



2026 • Issue 4

from the desk of the **SJOL**

JUDGE JOHN W. GRINSTEINER (RETIRED)



Welcome to the JOL Newsletter for North Dakota 2026, Issue 4:

It's Fall in North Dakota, which means cooler temps, earlier sunsets, school being back in session, and for some, its hunting season. Summers can seem long until they end, and then I often ask myself, where did that time/season go? The saying, "the days are long but the years are short," never felt truer.

This quarter's newsletter is unofficially centered around my latest good read. Richard Baum's *Inside America's Opioid Crisis: 12 Hard Lessons for Today's Drug War*, changed some of my long-held beliefs regarding addiction, expanded on others, and was an excellent road map as to how we got here and where we need to go. A full review is included in the following pages.

This issue also seems like the perfect opportunity to introduce or re-introduce you to the Sequential Intercept Model (SIM). While it was developed in the early 2000's, you may have heard more about it recently as we push to inform community-based responses to the involvement of people with mental and substance use disorders in the criminal justice system. Since its development and refinement, the use of the SIM as a strategic planning tool has grown tremendously.

SIM Mapping Workshops result in a map that illustrates how people with behavioral health needs come in contact with and flow through the criminal justice system utilizing the framework of the SIM. These workshops bring together key partners to create a local "systems map" and establish local priorities for change and strategic plans. As judges, we see people with behavioral health needs on a daily basis. As judges, we see how our current processes and systems are too often failing this population. The good news is that as judges, we can be the catalyst for change in our communities.

Finally, after having an impactful conversation with a colleague at a recent conference, I reworked and updated the wellness corner a bit. Maybe it will resonate with you. The newsletter has the most recent 2026 North Dakota crash statistics, which are trending in the wrong direction with some recent tragic events in my old judicial district which are leaving multiple families grieving. I also included a more in-depth review of a recent ND Supreme Court case involving presumptive probation and criminal vehicular homicide. As always, you will find the resource and training sections at the end. Reach out if you have questions or if you want help in setting up a SIM Mapping Workshop. ■

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Inside America's Opioid Crisis

(A book recommendation/review)

Drawing on more than three decades of work in national drug policy, including his leadership role at the White House Office of National Drug Control Policy, Richard J. Baum offers an inside account of the decisions, trade-offs, and lessons that have shaped America's response to the opioid crisis.

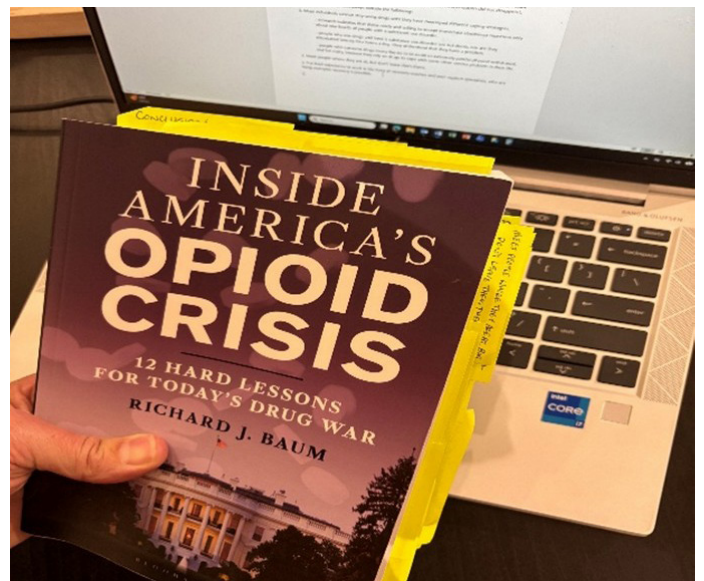
Inside America's Opioid Crisis: 12 Hard Lessons for Today's Drug War examines how patterns in policymaking, institutional behavior, and public attitudes have shaped both successes and failures in the nation's struggle with addiction.

Moving beyond diagnosis, the book lays out clear, practical initiatives to strengthen the national response — including 32 concrete recommendations and detailed funding proposals designed to improve outcomes and save lives. ([Book — Inside America's Opioid Crisis — Richard J. Baum](#))

This book was recommended by a colleague and friend. I am lucky to know Dr. Jessie Holton who is an organizational sociologist with expertise in mental health and substance use disorders among veterans, first responders, and justice-involved clients. He told me the book would help put a lot of what we work on as criminal justice professionals into perspective. He also told me the book was really an amazing overview of how we got here and where we need to go. Dr. Holton's recommendation and description did not disappoint.

