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Donald Hager
Presiding Judge

Lolita G. Hartl Romanick
District Judge

John A. Thelen
District Judge

Jason McCarthy
District Judge

Jay Knudson
District Judge

State of North Dakota

Northeast Central Judicial District

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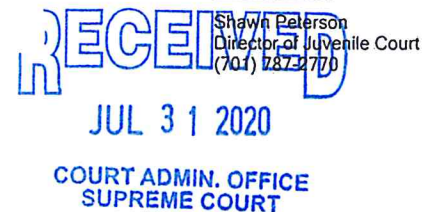
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Director of Juvenile Court
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June 19, 2020

Hon. Jerod Tufte
Justice and Chair, Interdisciplinary Specialized Docket Committee
600 E. Boulevard Avenue
Bismarck, ND 58505-0530



In Re: Letter of Interest and Cooperation – Creation of a Specialized Docket (Veterans Treatment Court)

Justice Tufte,

We write to provide you and your committee with our collective sentiment along with the attached petition on the creation of a specialized docket. We are dedicated to working collaboratively with North Dakota veterans that may have an increased likelihood of contact/interaction the criminal justice system due to unmet mental health and potentially, addiction needs.

To assure fidelity to the evidence-based approaches associated with a problem-solving court model; we pledge to operationalize our approach to the creation of this court through the incorporation of the Ten Key Components of a Veteran's Treatment Court into our initiative. They are:

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

Finally, if approved for planning and implementation -- we believe that legislation should be pursued to ensure that the initiative meets rigorous evaluative scrutiny, long-term viability, assures funding as well as fidelity to the Veteran's Treatment Court model.

Sincerely,

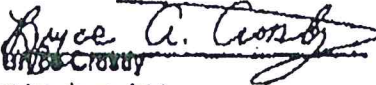

Donald Hagan
Presiding Judge, HRCJD



Robert Almy
Grand Forks County Clerk of Court



Eric Fossan
Nelson County Clerk of Court



Linda Veebe
Criminal Justice NO DVA



Haley Wamstad
Grand Forks County State's Attorney




Bryce A. Crosby
Nelson County VEO



Mary Vetter
Richard County VEO



David Bradley
Cass County VEO



David Bradley
Bottineau County VEO


Samuel Demarest
Attorney at Law


Louis Lombardi
Grand Forks Veterans Service Officer

Jonathan Palmer
Veterans & Justice Outreach Coordinator DVA


Melissa Tillman
Job Services NID


Kimberly Kung
Job Services NID


Doreen Tillman
Job Services NID


Lt. Col. Amanda Roebert
IAO GFAPS


George Schubert

IN THE SUPREME COURT OF NORTH DAKOTA

*In the matter of the Creation of a Specialized Docket for the Northeast Central Judicial District
of North Dakota*

PETITION FOR THE CREATION OF A VETERANS TREATMENT COURT
(SPECIALIZED DOCKET) UNDER NORTH DAKOTA SUPREME COURT
ADMINISTRATIVE RULE 60

Whereas the first Veterans Treatment Court (VTC) was created in 2008 and since that time more than 400 such courts have been created nationwide to address significant concerns that many Veteran's struggle that can be attributed to military service. These issues can be correlated with the impact of traumatic brain injury, military sexual trauma, substance abuse, and/or post-traumatic stress disorder. The consequence of which can lead to homelessness and/or criminal activity. To address these issues, VTCs are created and designed to provide support and resources for veterans involved with the criminal justice system -- rather than punishment. Understanding the aforementioned, the Northeast Central Judicial District (and its workgroup on the creation of a specialized docket) collectively believes that a need exists in the State of North Dakota to create a specialized docket (VTC) and specifically, within this district and;

Whereas the Northeast Central Judicial District Veteran's Treatment Court workgroup understands that any specialized docket must adhere to the *Ten Key Components of a Veterans Treatment Court* (attached) and;

Whereas North Dakota Supreme Court Administrative Rule 60 contemplates that the eight requirements in Section 2 (b) be met and that the specialized docket (VTC), as envisioned, meets the requirements as outlined below:

- (1) The funding for this specialized docket will be met through a number of anticipated methods including: Department of Veteran's Affairs Treatment Providers; Medicare

eligible participants; the Grand Forks non-profit Veteran's Warrior Foundation and potential (drafting) enabling legislation that could support funding for the specialized docket.

