what they can expect to do. Generally, they will assist the justice-involved veteran in navigating the basics of the judicial process. Initially, answering seemingly small questions, such as where's the courthouse and courtroom, where do I park, what time do I have to be there, who are these people, what am I supposed to do and when do I do it, can reduce the mentee's anxiety and inject certainty into what they are going through. Then, "next-level" information from the mentor starts to build confidence, with topics like expectations, courtroom decorum, appropriate dress, how to address the judge, scheduling, keeping appointments, etc.—all likely unfamiliar to the mentee. And yes, being a mentor may include being asked to provide transportation to and from court.

Importantly, the role of being a Battle in this context also includes connecting the justice-involved veteran with community partners. These include housing officials, transportation, employment, faith-based organizations, family services, and government assistance. The mentor will also connect their veteran to a Department of Veterans Affairs (VA) Veterans Justice Outreach (VJO) specialist, who serves as the interface with the veteran and the VA. VJO specialists may not be unsung heroes, but we certainly need at every opportunity to sing their praises loud and strong; they are invaluable "must-have" players on the team. Mentors are often at their most helpful when they recognize a need—therapeutic, legal, or logistical—that they can't address themselves, but that they can help solve by directing the veteran to the appropriate resources, starting with the VJO specialist.

The mentor sets the conditions to achieve the desired outcomes for their mentee. The goals of any mentor/mentee relationship are the same as those when a soldier performs the role of a Battle. The mentor wants to establish a relationship where trust, safety, respect, and privacy exist. Importantly, the mentee must be allowed to set the pace at which the relationship

develops; “moving out” without your mentee is akin to a leader setting a pace of march for the formation that the troops can’t follow. If so, the troops, i.e., the mentee, fall behind.

Additionally, the mentor will want to help remove or mitigate as much uncertainty for the mentee as reasonably possible; life at this point is hard enough for the mentee. The relationship must have open and two-way communication. Like any of us, the mentee does not want or need one-way, top-down (mentor to mentee) directives. I assure you, the mentee didn’t like top-down directives while on active duty (but they had to live with it), and they sure don’t like it now as a civilian (where they do not have to live with it).

The mentor sets the desired conditions through their actions; soldiers look at a person’s deeds, not their words. Actions likewise build the necessary trust for this relationship to succeed in a way that words will not. The mentee expects the mentor to be professional, predictable, honest, clear, and reliable, just as a soldier expects these qualities of his or her military leader. The mentor can’t simply tell “war stories” to move the mentee along in their journey; though both have served, mentors should not assume that their experiences will be the same as those of their mentees. Acting in a way that is consistent with those expectations, and modeling behavior and norms the mentee has seen before, will go a long way to achieving success.

I believe we know instinctively what a mentor’s role isn’t . . . right? Remember, this is a new environment for mentors and mentees, and instincts may not carry the day, at least not at first. Those who lead mentors (again, underscoring the importance of having a mentor coordinator) must set boundaries and clarify what a mentor’s role is and is not. The mentor is not the mentee’s therapist, treatment provider, attorney, financial advisor, roommate, clergy, medical professional, or disciplinarian. Mentors can particularly get off track when they attempt to advise the veteran on purely legal issues. The mentor (even if an attorney) is not the attorney; the mentee’s attorney is the attorney. The mentor provides a different but equally important service, one that the attorney frankly cannot provide.

Performing any of these roles—even if well intentioned—exceeds the boundaries expected and desired of mentors and, I submit, will not achieve the desired outcomes for justice-involved veterans. In a soldier’s parlance, mentors must “stay in their lane.” To state the obvious, these boundaries, if exceeded, may adversely affect outcomes for the veteran, frustrate the court team, and potentially (the not-so-obvious part) imperil the future of the VTC.

Other articles for other days will naturally spin out of this discussion of roles and responsibilities. For example, one might address the age-old question of who is in charge. The judge cannot and should not do everything, including supervising and training mentors. Earlier in this article, I pointed to the need for a mentor coordinator to supervise mentors and lead the mentor component of the program. Resourcing this position—which for all but the mightiest is a lot more than a part-time volunteer position—can be challenging but not impossible, especially when the health of the entire program is on the line. In addition, coordinators not only should listen to their mentors but should also make the effort to listen to the mentees. Veterans know that you often get one answer from the officers and sergeants and a different answer, perhaps one closer to reality, from the soldiers themselves, but only if you specifically ask them.