Some of my favorite takeaways include the following:

1. Most individuals cannot stop using drugs until they have developed different coping strategies.
 - research indicates that those ready and willing to accept immediate abstinence represent only about one-fourth of people with a substance use disorder. We must improve access to treatment for the other three-fourths and continue to work to remove the stigma.



- people who use drugs and have a substance use disorder are not dumb, nor are they intoxicated 24 hours a day. They understand that they have a problem.
 - people who consume drugs every day do so to avoid an extremely painful physical withdrawal, and for many, because they rely on drugs to cope with some other serious problem in their life.
2. Meet people where they are at, but don't leave them there. (I will be repeating this one often!)
 3. Put lived experience to work in the form of recovery coaches and peer support specialists, who are living examples recovery is possible. This is more powerful than we think.

These are just some of the concepts the book develops after setting out how the opioid epidemic evolved, starting with prescription opioids and expanding to heroin and later fentanyl. It has been a long time since I have put so many sticky notes in a book, not to mention the highlighting and underlining done within the pages. I am reminded of a quote by Maya Angelou who said, "Do the best you can until you know better. Then when you know better, do better." ■

The Sequential Intercept Model (SIM)

Judge John Grinstein (retired), SJOL for North Dakota

The Sequential Intercept Model (SIM) was developed over several years in the early 2000s by Mark Munetz, MD, and Patricia A. Griffin, PhD, along with Henry J. Steadman, PhD, of Policy Research Associates, Inc. (PRA).¹ The SIM was developed as a conceptual model to inform community-based responses to the involvement of people with mental and substance use disorders in the criminal justice system. After years of refinement and testing, several versions of the model emerged. The “linear” depiction of the model (see below) was first conceptualized by Dr. Steadman of PRA in 2004.²

The SIM is designed to help communities understand how individuals with mental illness or substance use disorders encounter the criminal justice system and where interventions can reduce justice involvement. It identifies six intercept points:

1. Community Services / Crisis Care
2. Law Enforcement / Initial Contact
3. Initial Detention & Initial Court Hearings
4. Jails / Courts
5. Reentry
6. Community Corrections

The model is a strategic planning framework that maps the six intercepts where communities can divert people with mental or substance use disorders away from deeper criminal justice involvement. The model is used to map local systems, identify service gaps, and plan improvements.

For the past several years SAMHSA’s GAINS Center has been soliciting applications from communities interested in SIM Mapping Workshops. SIM Mapping Workshops are designed to bring together a local, cross-system, multidisciplinary group, from a particular jurisdiction (typically a county or larger city) to facilitate collaboration and to identify and discuss ways in which barriers between the criminal justice and behavioral health systems can be reduced through the development of integrated local strategic action plans. SIM Mapping Workshop participants are expected to be drawn from local criminal justice and behavioral health agencies and organizations that cross over multiple systems, including mental health, substance use, law enforcement, pretrial services, courts, jails, community corrections, housing, health, social services, people with lived experiences, family members, and many others. Participants determine areas where immediate action will result in a more cohesive, integrated approach to service delivery, and a local set of priorities for change are established.

Bringing those people together can take time and effort, but the benefits seem obvious. Even if you have participated in something like this before in your community, we know that local resources can often change. Going through this process every couple of years could produce significant benefit, not only to the criminal justice system, but also to the people we serve. As judges, we see people with behavioral health needs on a daily basis. As judges, we see how our current processes and systems are too often failing this population. The good news is that as judges, we can be the catalyst for change in our communities.

