

2022 • Issue 2

from the desk of the **SJOL**

JUDGE JOHN W. GRINSTEINER (RETIRED)

Welcome to the second issue of From the Desk of the SJOL! In this issue of the quarterly newsletter, we take a closer look at driving under suspension (DUS). Many of you identified this topic as something that needed to be addressed. The following is a snapshot from one of our districts on a typical misdemeanor initial appearance day, as it relates to DUS charges. This is a real and current example. Out of 17 appearances in the morning, 11 had a pending DUS charge. It was either the sole charge or mixed in with other charges. Out of the 18 scheduled afternoon appearances, 9 had a pending DUS charge.

Certainly, changing the way DUS charges are handled would greatly impact the Court's docket. As I examined the issues more closely, I learned again what we all have come to learn, that there are a few layers to the onion.

While I had my own thoughts on DUS, my deeper examination started with my work on the DUS Working Group, a subcommittee of the Impaired Driving Task Force. You should remember getting a survey from me asking for your input. Thank you to those who took the time to fill it out. Follow the link in this newsletter to see the full results of that survey and a summary of the findings. Also, in this issue, you will find in the partner feature, an update from the chair of the DUS Work Group, Kristi Pettit Venhuizen, about the progress the subcommittee is making. Kristi serves as the Grand Forks City Prosecutor and is North Dakota's Traffic Safety Resource Prosecutor (TSRP).

Other highlights include the Department of Transportation Driver License Division's records update. In the newsletter feature, Division Director Brad Schaffer describes the updates and what drivers can do with the kiosks placed around the state. I have also included an article from Judge Scott Pearson ABA Regional Judicial Outreach Liaison, Region 8, Reno NV, to give a national perspective on the DUS issue. Judge Pearson's article addresses the issue of equity and fairness in our traffic courts and will definitely give you something to think about.

Finally, I have included some updated North Dakota fatal traffic crash data, some useful resources and links, and some upcoming trainings, events and webinars. I hope your summer is off to a good start. Remember, we wait all winter for warm weather like this. Be safe out there!



Issue highlights

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**FEATURE:
NDDOT Driver's License
Division Records Update**

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Driving Under Suspension: A Survey of North Dakota Judges

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Upper Great Plains Transportation Institute, North Dakota State University, Fargo, ND

Abstract

North Dakota’s current driving under suspension (DUS) law, enforcement, and effects are explored from the perspective of the state’s municipal and district court judges (including judicial referees/magistrates). Overall weighted results are presented in addition to between-group distinctions. These insights provide support for stakeholders considering whether change to DUS law and enforcement is needed.

Results show that current DUS penalties should be decreased, by way of decriminalization, shorter suspensions, and reducing the elevation of the offense or subsequent offense. Unless a DUS violator is an elevated offender, it is not deemed necessary to take that person into custody. Municipal court judges tended to agree that reinstatement should be allowed for drivers serving a current suspension/revocation for an alcohol-related offense, while district court judges were opposed. Both groups support treating alcohol-related DUS convictions differently, and connecting license restoration to treatment/sobriety. Further, nearly all participants support permitting temporary restricted license (TRL) privileges for attending evaluations and/or any recommended treatments as an incentive to fully restore driving privileges. Lastly, rather than have restrictions TRLs should allow any driving that is compliant with the 24/7 program.

Introduction

In March, 2022 an opinion survey was distributed to all North Dakota municipal and district court judges, as well as judicial referees and magistrates (Appendix A). The aim was to understand perceptions of the current driving under suspension (DUS) law, its enforcement, its effects, and whether change is needed. Of

the 127 surveys distributed, 53 voluntary responses were collected from 34/58 municipal court judges (Group 1), and 19/69 district court judges and judicial referees/magistrates (Group 2). This report presents the overall weighted results in addition to distinctions found between the groups. Note the low response rate from the group of district court judges and judicial referees/magistrates and keeping in mind that members of this group make up 54.3% of the population, but account for only 27.5% of responses. While overall responses were weighted in attempt to resolve the sample size differences, a larger response rate is necessary in order to generalize the findings from Group 2.

