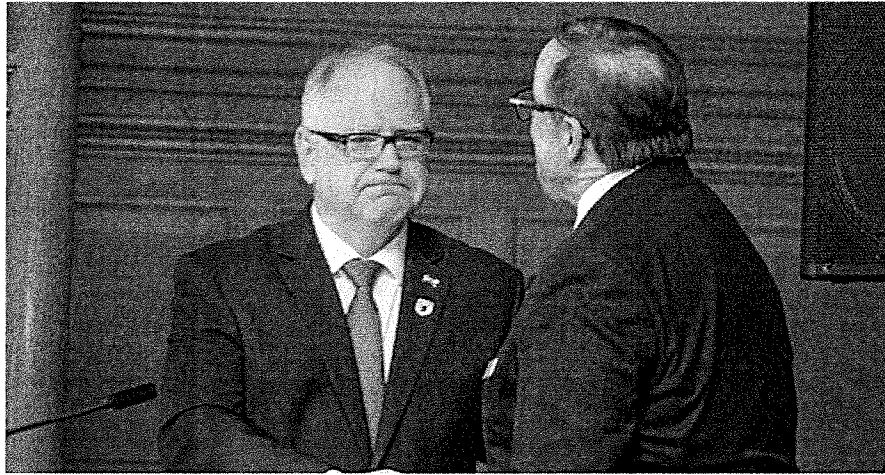


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Gov. Tim Walz shakes hands with attorney Brock Hunter, whose group spearheaded the Veterans Restorative Justice Act initiative. (Staff photo: Kevin Featherly)

Tim Walz backs treatment courts for veterans

By: Kevin Featherly | January 28, 2019 | 1 Comment

It's a bill without a name, number or official author, but it has Gov. Tim Walz's full support and promises to draw public defenders back into Minnesota's veterans' treatment courts.

Walz touted the Veterans Restorative Justice Act in a brief speech at St. Paul's Landmark Center on Jan. 22.

The bill, which is drafted but not yet submitted to the Legislature, would allow veterans to earn their way out of criminal convictions through stays of adjudication.

"Our new statute lays out a very detailed path for a veteran," said Brock Hunter, an attorney and president of the nonprofit Veterans Defense Project, which organized the working group that spent 18 months putting the bill together.

"They've got to show a nexus between military services and the issues they are having in the courts," Hunter said. "If they meet the criteria, they have a path to a presumptive stay of adjudication, which means no convictions for their crime."

Veterans involved in the program would have to complete treatment, stay sober and abide by any other conditions imposed by the courts.

Participation in the program would be barred for serious crimes—those ranking at severity level 8 or higher on the Minnesota Sentencing Guidelines. Registered offenders would also be ineligible.

The law would establish stays of adjudication as the statewide presumptive sentence for participating veterans whose crimes rank as severity level 7 or below. Only defendants who would normally qualify for probation can take part.

If a defendant asks to be part of the program and enters a guilty plea, the judge would make a determination whether the veteran suffers from sexual or brain trauma, post-traumatic stress disorder, addiction, or mental illness stemming from their military service. The judge could order defendants to furnish their full military and medical records as part of that process.

If the connection is established, or if the parties stipulate to the nexus, the judge would order probation, barring any complications.

The defendant could be ordered to enter treatment as a condition of probation and, if available, may be supervised by a local veterans' treatment court. The court and the treatment program would be expected under the law to collaborate where possible with the state and federal departments of veterans affairs to maximize services and benefits.

In the end, if all goes well, the charges would get dismissed.

"The judge puts your plea in his pocket, so to speak," Hunter said. "As long as you have done everything that is expected of you, the plea gets torn up or vacated and the charge is dismissed."

Walz told the small gathering of legislators and law enforcement and court officials that the initiative "the right and smart thing to do."

"I want to make it very clear that we stand 100 percent with you," Walz said. "The governor's office is here to make sure that this gets done. And Minnesotans are going to be incredibly grateful for the work that you do here."

Back in

Bill Ward, the state's chief public defender, was on the working group that helped write the bill.

With the permission of the Board of Public Defense, Ward long ago pulled out of the treatment courts because, as things stands, they work post-adjudication. He said he can't spare the staff or resources, which are already stretched thin, to aid defendants whose cases were already closed.

"You're talking about staffing meetings, you're talking about all kind of additional responsibilities," Ward said. "We don't have the resources to do that extra work. So we pulled out."

If the law passes, however, he will reverse course. The law would open up a pre-adjudication process for veterans to which his attorneys could positively contribute, he said.

"If the clients have something to gain—which is no conviction—I find that to have value," Ward said. "That is a huge benefit to those who have served our country and we will be in full force on this thing."

John Choi, the Ramsey County attorney, also is a supporter. He said the law would establish a uniform way for courts to help damaged veterans rehabilitate their lives without the stigma of conviction hanging over them.

"We owe it to our veterans because we put them there in this position that caused a lot of trauma," Choi said. "We owe it to them to be sure that we have a way in which full rehabilitation can happen."

Hunter said his group's lobbyists are busy lining up legislative authors for the effort.

"In the talks we've had with legislators at the Capitol, we've really had nothing but interest so far," he said. "So we are really hopeful that it will have strong bipartisan support."

ONE COMMENT



Ulricii

January 28, 2019 at 12:44 pm

If this is an effective criminal rehabilitation program, why will it be available only to veterans? If it turns b
guys into good guys, it should be a remedy available whenever a judge deems it appropriate.

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