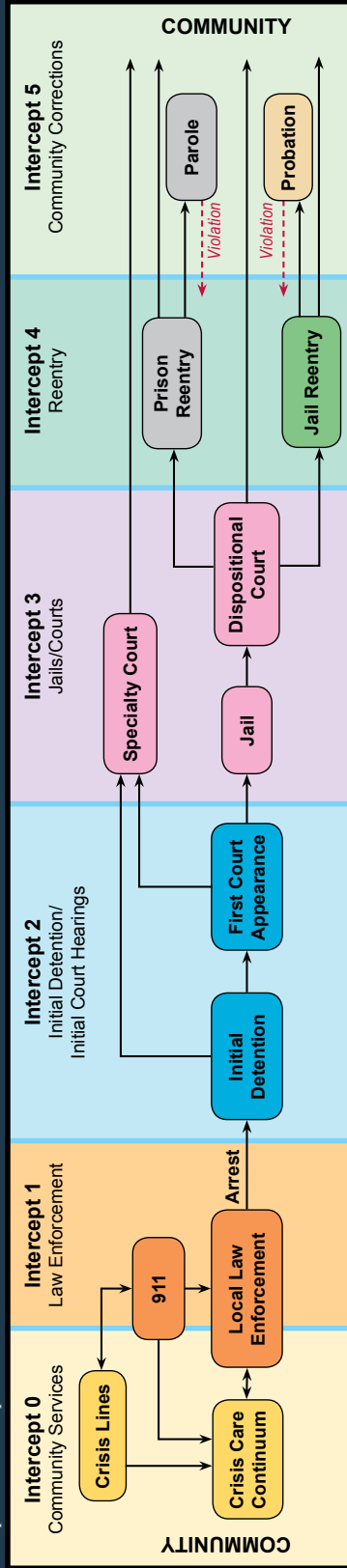
*** SAMHSA’s GAINS Center does not yet have a published 2027 Sequential Intercept Model (SIM) Mapping Workshop solicitation, but the program operates on an annual cycle with applications typically due in fall of the prior year. ■

¹ [The Sequential Intercept Model Brochure](#)

² Steadman, H. J. (2007). NIMH SBIR Adult Cross-Training Curriculum (AXT) Project – Phase II final report. Delmar, NY: Policy Research Associates. (Technical report submitted to NIMH on 3/27/07.)



The Sequential Intercept Model



Key Issues at Each Intercept

Intercept 0

Mobile crisis outreach teams and co-responders. Behavioral health practitioners who can respond to people experiencing a mental or substance use crisis or co-respond to a police encounter.

Emergency department diversion. Emergency departments (EDs) can provide triage with behavioral health providers, embed behavioral health staff, provide hospitalist staff to provide support to people in crisis.

Police-behavioral health collaborations. Police officers can build partnerships with behavioral health agencies along with the community and learn how to interact with individuals experiencing a crisis.

Intercept 1

Dispatcher training. Dispatchers can identify mental or substance use crisis situations and pass that information along so that Crisis Intervention Team officers can respond to the call.

Specialized police responses. Police officers can learn how to interact with individuals experiencing a crisis in ways that promote engagement in treatment and build partnerships between law enforcement and the community.

Intervening with frequent utilizers and providing follow-up after the crisis. Police officers, crisis services, and hospitals can reduce frequent utilizers of 911 and ED services through specialized responses.

Intercept 2

Screening for mental and substance use disorders. Brief screens can be administered universally by non-clinical staff at jail booking, police holding cells, court lock ups, and prior to the first court appearance.

Data-matching initiatives between the jail and community-based behavioral health providers.

Pretrial supervision and diversion services to reduce episodes of incarceration. Risk-based pre-trial services can reduce incarceration of defendants with low risk of criminal behavior or failure to appear in court.

Intercept 3

Treatment courts for high-risk/high-need individuals. Treatment courts or specialized dockets can be developed, examples of which include adult drug courts, mental health courts, and Veterans treatment courts.

Jail-based programming and health care services. Jail health care providers are constitutionally required to provide behavioral health and medical treatment, including providing access to medication-assisted treatment (MAT) for individuals with substance use disorders.

Collaboration with the Veterans Justice Outreach specialist from the Veterans Health Administration.

Intercept 4

Transition planning by the jail or in-reach providers. Transition planning improves reentry outcomes by organizing services around an individual's needs in advance of release.

Medication and prescription access upon release from jail or prison. Inmates should be provided with a minimum of 30 days' medication at release and have prescriptions in hand upon release. MAT medications prescribed for substance use disorders.

Warm hand-offs from corrections to providers increase engagement in services. Case managers that pick an individual up and transport them directly to services will increase positive outcomes.

Intercept 5

Specialized community supervision caseloads of people with mental disorders.

MAT for substance use disorders. MAT approaches can reduce relapse episodes and overdoses among individuals returning from detention.

Access to recovery supports, benefits, housing, and competitive employment. Housing and employment are as important to justice-involved individuals as access to mental and substance use treatment services. Removing criminal justice-specific barriers to access is critical.