Key Findings

Current penalties and possible changes: Participants were asked whether they believe the penalties resulting from the charge of driving under suspension (DUS) should be increased, decreased, unchanged, or otherwise modified (Figure 1). Overall, 42.1% of participants agree that penalties should be decreased. The belief is shared by 64.7% of Group 1 (municipal court judges), and 22.2% of Group 2 (district court judges and judicial referees/magistrates). However,

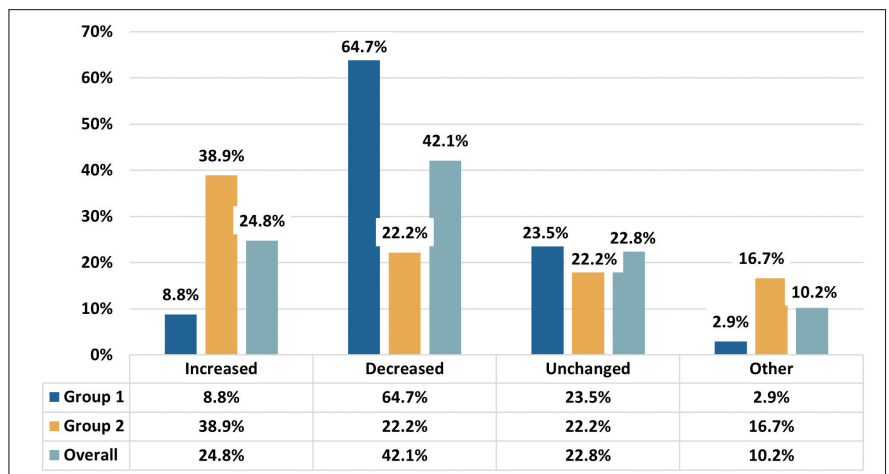


Figure 1. The penalties resulting from the charge of Driving Under Suspension (DUS) should be increased, decreased, or unchanged.

38.9% of Group 2 would prefer increased penalties. "Other" responses were qualitatively analyzed, and when appropriate were recoded and incorporated into a corresponding response category. Responses that could not be recoded include suggestions for improvement, such as tying penalties to vehicle registration, and rewarding those who are actively attempting to reinstate a suspended license. A complete list of comments will be included in Appendix B.

[Link to full report here.](#)

Summary

The purpose of this research was to understand North Dakota's current driving under suspension (DUS) law, its enforcement, its effects, and whether change is needed from the perspective of municipal and district court judges (including judicial referees/magistrates). Overall weighted results are presented in addition to distinctions found between the municipal and district court judge groups. These insights provide support for stakeholders to continually improve current practices.

The majority of participants feel that current DUS penalties should be decreased by way of decriminalization, shorter suspensions, and reducing the elevation of the offense or subsequent offense. When it comes to taking DUS violators into custody,

most participants don't think it is necessary unless the person is an elevated offender. Participants largely agree that alcohol-related DUS convictions should be treated differently. There is a clear difference of opinion between the two groups of judges with regard to allowing reinstatement for drivers serving a current suspension/revocation for an alcohol-related offense with municipal court judges tending to agree while district court judges oppose. However, both groups support the idea of connecting license restoration to treatment/sobriety. Further, nearly all participants support permitting temporary restricted license (TRL) privileges for attending evaluations and/or any recommended treatments as an incentive to fully restore driving privileges. Lastly participants believe that TRLs should allow any driving that is compliant with 24/7 rather than have restrictions.

Further research would benefit from encouraging more district court judges to participate in order to more accurately gauge the perspectives of this group. Additionally, based on participant comments, allowing textual responses to each survey question would allow users to elaborate on or qualify their opinions. Finally, the divide on whether reinstatement should be allowed for drivers serving a current suspension/revocation for an alcohol-related offense should be explored.

North Dakota 2022 Fatal Crash Statistics as of 6/19/2022



There have been 32 fatalities so far this year, compared with 46 in the same time period last year 2021, and nearly on pace compared with 37, in the same time period for 2020. For a full look at the Fatal Crash Stat Board, visit: [2022 Fatality Spreadsheet.xlsx](#) (nd.gov)

North Dakota has a Vision Zero strategy to eliminate motor vehicle crash fatalities and serious injuries on North Dakota roads. For more information, go to <https://visionzero.nd.gov/>

