

TESTIMONY BEFORE THE LEGISLATIVE ENERGY DEVELOPMENT AND TRANSMISSION COMMITTEE PREPARED BY MCKENZIE COUNTY STATE'S ATTORNEY JAKE RODENBIKER, DELIVERED BY ASSISTANT STATE'S ATTORNEY CHAS NEFF ON THURSDAY 3 SEPTEMBER 2015 AT WATFORD CITY.

Mr. Chairman and Members of the Energy Development and Transmission Committee:

Thank you for the opportunity to address you all today on behalf of McKenzie County State's Attorney Jake Rodenbiker, who is unavoidably absent and sends his regrets for being unable to speak to you himself. My name is Chas Neff, I'm an Assistant State's Attorney here, and I am pleased to be here on behalf of our office to share with you the challenges we see in what the State's Attorney has called criminal justice infrastructure within McKenzie County.

What we are talking about is human infrastructure, that is, personnel in law enforcement of all agencies and specialties, prosecutors, criminal defense attorneys, probation officers, court clerks, court reporters, and judges. We are talking about physical infrastructure too, office space, courtrooms, jail cells, and treatment facilities for mental illness and chemical addiction. These elements of criminal justice infrastructure have undergone a tremendous surge in McKenzie County, one that is unparalleled elsewhere in the state. Going from no state district court judges in Watford City to two judges within only two years is probably unheard of anywhere in the state since 1889. We will soon have our first BCI agents living in Watford City and our first probation officer posted here. We have six highway patrol troopers posted in Watford City to assist motorists in a county that infamously has seen more highway fatalities than any other county in the state for several years running.

Just over one year after transitioning to a full-time state's attorney office, the McKenzie County State's Attorney has endured growing pains unparalleled among public prosecutors in the region, due to an influx of criminal cases that has accompanied energy development. The increase in criminal cases filed in McKenzie County from 2013 to 2014 was over 17%. Since 2011 alone in McKenzie County the number of cases filed per year has doubled. And the decrease in the price of oil has not resulted in a decrease in crime. Instead, 2015 year-to-date case filings are on par with 2014.

You may find very informative the charts we have appended to this testimony comparing criminal case filings from 2005 through 2014 in McKenzie County and other counties throughout our state. These numbers were compiled and provided by the state court administrators, except for our projected 2015 numbers which our office put together. We don't have enough time today to try to account for the rise in numbers, but suffice to say it is not significantly attributable to the number of prosecutors. The takeaway from the figures in the appendix is that over the last ten years, total criminal case filings in McKenzie County have increased 500%, far more than any other county in the state. Felony criminal cases filed in McKenzie County have increased a staggering 1,600% over ten years, from a mere 20 in 2005 to 340 in 2014. That is not to say others haven't increased significantly—indeed Williams County is up a burdensome 110% total criminal cases filed—but it goes to show how much criminal justice infrastructure McKenzie County has had to build from where we were a decade ago. To give you another idea about vehicle traffic in this county, non-criminal traffic offenses—things like speeding tickets—are up about 250% over the last decade, and we are on pace this year to have more of these traffic offenses than Grand Forks County had last year.

McKenzie County has invested significant county dollars into its State's Attorney Office, going from no full-time staff at the beginning of 2013 to eight full-time staff, including four attorneys, currently authorized. We are fortunate to have two of the Assistant State's Attorney positions, including this speaker's, funded in substantial part through this biennium by an oil impact grant through the Attorney General's office and Land Department. Our four attorneys are much needed to account for the growth not only in criminal cases generally but serious criminal offenses. For instance, in a county with an estimated present population in the neighborhood of 11,000 residents, McKenzie County has pending two attempted murder cases, one negligent homicide, and one DUI causing death, having recently obtained convictions in three negligent homicides, one manslaughter, and an attempted murder.

Those charged with possession of controlled substances or drug paraphernalia make up a fifth of our caseload, and this does not count violent or property crimes influenced by addiction or intoxication. Most of our juvenile deprivation cases originate from chemically dependent parents. In the last year we have tried nearly two dozen criminal cases to a jury, more than the previous decade combined. Not every arrest results in criminal charges being filed, and so these numbers don't reflect arrests that for various reasons of prosecutorial discretion do not result in formal criminal charges being brought by our office.

With the current personnel authorized, McKenzie County is in the ballpark of other state's attorney offices around North Dakota in terms of cases filed per prosecutor. Indeed, even with four full-time attorneys, we are still very much in the lead with criminal cases filed per prosecutor. For 2014 criminal case numbers, when we had two attorneys, we averaged over one

thousand cases filed per year per prosecutor; if we had the four prosecutors last year that are authorized now we would still have matched Williams County with a very high 500 criminal cases filed per prosecutor. The prosecutors and staff we have in place are needed in McKenzie County based on the numbers and the local demands for safety and justice in the community. With law enforcement partners growing their ranks all around us, the office of the McKenzie County State's Attorney will need to continue to grow just to keep pace.