- (2) The extent to which there is a need for the establishment of this specialized docket can be found in an attached statistical analysis completed in late 2019. The NECJD found as many as 29 potential candidates for the proposed specialized docket.
- (3) The NECJD believes that even though it has a 1.48 judge shortfall based upon the most recent two-year average developed through Weighted Caseload Analysis there is a significant need to create a Veteran's Treatment Court and that adequate judicial resources exist within the NECJD to support this initiative.
- (4) There exists a significant and supportive constituency to effectively staff all roles (and supporting roles) for the creation of this specialized docket. Attached is a letter of support and interest along with the latest roster of those working on the creation of a specialized docket (VTC).
- (5) An interim coordinator for mentorship and the specialized docket (VTC) has been named.
- (6) The State of North Dakota has a significant U.S. Military Veteran population within its borders (46,507 persons or 12.4% of the population) and specifically, within the Northeast Central Judicial District (NECJD) there are 5,010 veteran residents.
- (7) The initial geographic area to be served is Grand Forks and Nelson Counties which comprise the NECJD. However, the working cohort believes that the reach of the specialized docket (VTC) could be extended encompass other veteran populations through the use of technology.

Veteran Population Associated with Criminal Offenses

January 1, 2019 to November 8, 2019

ranch	Grand Forks County District Court	Grand Forks Municipal Court	Nelson County District Court	Totals
Air Force	7	0	0	7
Army	11	0	0	11
Marines	1	0	0	1
Navy	1	0	0	1
Space Force	0	0	0	0
Unknown	5	4	0	9
Totals	25	4	00	25

Sources:

- Case Management System (Odyssey) Statistical Report
- Grand Forks County Correctional Center (Active Duty Military List)
 - Veteran Population Associated with Jail Time:
 - 5 Veterans - District Court
 - 4 Veterans - Municipal Court

Veteran Population Associated with Criminal Offenses

January 1, 2019 to July 28, 2020

ranch	Grand Forks County District Court	Grand Forks Municipal Court	Nelson County District Court	Totals
Air Force	10	0	0	10
Army	11	0	1	11
Marines	1	0	0	1
Navy	2	0	0	2
Space Force	0	0	0	0
Unknown	120	4	0	124
Totals	144	4	1	149

**November 8, 2019, Grand Forks clerk office commenced entering "unknown" when defendant responded "no, I am not a veteran". Not a requirement...purpose to monitor data entry.*

Source:

- Case Management System (Odyssey) Statistical Report, IT, Bismarck

**Nelson County (Lakota) District Court (Devils Lake Region Enforcement Center)*



The Ten Key Components of Veterans Treatment Courts

In 2008, The Buffalo Veterans Treatment Court adopted with slight modifications the essential tenements of the U.S. Department of Justice Publication entitled *"Defining Drug Courts: The Key Components"*, (Jan.1997). There are key differences between Drug Courts, Mental Health Courts, and Veterans Treatment Courts. These *Key Components* provide the foundation for the successful operation of a Veterans Treatment Court.

Key Component #1: Veterans Treatment Court integrate alcohol, drug treatment, and mental health services with justice system case processing

Veterans Treatment Courts promotes sobriety, recovery and stability through a coordinated response to veteran's dependency on alcohol, drugs, and/or management of their mental illness. Realization of these goals requires a team approach. This approach includes the cooperation and collaboration of the traditional partners found in drug treatment courts and mental health treatment courts with the addition of the Veteran Administration Health Care Network, veterans and veterans family support organizations, and veteran volunteer mentors.

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

To facilitate the veterans' progress in treatment, the prosecutor and defense counsel shed their traditional adversarial courtroom relationship and work together as a team. Once a veteran is accepted into the treatment court program, the team's focus is on the veteran's recovery and law-abiding behavior—not on the merits of the pending case.

Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Treatment Court program

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.

Key Component #9: Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations

All Veterans Treatment Court staff should be involved in education and training. Interdisciplinary education exposes criminal justice officials to veteran treatment issues, and Veteran Administration, veteran volunteer mentors, and treatment staff to criminal justice issues. It also develops shared understandings of the values, goals, and operating procedures of both the veteran administration, treatment and the justice system components.

Education and training programs help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice, Veteran Administration, veteran volunteer mentors, and treatment personnel, and promote a spirit of commitment and collaboration.

Key Component #10: Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness

Because of its unique position in the criminal justice system, Veterans Treatment Court is well suited to develop coalitions among private community-based organizations, public criminal justice agencies, the Veteran Administration, veterans and veterans families support organizations, and AOD and mental health treatment delivery systems. Forming such coalitions expands the continuum of services available to Veterans Treatment Court participants and informs the community about Veterans Treatment Court concepts. The Veterans Treatment Court fosters system wide involvement through its commitment to share responsibility and participation of program partners.