A final topic for another day, but worthy of mention here, involves the rules regarding the confidentiality of information shared or developed during the relationship. This subject is complex enough to warrant its own article, robust discussion, and training. But for the purposes of this article, there are two key concepts worthy of a detailed discussion with the mentee. First, information shared by the mentee may not be disclosed without their consent unless there are safety considerations (e.g., harm to self or others) or if the mentor is has a duty related to his or her profession or by law to disclose the information (e.g., state law requires the reporting of physical or sexual abuse of a minor). Second, unlike the “legal privilege” that would exist with one’s attorney, spouse, doctor, or clergy, conversations between mentor and mentee are not protected communications, and disclosure may be forced by, for example, a court order. A criminal case has many twists and turns, and if they are not careful the mentor may end up on the witness stand discussing conversations about an offense, which is a very good reason to avoid those discussions altogether. The mentee should understand these limitations and avoid sharing information regarding the pending criminal matter or even discussing other crimes or civil law matters.

Mentors remain the “secret sauce” of VTCs, contributing to the success of each veteran participant by letting them know that “somewhere, somehow, someone cared about their growth and development. This person was their mentor.” We welcome the research and writing that will make us better in the recruiting, training, use, oversight, and impact of mentors. Court teams want to get this right. The field will adapt and adjust accordingly as evidence-based practices develop and evolve. Until then, remember your training, listen to the tower, stay in your lane, and appreciate being a part of the success of the VTC mission.

About the Author

General Tate retired as a major general from the U.S. Army Judge Advocate General's Corps in 2014. He last served as the deputy judge advocate general, one of the top two military attorneys in the Army. He is now a consultant and advocate for national, state, and local initiatives addressing the legal needs of military personnel, veterans, and families. He is also the chief counsel of NADCP and a senior advisor to the Strategic Organization, a Kansas City firm supporting Army OneSource, which delivers services and support to soldiers and families. General Tate's Army career included service as liaison to Congress, ethics official, nearly a decade as legal advisor to special operations and airborne units, senior legal advisor for the Multinational Corps in Iraq, commandant of the army judge advocate general's legal center and school, and chief judge of the Army's Court of Criminal Appeals. He is the current co-chair of the American Bar Association (ABA) Coordinating Committee on Veterans Benefit Services and the special advisor for military and veteran affairs to the president of the ABA. In recognition of his proven commitment to diversity and inclusion, in 2013 General Tate was awarded the prestigious Hispanic National Bar Association's Presidential Award for leadership, advocacy, and service.

¹ Knudsen, K. J., & Wingenfeld, S. (2015). A specialized treatment court for veterans with trauma exposure: Implications from the field. *Community Mental Health Journal*, 52, 127–135. <https://doi.org/10.1007/s10597-015-9845-9>

² See, e.g., Douds, A. S., Ahlin, E. M., Atkin-Plunk, C., & Posteraro, M. (2021). Noble intent is not enough to run veterans court mentoring programs: A qualitative study of mentors' role orientation and responsibilities. *Journal of Qualitative Criminal Justice & Criminology*, 10(2). <https://doi.org/10.21428/88de04a1.a897747a>

³ Buffalo Veterans Treatment Court Program. (2019). *Mentor guide*. page 2. http://buffaloveteranstreatmentcourt.org/wp-content/uploads/2018/03/Mentor-Handbook_0.pdf

⁴ Trebilcock, C. (n.d.). *Ten tips for starting a veterans treatment court*.

⁵ McClain, R. U.S. Navy veteran, veteran advocate, experienced trainer of VTC teams, 2014 San Diego Veteran of the Year. (March 2021). Unpublished interview with the author.

⁶ Wynn, T. Mentor coordinator, Philadelphia Veterans Treatment Court (March 2021). Unpublished interview with the author.

⁷ This point underscores the importance of forming a 501(c)(3) charitable organization to offset the costs incurred by volunteer veteran mentors. Section 501(c)(3) refers to the IRS code; such organizations, properly formed and approved by the IRS, are exempt from payment of federal taxes.

⁸ See Douds et al., 2021.

⁹ See, e.g., Jalain, C. I., & Grossi, E. L. (2020). Take a load off Fanny: Peer mentors in veterans treatment courts. *Criminal Justice Policy Review*, 31(8), p. 13. <https://doi.org/10.1177/0887403419880289>

¹⁰ Holley, M., first assistant district attorney, Montgomery County, Texas. (September 2021). Unpublished interview with the author.

¹¹ Interview with Jack O'Connor, mentor coordinator, Buffalo Veterans Treatment Court, as cited in Russell, R. T. (2009). Veterans treatment court: A proactive approach. *New England Journal on Criminal and Civil Confinement*, 35(2), 357. <https://www.american.edu/spa/jpo/initiatives/drug-court/upload/veterans-treatment-court-a-proactive-approach.pdf>

¹² The "tower" for our purposes is the number of free resources available to assist mentors to prepare for their roles and responsibilities. One need look no further than the Justice For Vets website, www.justiceforvets.org, for extensive online training developed in partnership with the PsychArmor Institute. Mentors and mentor coordinators may also attend in person the Justice For Vets "Boot Camp" held annually in conjunction with the NADCP All Rise Conference.



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