

SB 2246

Senate Judiciary Committee

January 25, 2021

Testimony of Donald Hager, Presiding Judge, Northeast Central Judicial District

Good afternoon, Chairman Larson and members of the Senate Judiciary Committee. My name is Don Hager. I am the Presiding Judge of the Northeast Central Judicial District, comprising Grand Forks and Nelson counties. I am here today to provide testimony on behalf of Senate Bill No. 2246 and as Chair of the Veterans Treatment Court Committee for my District.

The first Veterans Treatment Court was created in January 2008 by municipal court Judge Robert Russell in Buffalo, New York. Since then, over 400 such treatment courts have been established ---- and located in every state EXCEPT North Dakota. This is despite 12.4% of our adult population, or about 46,507 persons, are military veterans. There are 5,010 veterans in the Northeast Central Judicial District.

Judges have a front row seat in observing the traumatic, and often hidden, consequences of military service, whether it relates to criminal charges, domestic disputes, or other court-related matters. Those consequences often lead also to homelessness, unemployment, and other personal struggles. I am here today, as a judge, as a proud North Dakota veteran, to ask you to finally consider the establishment of a Veterans Treatment Court docket so that we can begin to offer real help to those who have served this nation, but subsequently return with traumatic brain injury, sexual trauma, substance abuse, and/or post-traumatic stress disorder. These are all conditions which can, and do, deny a productive and lawful re-entry into the civilian sector which they took an oath to protect.

Veterans Treatment Courts go beyond the adult drug courts we now have in North Dakota, and they need to do so because their participants do not have the same common problems as veterans, nor can the traditional drug court provide those resources. Veterans Treatment Courts provide peer support, as well as a connection for often-entitled services, especially the mental health services and those of the Veterans Administration and the tremendous veteran service officers throughout the State. Almost everyone involved with our proposed Veterans Treatment Court are veterans----they fully understand the complicated mindset and consequences of military service. The Court follows military-style structure, procedure and rules, something that allowed veterans to perform under the most extreme conditions while in service to this country. Its goal is simple----no man or woman is left behind, the very creed by which they served. It is that team approach, accountability and support that makes this special court successful.

Senate Bill No. 2246 is the culmination of about eighteen months of preparation and meetings with stakeholders in the justice community, veterans and other citizens, as well as extensive research and analysis of some of the 400-plus veteran treatment courts across the nation. It included input from veteran treatment court judges and the National Association of Drug Court Professionals ---Justice for Veterans staff. We went through several drafts of the proposed legislation with them, as well as with prosecutors, public defenders, the Department of Corrections and Rehabilitation, our North Dakota Department of Veterans Affairs, the many Veterans Service Officers, the Northeast Department of Human Services, other state agencies, the North Dakota Court System staff, and we also included legislators around the State. This proposed legislation is the product of multiple sources of legislation, including States from one coast to the other, as well as national model legislation of which Supreme Court Justice Tufte is a member of the commission.

We had five initial tasks to bring this about: 1) track and validate the statistical need for the treatment court docket in our District, including the overall veteran population for North Dakota; 2) petition the North Dakota Supreme Court under Administrative Rule 60 to create the specialized docket; 3) develop a plan for training and the development of policy and procedures manuals; 4) develop a working budget and submit it to the Supreme Court; and 5) develop draft legislation to submit which is before you today. We have completed all of those initial steps, including the consent of the North Dakota Supreme Court to proceed with the creation of a specialized docket for veterans. Additionally, we are scheduled for training with Justice for Vets in September of 2021 -- if legislation is passed to allow the creation of the specialized docket.

Senate Bill No. 2246 is a simplified approach to create not a separate court, but a docket, that allows the trial court to have a sentencing alternative to meet the uncommon needs of our military veterans. It is an amendment to Section 12.1-32-02 which continues the adult drug court legislation, but includes the veterans treatment court docket as an option. The qualifications for participation and rules of procedure, as well as proof of its effectiveness, will be developed and presented to the North Dakota Supreme Court for approval.

We have analyzed our operations and needs for this specialized docket, and have gauged the community interest. It has been overwhelming, and heartening, to see how the veteran and current military community have not only embraced it, but pleaded for us to put our greatest effort in bringing this to a reality, not just for Grand Forks and Nelson County, but to also reach into our rural areas where many of our veterans isolate and would not have the benefit of this court. Rapid employment of those means, some electronically, is one of the few silver linings in this COVID-19 pandemic. The need for this court is here, maybe even more so than in all of the other states.

We may be the last one to do so, but as such, we are the beneficiary of modeling the best it can be for North Dakota and our veterans.

Senate Bill No. 2246 simply adds the Veterans Treatment Court as an alternative to subsection 1 of Section 12.1-32-02. Chair Larson and members of the Senate Judiciary Committee, I ask on behalf of our district committee and all veterans, for a DO PASS recommendation.