

NORTH DAKOTA
VETERANS COURT
EXPLORATORY COMMITTEE

Minutes

December 3, 2019

ND Department of Veterans Affairs
4201 38th Street SW
Fargo ND 58104

Roll Call at 10:00am:

Absent: Cass County VSO (vacant), David Johnston-Veteran, Diana Hall-VA.

LTC Hagel, Michelle present via telephone.

Lonnie Wangen - NDDVA Commissioner discussed development and progress of the virtual/paper court which started in 2010. Jennifer Kimball Walter (VA) discussed the current procedures in ND. Committee identified some areas lacking in process;

- Identification of veteran not being consistent throughout ND Jails and Clerk of Courts.
- Clerks and Jails not consistently reporting the justice involved veterans to VA VJO coordinator.
- Lack of veteran mentors

Jennifer Kimball Walter discussed the process used in Clay County MN Veterans Court. Kimberlee Hegvik (Cass County Assistant States Attorney) and Tonya Martinez (Cass County Assistant States Attorney) discussed the process they use to serve justice involved veterans in their case logs and specialty courts (substance courts). Biggest issue is identifying a person as a veteran and conveying that information to the correct resources. Believe a “Veterans Treatment Court” could be tucked into the current drug courts. Lower level offenders like DUI, domestic assaults etc. could be intervened and sent to VA VJO etc. Many low level offenders are “one and done” meaning they get a DUI or misdemeanor charge and do not become repeat offenders. Sending a lower level offender to a specialty court would, historically, add more issues and create bigger problems for the veteran escalating them to higher level offenses. Identified need for;

- Identifying as a person who served in the military early in process
- Mentor program for lower level and higher level offenders

Discussed the need for an established veterans treatment court. Discussed how the current court systems work, case-loads, and why adding another specialty court does require funding. Found that there are processes in place that work but need improvements. Also need to identify those who served in military to properly determine the number of justice involved veterans. Current clerk of courts will not embrace additional tasks like asking and filling in the “have you ever served” question or reporting those names to the VA VJO office. John Gourde (ND Parole and Probation) discussed the ND Odyssey program. All justice involved persons and issues throughout ND are logged into this system by the clerk of courts. From parking tickets to

felonies. This could be a data source to make things easier. If done properly the VA VJO coordinator could download a list of veterans in the odyssey system-or an automatic email could go out to the VA VJO just as it does to the prosecutors and defense attorneys. This would be the simplest solution with the least amount of manpower required. The ND Supreme Court ultimately owns the Odyssey system and would have to approve and direct any changes. If the prosecuting attorneys were to ask the question during arraignment hearing the clerk would have the answer and could simply click on the button.

Discussed other area in need of improvement. The need for a mentor program. ND does not have mentors to work with the veterans. Mentors could be used on the lower level offenses to ensure the veterans are provided with the resources they may need and hopefully keeping them from escalating to a high-level offender. Mentors on the higher level offenders are needed to help the justice involved veteran navigate through the system/process, check in with the veteran and be at hearings etc.

Next step? Committee discussed and agreed that we do not have enough data to state that a veterans treatment court needs to be stood up. Committee agreed that there are processes and tools available to serve our veterans in the same manner and with same effect as a veterans treatment court and many veterans have been identified and processed through the system successfully. The committee agreed that steps need to be taken to complete the process.

Steps to take:

1. Establish a “have you ever served in the military” question in the Odyssey program.
 - a. Mandate that the question be answered in Odyssey
 - b. Create query so VA VJO can pull the information from Odyssey
 - i. Possibly sort by offense or level of offense
 - c. Automatically send updated information concerning veterans in Odyssey to VA VJO email.
 - d. This would serve two roles:
 - i. Identify as a veteran so the VA VJO is informed and can reach out to veteran
 - ii. Create a complete, accurate and reliable source of data to determine need to enhance the veteran court process or establish a specialty court.
 - e. Lonnie will reach out to ND Supreme court members with this request.
 - i. Justice Jerod Tufte
 - ii. Justice Lisa Fair McEvers
 - iii. Justice Jon J. Jensen
 - iv. Justice Daniel J. Crothers
 - v. Chief Justice Gerald W. VandeWalle
2. Establish mentorship program for veterans who become justice involved
 - a. Mentor would;
 - i. Work directly with justice involved veteran as needed.
 - ii. Coordinate with Parole, Prosecutor, Defense attorney, VA providers, court coordinators to ensure veteran stays on task.
 - b. Mentor training:
 - i. Justice for vets (national free training) and,

- ii. Free through recovery (ND-DOCR and DHS) week-long
 - c. Mentor funding;
 - i. Volunteer basis
 - 1. Veteran Service Organizations could coordinate
 - 2. Veteran Service Officers could coordinate
 - 3. Donations for expenses-solicited from public or veteran gaming etc.
 - ii. Paid mentors;
 - 1. Apply with “Free through recovery” ND program
 - 2. Paid about \$400 per month per client
 - 3. Apply as own entity or through an organization like Light House
 - d. Mentor preferred qualifications;
 - i. Veteran
 - ii. In recovery
 - e. Possible resource for mentors:
 - i. AA groups
 - ii. VA Vet Centers
 - f. Mentor applicants contact John Gourde
- 3. Add members to Veteran’s Court Committee
 - a. Public Defender
 - i. Monte Mertz-director Public Defenders Office 701-298-4640
 - b. Veteran Service Officer
 - i. Wait for Cass County VSO to settle in then ask.
 - c. Judge
 - i. Supreme Court or district
 - ii. Tabled for later time to discuss
- 4. Visit drug court-Lonnie. Wednesdays 4-5pm. Judge Olson
- 5. Identify areas not covered or qualifying for drug court in ND
 - a. Rural areas. Mainly in western ND

Adjourned at 12:40pm