McKenzie County remains at the heart of the oil producing counties in North Dakota. We will continue to sound the beat of a robust oil and gas economy all the while working diligently to pursue justice through the truth for the wellbeing of those who live and work here. The State has shown its commitment to the people of McKenzie County, old-timers and newcomers alike, that we are a state smart on crime and willing to help the County in every way necessary to get the personnel on-board to make sure an arrest is not the end-game but that justice is fully pursued. We are grateful for the support the Legislature has shown by funding oil impact grants, highway patrol troopers, BCI agents, probation officers, and district court judges all of which are integral to maintaining law and order for us who call this epicenter of energy development our home. We respectfully request your continuing support of law enforcement and attention to the needs of law enforcement across the state and in the oil patch especially. Thank you for coming to McKenzie County and for considering the challenges we eagerly face here as public prosecutors and how we are building up the criminal justice infrastructure in the Island Empire. We appreciate your time and service to our state. I am happy to take any questions you have.

[END.]

McKENZIE COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change	Proj 2015
Felony	20	27	29	30	15	57	73	127	215	340	1600.0%	353
Misdemeanor	299	375	318	351	302	565	931	1,667	1,471	1,698	467.9%	1,701
Infraction	30	35	40	25	36	83	37	39	102	58	93.3%	35
Total Criminal	349	437	387	406	353	705	1,041	1,833	1,788	2,096	500.6%	2,089

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change	Proj 2015
Total Traffic	1,938	1,984	1,559	2,167	1,730	2,715	3,690	6,486	6,167	6,686	245.0%	8,864

WILLIAMS COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	192	192	189	214	192	215	367	554	617	790	311.5%
Misdemeanor	948	1,274	994	963	894	1,193	1,856	2,116	1,871	1,601	68.9%
Infraction	59	85	105	77	52	59	67	88	228	99	67.8%
Total Criminal	1,199	1,551	1,288	1,254	1,138	1,467	2,290	2,758	2,716	2,490	107.7%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	3,881	4,236	2,933	2,909	3,082	3,232	4,029	5,398	6,066	6,816	75.6%

WARD COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	444	358	343	300	338	350	384	476	705	894	101.4%
Misdemeanor	2,171	2,215	2,269	2,131	2,188	2,142	2,174	2,212	2,107	1,845	-15.0%
Infraction	144	198	198	141	79	76	62	74	113	99	-31.3%
Total Criminal	2,759	2,771	2,810	2,572	2,605	2,568	2,620	2,762	2,925	2,838	2.9%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	5,774	5,112	6,070	6,044	7,483	7,567	6,125	7,237	9,350	9,025	56.3%

STARK COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	189	132	144	136	149	160	251	226	285	349	84.7%
Misdemeanor	1,034	1,090	1,003	876	877	974	1,023	1,219	1,465	1,449	40.1%
Infraction	337	322	169	123	136	151	76	96	151	192	-43.0%
Total Criminal	1,560	1,544	1,316	1,135	1,162	1,285	1,350	1,541	1,901	1,990	27.6%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	2,948	2,823	3,048	3,310	3,867	3,871	3,665	5,493	7,098	7,035	138.6%

BURLEIGH COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	655	572	605	637	614	565	749	916	990	1,107	69.0%
Misdemeanor	1,857	1,875	2,179	1,958	1,762	2,003	2,056	2,168	2,066	2,222	19.7%
Infraction	102	107	123	111	91	44	23	71	189	495	385.3%
Total Criminal	2,614	2,554	2,907	2,706	2,467	2,612	2,828	3,155	3,245	3,824	46.3%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	6,116	6,860	8,168	8,407	8,700	8,865	9,677	8,852	9,249	11,440	87.1%

CASS COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	1,114	1,026	1,013	950	968	1,043	915	1,113	1,101	1,292	16.0%
Misdemeanor	3,606	3,558	3,959	3,756	3,373	3,309	3,397	3,286	2,909	2,604	-27.8%
Infraction	361	285	271	290	219	172	207	218	351	620	71.7%
Total Criminal	5,081	4,869	5,243	4,996	4,560	4,524	4,519	4,617	4,361	4,516	-11.1%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	12,051	14,842	13,442	12,183	12,113	10,957	12,073	12,581	11,947	12,453	3.3%

GRAND FORKS COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	674	447	444	392	476	423	542	587	579	522	-22.6%
Misdemeanor	3,375	3,125	2,344	2,076	2,318	1,975	2,116	2,540	1,972	2,011	-40.4%
Infraction	384	296	228	176	167	90	110	113	143	226	-41.1%
Total Criminal	4,433	3,868	3,016	2,644	2,961	2,488	2,768	3,240	2,694	2,759	-37.8%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	8,408	9,119	8,024	8,938	9,356	9,360	8,141	9,233	6,815	8,086	-3.8%

RAMSEY COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	140	200	106	96	105	175	135	123	111	188	34.3%
Misdemeanor	1,016	931	831	777	840	742	562	445	475	506	-50.2%
Infraction	50	45	39	56	55	39	43	37	85	45	-10.0%
Total Criminal	1,206	1,176	976	929	1,000	956	740	605	671	739	-38.7%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	3,402	3,201	3,278	3,551	3,401	3,385	3,948	3,779	3,391	4,069	19.6%

STUTSMAN COUNTY

Criminal	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Felony	230	159	129	163	126	147	148	147	179	205	-10.9%
Misdemeanor	783	805	883	741	614	623	571	579	569	461	-41.1%
Infraction	130	130	113	53	44	66	42	38	119	46	-64.6%
Total Criminal	1,143	1,094	1,125	957	784	836	761	764	867	712	-37.7%

Non-Criminal Traffic	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	14/05 Change
Total Traffic	4,870	4,824	3,768	3,417	2,370	3,207	2,927	3,255	3,015	3,505	-28.0%

[END.]