Fatalities: 32	No Seat belt (for seat belt eligible vehicles) 15
Crashes: 31	Speed related fatalities: 12
Operators Tested Positive: 5	Fatal Crash Involved Lane Departure: 18
Operators Tested Negative: 7	Fatal Crash Involved a Younger Driver(s) 14-20 years old: 5
Operators Not Tested: 5	Fatal Crash Involved an Older Driver(s) 65+ years old: 11
Crashes with impending investigation: 14	Fatal Crash Involved a Train: 0
Fatalities from Alcohol Crashes: 5	Fatal Crash Involved a Commercial Motor Vehicle(s): 10
	Holiday Fatalities: 4

PARTNER SPOTLIGHT:

Kristi Pettit Venhuizen

Traffic Safety Resource Prosecutor
(TSRP for North Dakota)

Seriously – another Driving Under Suspension/Revocation! We have all had that response to seeing yet another DUS citation come across our desks, whether a law enforcement officer, correctional facility employee, prosecutor, or judge. These cases are prolific and

DUS Work Group Report

take a lot of time and resources. Additionally, the law isn't clear and there is inconsistency regarding how these cases are addressed between jurisdictions and even between judges in the same courthouse. This frustration led to the creation of the DUS Work Group, a subcommittee of the Impaired Driving Task Force which was developed as part of the North Dakota Department of Transportation Strategic Plan. The work group is comprised of law enforcement, prosecutors, defense attorneys, judges, administrative law judges, and the Driver License Division of the NDDOT. We also have invited stakeholders with interest in this topic such as child support, Federal Motor Carrier Safety

Administration (FMCSA), and the 24/7 program.


One of the initial goals of this subcommittee was to have input regarding driving abstracts. As you know, the abstracts were difficult to decipher. Ironically, our initial goal was quickly accomplished when we learned at our first meeting the Driver License Division was already working on a major overhaul of their system. The new system went into effect on May 9. The Driver

License Director, Brad Schaffer, and his staff have been outstanding to work with and are able to provide invaluable information

regarding how things are processed in their department. We are told this new system will make it easier to make changes to the driving abstracts, too. So, if anyone has suggestions for improvement, they should not hesitate to let JOL John Grinsteiner know and he can share your comments with the driver license folks.

Much of the subcommittee's work has focused on what law changes might be appropriate to better address the unique aspects of dealing with these cases. We have had some interesting discussions and there are varying views regarding what changes may be appropriate. The subcommittee is cognizant of two primary goals: (1) getting people to be validly licensed, and (2) protecting public

safety. One suggestion that has gained traction is to reclassify DUS/R violations as infractions. This would eliminate the right to a jury trial (except for municipal court jury transfers) unless the prosecutor elected to charge it out as a class B misdemeanor in accordance with the law. Some judges, however, have concerns that making it an infraction will actually limit their ability to be more creative with sentencing as the only penalty for an infraction is a fine. While this may seem reasonable for a suspension caused by failure to appear or pay fines, non-payment of child support, or failure to pay a reinstatement fee, there is concern this does not adequately address the suspension/revocation which is the result of an alcohol-related offense, or driving without liability insurance, or provide enough recourse for blatant, repeat offenders. We also noted the law does not define an alcohol-related suspension which results in inconsistencies in enforcement. Other discussions included changing the suspension periods for certain violations or giving more time to pay traffic tickets.

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STAY TUNED!

I stand as a resource for each of you, so don't hesitate to reach out. If you have an issue that is somehow connected to impaired driving, I'll do my best to help. If it's not, I'm still happy to listen and help if I can. I know how isolating your positions can be at times, so you have a friend in me. I will be attending the ABA Mid-Year JOL Meeting (Nashville, TN) on July 24, 2022 and then the NADCP RISE22 Conference (Nashville, TN) immediately following on July 25-28, 2022. I hope to bring back some useful information for you with my third issue of the newsletter featuring treatment courts. Until next time, peace on your heart!

Another topic covered was temporary restricted licenses (TRL), also referred to as occupational permits or work permits. As you probably know, the TRLs often include language outlining the conditions for driving such as to/from work or to prevent the "substantial deprivation" of life maintenance needs. These vague and undefined terms also lead to confusion and inconsistency for all agencies that deal with them. A review of other states' permit provisions showed similar enforcement issues and no gold standard to follow.

The work group (through Judge Grinsteiner) solicited input from judges and we reviewed results from an informal poll of some of the highway patrol administration. We are still trying to get data from the state court administrator's office on DUS/R cases and how they are resolved. Anecdotally speaking, however, we likely all agree DUS/R violations are a huge part of the caseload and workload even without the data being available. Jim Fleming, director of Child Support, was able to provide data regarding the number of suspensions that result from non-payment of child support along with an explanation for the process his department uses to screen cases for possible license suspension. Out of 18,937 parents who owe arrears in cases being enforced by Child Support, 2,671 have a driver license that is currently suspended for failure to pay child support. That amounts to 14.71%, which reflects the screening process Child Support uses before acting to suspend a license. Workers conduct a case assessment before responding to the system alert that the parent has fallen 2 months behind or has failed to comply with a previously-negotiated payment plan.

As mentioned, this has been interesting work and there is no clear, easy answer. While there is a desire to want to help offenders get off the hamster wheel when it comes to suspension and revocations, there is a conflicting obligation to provide for public safety. If we do away with suspensions for non-payment of traffic tickets, how do we enforce traffic laws and keep our roads safe? If we don't suspend for driving while impaired, what message are we sending about the seriousness of impaired driving? If we don't suspend for failing to maintain liability insurance, how do we ensure drivers are insured? These problems are not unique to North Dakota and these are questions being asked at all levels of government. One proposal suggests decreasing fines and reinstatement fees; but, North Dakota is already in the unique position of having some of the lowest fines and reinstatement fees in the nation. These conversations have produced no easy, obvious answers.

It is anticipated the work group will conclude its work by early fall. While the subcommittee as a whole cannot lobby for law changes, the hope is to submit a report of our work and discussions, outline suggestions for change, and draft proposed "sample" legislation. This information would then be made available to anyone who is interested. While there is much disagreement on this topic, there have been some areas of consensus. In the meantime, the DUS Work Group welcomes any and all input. We also welcome anyone to join our meetings to share ideas. This has been fascinating work and the subcommittee is to be commended for their time and efforts.



Kristi Pettit Venhuizen graduated with distinction from Washburn University School of Law in Topeka, KS, in 1998. She returned to her hometown of Grand Forks, ND, to work in the municipal prosecutor's office under the mentorship of Dwight F. Kalash. Kristi has been the City Prosecutor in Grand Forks since approximately 2005. In addition to her responsibilities as the City Prosecutor, Kristi has a private practice (Kalash & Pettit) that focuses primarily on family law, estate, and probate matters. Kristi serves as the supervising attorney for the Community Violence Intervention Center (CVIC) and is on the faculty of the University of North Dakota in the Department of Criminal Justice. She has served as a Traffic Safety Resource Prosecutor for the State of North Dakota since 2011, providing training and assistance to prosecutors and law enforcement in traffic safety matters.

Striving for Equity and Fairness in Our Traffic Courts: The Time is Now

by Judge Scott E. Pearson, Reno (NV) Township Justice Court ABA RJOL, Region 8 Reno, NV

In the first six months of 2021, [U.S. traffic deaths](#) surpassed 20,000, the highest first-half total since 2006. The impact of the loss of these lives is immeasurable. Often, the response to such an increase is a call for more enforcement. While fair and appropriate enforcement of traffic laws may be an effective countermeasure, we must be mindful that inequitable enforcement causes significant harm to citizens and communities across this country and damages the reputation of the entire criminal justice system, including the courts.

The typical court punishment for a traffic offense is a fine. These fines bring in billions of dollars to state, city and county budgets every year. Legislative bodies often add fees to these fines to pay for criminal justice related projects including peace officer training and court budgets. Organizations depend on this revenue and, as the organization's costs rise, so naturally does the pressure to raise more revenue from traffic citations.

Those who can pay the fines usually do so. To them the ticket is a minor annoyance. For those who cannot pay, the simple citation can have devastating effects. In most jurisdictions, courts have several options when someone does not pay their fines. All too often, the action of choice is further financial burdens, suspension of a driver's license or worse, incarceration. For those unable to pay, the traffic ticket does not change their driving behavior, it ruins their lives.

After the unrest in Ferguson, MO, in 2014, the United States Department of Justice (DOJ) launched a civil rights investigation. The DOJ found "much of the harm of Ferguson's law enforcement practices in recent years is attributable to the court's routine use of arrest warrants to secure collection and compliance when a person misses a required court appearance or payment." The report emphasized that these actions imposed "particular hardship upon Ferguson's most

vulnerable residents, especially those living in or near poverty." These unconstitutional practices "reflect and reinforce an approach to law enforcement in Ferguson that ... undermines police legitimacy and community trust."

Courts in the United States exist to provide a forum for the fair and just resolution of disputes, to preserve the rule of law, and protect individual rights and liberties from unlawful government intrusion. It is the judiciary's insistence on the fair, unbiased treatment of the citizens that is fundamental to our system of ordered liberty. As Alexander Hamilton stated in Federalist No.17, "the ordinary administration of criminal and civil justice ... contributes, more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence towards the government." When a court's actions result in such significant disparate treatment, when they criminalize poverty as they did in Ferguson, they significantly damage the reputation of the criminal justice system and erode the public's confidence that their government "is of the people, by the people, for the people."

Unfortunately, the practices exposed in the DOJ report are not unique to Ferguson. While nearly 20% of the city budget in Ferguson was paid for by fines and fees from the municipal court, there are communities in this country where that figure approaches 90%. Great concerns arise when the budgets of law enforcement agencies or, worse yet, the courts, are directly related to the revenue they collect from fines and fees. See *Tumey v. Ohio*, 273 U. S. 510 (1927) ("it certainly violates the Fourteenth Amendment and deprives a defendant in a criminal case of due process of law, to subject his liberty or property to the judgment of a court the judge of which has a direct, personal, substantial, pecuniary interest in reaching a conclusion against him in his case."); see also *Harmelin v. Michigan*, 501 U. S. 957, 979, n. 9 (1991) (opinion of Scalia, J.) ("it makes sense

to scrutinize governmental action more closely when the State stands to benefit”).

Courts that incarcerate indigent citizens for failing to pay are responsible for part of the problem they claim to be addressing. The DOJ investigation found many individuals failed to appear for court because they knew if they could not pay the fines and fees in full, they would be incarcerated. The history of the court in which I serve includes a practice the bailiffs called “dialing for dollars” whereby citizens that appeared for court without full payment were taken to a holding cell and provided a phone. They were released when someone paid their obligation. Those who did not pay or appear by the due date were issued an arrest warrant with the bail set at the full amount owed, cash only. Again, to gain your freedom someone needed to pay your obligations in full. Our court also routinely added hundreds of dollars to your obligation if you missed a payment or failed to complete the conditions of your case by the due date. The court was raising more than \$750,000 a year by way of these types of judicially created fees when I took the bench.

In their investigation the DOJ recounted a story disturbingly similar to ones I witnessed. “One woman received two parking tickets for a single violation in 2007 that then totaled \$151 plus fees. Over seven years later, she still owed Ferguson \$541—after already paying \$550 in fines and fees, having multiple arrest warrants issued against her, and being arrested and jailed on several occasions.”

Incarcerating someone who does not have the ability to pay is not only harmful, it is unconstitutional. “If a State determines a fine or restitution to be the appropriate and adequate penalty for the crime, it may not thereafter imprison a person solely because he lacked the resources to pay it. ... Such a deprivation would be contrary to the fundamental fairness required by the Fourteenth Amendment.” *Bearden v. Georgia* [461 U. S. 672-673](#) (1983).

According to the American Bar Association (ABA) sentencing standards 18-2.6 and 18-6.1(a) sentences should be individualized and “[t]he sentences imposed should be no more severe than necessary to achieve the societal purpose.” The ABA also stresses, “fees should only be implemented in cases where an individual can pay without significant hardship.” These equitable principles date to at least 1215 when the Magna Carta required economic punishments “be proportioned to the wrong” and “not be so large as

to deprive [the offender] of his livelihood.” *BFI v. Kelco*, 492 U. S. 257 at 272 (1989).

In addition to incarceration, courts routinely suspend the licenses of drivers that fail to pay their court obligations in full. In many cases this sanction causes even greater injustices than brief incarcerations. Since “86% of U.S. workers commuted to work by automobile in 2013” according to the United States Census Bureau, it is not difficult to imagine the hardship losing your ability to legally drive a car can have. In a study sponsored by the New Jersey Department of Transportation and the Federal Highway Administration on the impacts of driver’s license suspensions, the findings included “[t]he obvious and most direct impact of license suspension is loss of personal mobility. However, suspension may also have collateral and/or unintended consequences such as job loss, difficulty in finding employment, and reduced income. Consequences can also include other financial impacts, such as increased insurance premiums and other costs associated with suspension; as well as psychological and social impacts such as loss of freedom, increased stress, and family strain.”

A 2016 economic assessment by Arizona State University found “in Phoenix, over 50% of people whose licenses were suspended lost their jobs, with a median decrease of \$36,800 to their annual income.” According to the study, “[r]estoring just 7000 licenses increased GDP by \$149.6 million.” As the ABA has stated, “suspending a driver’s license for nonpayment is therefore out of proportion to the purpose of ensuring payment and destructive to that end.”

A 2015 investigation by the Las Vegas Review-Journal discovered citizens in Clark County “living in the seven poorest, statistically African-American and Hispanic zip codes account for nearly two-thirds of traffic citations.” Suspending the license of those who cannot pay their citations therefore disproportionately impacts communities of color. In Virginia, a report by the Commonwealth Institute found “[I]n 2019, on average, at least \$31 in traffic and criminal fines and fees was assessed for every non-Black Virginian, while at least \$65 was assessed for every Black resident of Virginia.”

Last year the Conference of Chief Justices acknowledged the “widespread institutional racism” and “pledged to make the courts fairer for all, including people of color.” The Justices adopted resolutions calling on courts to “adopt policies and follow practices that promote fairness and equal

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treatment” and “acknowledge that their fines, fees, and bail practices may have a disparate impact on the poor and on racial and ethnic minorities and their communities.”

Some members of Congress have also recently acted to curb these abusive collection practices. On October 28, 2021, the Senate Judiciary Committee passed the Driving for Opportunity Act, a bill that would provide incentives to states that end debt-based driver’s license suspensions. The sponsors of the bill estimate 11 million people nationwide currently have their driver’s licenses suspended because they cannot pay fines or fees. “Suspending driver’s licenses for unpaid fines and fees is counterproductive,” said Senator Wicker, R-Miss. “Millions of Americans have their driver’s licences suspended, and, in large part, simply because they are poor. These debt-based license suspensions are nonsensical and damaging, disproportionately trapping Black and Brown communities in a vicious cycle of debt,” said Sen. Coons, D-Del. “We cannot expect Americans to pay back debts while taking away the very ability to go to work and pay back their fines and fees.” The legislation is supported by more than 50 institutions including the U.S. Chamber of Commerce, the National District Attorneys Association, and the Federal Law Enforcement Officers Association.

At least 15 states have passed reforms to curb license suspensions for unpaid fines and fees, missed hearing dates, or both. These reforms include the following: (1) ensuring fees charged are only to offset actual costs and are reasonable and equitably applied; (2) assessing the ability to pay a fine, fee or costs, at the time of sentencing; (3) requiring anyone assessed a fine or fee be notified of their right to a reasonable payment plan at the time the ticket is issued, at the time of sentencing, and in any communication concerning collection of fines and fees; (4) using technology such as QR codes on the ticket that take someone to an ability to pay page of the court’s website where they can also find videos that explain the process to resolve tickets that present an undue hardship; (5) setting reasonable amounts of community service that can include rehabilitation programs like education, counseling and job training; (6) setting every fine due date as a court review hearing so, if not paid, the court can explain the various options for resolving the matter and conduct

an ability to pay hearing; (7) providing text and voicemail reminders of due dates and encouraging defendants to contact the court for assistance; (8) setting maximum minimum payments whereby installments must at least be in 30-day increments, and each installment cannot exceed 2% of a person’s self-reported monthly net income or \$10, whichever is greater.

In 2018 the ABA urged “all federal, state, local, territorial, and tribal legislative, judicial, and other governmental bodies to apply the Ten Guidelines on Court Fines and Fees” to address “increasing racial tensions, retaliatory violence against police officers, and a growing public distrust of our nation’s justice system”. As we set about ending these oppressive practices in our courts we must also ensure all stakeholders and the citizens in our community, especially in those areas most affected by these practices, are aware courts cannot incarcerate someone solely for being indigent. We must assure them the courts are there to protect their constitutional rights against unjust government actions.

Accountability and the rule of law are central tenets of our judicial system. For those convicted of behavior that puts others at risk, there should be consequences. But those consequences must be equitably applied. Incarceration, license suspensions, and excessive fines and fees on traffic offenses are unreasonable and they do not decrease recidivism, they increase it. These injustices are also destroying public trust in our judiciary and government. We must engage each judge that utilizes these abusive collection practices, wherever they are, as uncomfortable as that may be. While incarcerated in a Birmingham jail cell Dr. King wrote to his colleagues to urge them to do the right thing. In that letter he famously wrote, “Injustice anywhere is a threat to justice everywhere”. More citizens interact with the courts over traffic tickets than any other matter. Let us use these encounters to rebuild the trust in our judiciary Hamilton spoke of and thereby impress “upon the minds of the people, affection, esteem, and reverence towards the government.” I think they sure could use it.

Author’s Note: This article was originally published in the American Bar Association’s “Highway to Justice” (Winter 2022). It is being reprinted here with permission.

FEATURE SPOTLIGHT:

Brad Schaffer

Driver's License Director
NDDOT

What is LEGEND?

LEGEND (Licensing Enterprise Gateway Endpoint for North Dakota) is the new driver license system that replaced the 40+ year old mainframe system and included an upgrade to the Motor Vehicle System (STARS) joining them into one system.

The driver license system was built on a mainframe platform, which is now considered out-of-date technology, and developers are getting hard to find, resulting in few options for support. A new system was needed with the capability to meet the ever-changing requirements of the driver license issuance process, frequent legislative changes (both state and federal), ad hoc reporting so data can be

Advanced functionality allows users to start and stop work at different points in the process. It provides a single customer-centric view of all activities associated with the customer's account and reduces redundant data entry. On the back end, the advanced ad hoc reporting will allow users to run reports when needed and not involve IT staff. The help and learning modules built into the system will allow staff ways to find answers quickly and train new staff in half the time. LEGEND will provide an application that is easier to maintain and modify for new changes and future projects.

Kiosks

Last year NDDOT added 44 new kiosks with the addition of several driver's license services. There are now 52 kiosk locations across North Dakota. With these kiosk upgrades, drivers can now renew a license, request a replacement license or ID card, schedule a road test, pay a reinstatement fee, change their address, and edit donor registry information.

They can also check the status of their license, driving record, and CDL medical card, and validate their date of birth. Individuals are not able to get their initial REAL ID via a kiosk, but would be able to renew at one.

Additional kiosk services were also added for motor vehicle. In addition to motor vehicle registration renewals, customers may now complete their 30-day and non-resident temporary registration, update their email or mailing address, and request a placard for a mobility impairment.

In addition to the kiosks, North Dakotans can still receive driver's license and motor vehicle services through the NDDOT website, ND Drive mobile app, or in person by making an appointment.

NDDOT Driver's License Division Records Update

accessed quicker, and to allow additional growth and enhancements.

LEGEND will improve accuracy due to system automations, provide improved security of identity-related documents, reduce monthly downtime, and improve processing time for in-person transactions. The new pre-application feature will allow customers to fill out their application online before they get to the office. Once at the counter, the data will import into the system and reduce the data entry effort for staff.



Brad Schaffer has worked at the State of North Dakota for twenty years. He joined NDDOT in 2005 and worked in many capacities including information technology manager, customer support manager, senior programmer, driver license business analyst and as a computer programmer. He was named Driver License Director in 2019. Brad is a graduate of University of Mary, Bismarck, North Dakota, and has a master's degree in management.

MY TAKE *for what it's worth*

I am hopeful that the changes made to the driver's licensing system will make the access and use easier for people. I have had conversations with defense attorneys who spend hours on the phone with the Driver's License Division, trying to assist their clients in getting reinstatement. I have had numerous drug court participants and defendants tell me how difficult it was to navigate the old system, often times giving up because of the confusion in what was needed to achieve reinstatement of their driving privileges. A more accurate system with improved processing time should help these issues. Being able to do many of the necessary transactions through a kiosk, instead of taking a trip to the DMV should also make things more accessible for people. The locations of the kiosks also seem like they were thoughtfully made, including one in Fort Yates. Meeting people where they are is something we can do better.

On a slightly different note I am coming off the Vision Zero Partner Conference, where I presented on the SJOL position and also on the growing treatment needs in our communities. There was a keynote speaker, named Dan Clark. His motivational wizardry was amazing! If you ever have the chance to see him in person, do so. It was really inspiring to see so many stakeholders from across the state interested in road and highway safety. Law enforcement, state's attorneys, and other community partners to name a few. I got to put some faces with names, make some contact with old and new friends and have some good conversations. I was even invited by Col. Brandon Solberg of the ND Highway Patrol to join some community roundtables they are hosting regarding opioids and other drug related issues. I am excited to participate. There is so much work to be done with proper evaluations and treatment for people, access being a huge issue. I, along with Kurt Snyder of Heartview, will continue to push the idea of using the opioid settlement dollars as tuition incentives for people to pursue counseling as a major and career. As Dan Clark would say, one person at a time. I look forward to continue to building relationships and fight the good fight.



Upcoming Trainings/Events/Webinars

*This is not an exhaustive list and is geared toward impaired driving

July 13, 2022 Risk-Need-Responsivity and its Role in the Sentencing of Impaired Drivers

Panelists will define the principles of risk, need and responsivity and explain why individualized sentencing for the impaired driving offender reduces the risk of recidivism. The panel will also discuss the evidence-based tools available to determine risk and need and the research validating these tools.

Link to registration: <https://www.americanbar.org/events-cle/mtg/web/423902969/>

July 25-28, 2022 NADCP Rise22 Nashville, TN Registration – nadcpconference.org

Welcome to the world's premier conference on addiction, mental health, and justice reform. 6,000 Attendees, 275+ Sessions, 180+ Speakers, and 23+ CLE/CEU Hours!

Now in its 27th year, RISE annually convenes leaders in public health and public safety for four energizing days of education, innovation, and collaboration.

At RISE22, you will learn from the brightest minds in treatment, law, and recovery while interacting with justice innovators from across the globe. From cutting-edge resources to unparalleled networking, RISE22 is the premier conference event of the year for anyone working at the intersection of addiction, mental health, and justice reform. We'll even help you get to RISE22 with our justification toolkit.

September 12-14, 2022 Drugged Driving Essentials, The National Judicial College – Reno, NV

Increases in the number of drug-impaired driving cases on our highways have added new challenges for trial judges as they deal with evidentiary challenges, emerging caselaw, and evidence-based practices in this evolving area of the law. Unlike alcohol-impaired driving, drugged driving has no bright line test for impairment. This course will highlight all aspects of drug impaired driving cases, including pretrial release, search and seizure, toxicology essentials, police investigation, scientific evidence, and effective and evidence-based sentencing practices designed to reduce recidivism.

For more information, please contact the Registrar's Office at (800) 255-8343 or registrar@judges.org.

To register: NJC Registration (judges.org)

Useful Resources and Links

1. Gavel Talks Podcast: The ABA's Judicial Outreach Liaison Program: A Valuable Resource

With the growing complexity in traffic court cases, and the advent of new evidence-based sentencing practices designed to decrease recidivism, trial court judges resort to a number of resources to stay abreast of these new developments including the ABA Judicial Outreach Liaison (JOL) program. ABA Judicial Fellow Judge Neil Axel discusses the JOL program and the work of its network of Regional and State Judicial Outreach Liaisons.

Listen here https://www.americanbar.org/groups/judicial/publications/gavel_talks/season-2/the-aba-jol-program-a-valuable-resource/

2. Judicial Wellness and Coping in Covid-19

Judicial wellness strategies and challenges are the focus of this program which is an interview-style conversation between Judge Robert S. Anchondo, Region 6 Judicial Outreach Liaison (El Paso, TX) and Dr. Brian L. Meyer, PhD, Psychology Program Manager, Central Virginia VA Health Care System.

Listen here <https://www.americanbar.org/groups/judicial/jolprogram/fellow-and-jol-webinars/judicial-wellness-and-coping-in-covid-19/>

3. Highway to Justice Newsletter

Highway to Justice is produced through a joint project with the ABA Judicial Division and the National Highway Traffic Safety Administration. This complimentary publication is designed to be a source for updates on national traffic safety news.

See all issues here [Highway to Justice \(americanbar.org\)](http://HighwaytoJustice.americanbar.org)

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