Best Practices Across the Intercepts

Cross-systems collaboration and coordination of initiatives. Coordinating bodies serve as an accountability mechanism and improve outcomes by fostering community buy-in, developing priorities, and identifying funding streams.

Routine identification of people with mental and substance use disorders. Individuals with mental and substance use disorders should be identified through routine administration of validated, brief screening assessments and follow-up assessment as warranted.

Access to treatment for mental and substance use disorders. Justice-involved people with mental and substance use disorders should have access to individualized behavioral health services, including integrated treatment for co-occurring disorders and cognitive behavioral therapies addressing criminogenic risk factors.

Linkage to benefits to support treatment success, including Medicaid and Social Security. People in the justice system routinely lack access to health care coverage. Practices such as jail Medicaid suspension (vs. termination) and benefits specialists can reduce treatment gaps. People with disabilities may qualify for limited income support from Social Security.

Information sharing and performance measurement among behavioral health, criminal justice, and housing/homelessness service providers. Information-sharing practices can assist communities in identifying frequent of the population an understanding of the population and its specific needs, and identify gaps in the system.

Wellness Corner



In a previous issue of the newsletter we addressed the area of judicial wellness and I included some thoughts and resources in the articles and listed additional resources at the end of that issue that could help if you were experiencing secondary trauma or feeling isolated. A link can be found here: [SJOL Newsletter | 2025 Issue No 2](#). One of the articles was picked up for publication by the Judicial Division of the ABA, it can be found here: [How Judges Can Respond to Secondary Traumatization](#).

Judicial wellness remains a popular topic in judicial circles, although not many of us think about it in terms for ourselves. We simply soldier on, dealing with the stress and strain in various ways, some healthy and some not so much. I am reminded of my own journey wearing the robes. The Wellness Corner of this newsletter continues for those reasons.

The following is a recreation of a conversation I had with a colleague that was experiencing disillusionment or burn out:

I asked how they were doing and while I got the usual polite response, what I noticed was that the words did not match their body language. So, I went to my go-to-move when trying to draw something out of someone, I asked "one more" question. Sometimes it can take "one more" several times. That was not the case in this instance. This time, "one more" resulted in a two and half-hour conversation about the state of my friend's courthouse, docket, and treatment court.

I will save you the details, because I believe you know most of them well. The complaints judges have on the professional side of things are remarkably similar. I definitely acknowledge that different areas of the state have different struggles, but the general theme remains the same. Much of it can be boiled down to a central ingredient, which is BS.

Fast forwarding to the end, I bet you might have already concluded that if it weren't for the BS, you might be happier. A suggestion might be to cut out some of the BS. Get off the committee assignments you dread. Maybe give up some of the admin stuff. Bring your focus back to just the law for a little bit and see how you feel. Remembering why we got into this profession in the first place can help a lot. Talking to a trusted colleague or reading this short snippet can help you realize the feelings you might be having are not unique and that something can change if we are honest with ourselves.

I want to leave this segment with one additional idea/suggestion. Reading remains a great escape for me, especially fiction and non-law related fiction. On a recommendation, I recently read a law-related non-fiction book by Richard Baum called *Inside America's Opioid Crisis*. A full review is contained within the other pages of this newsletter. My point for including a mention here is that it unexpectedly energized me to continue working on the issues that seem to plague so many in the justice system. Maybe it or a similar read can do the same for you! ■

Recent Court Opinions of Note

("A little late-night reading") — Alexander J. Bott, UND School of Law

The court opinions are a special contribution of my friend and colleague Earl G. Penrod, Senior Judge, Indiana Judicial Outreach Liaison, and Judge in Residence, National Judicial College

Criminal Vehicular Homicide and Presumptive Probation

The North Dakota Supreme Court, in an opinion regarding presumptive probation involving criminal vehicular homicide, reversed and remanded the case back to the district court, finding that a sentencing court may impose a sentence of imprisonment if it finds there are aggravating factors to justify a departure from presumptive probation. Aggravating factors include the age and vulnerability of the victim, and whether the offender was in a position of responsibility or trust over the victim.

Whether aggravating factors apply under the presumptive probation statute, N.D.C.C. § 12.1-32-07.4, is a mixed question of law and fact.

The presumptive probation statute does not include a categorical exception for offenses involving a motor vehicle. The presumptive probation statute does not permit a district court to change the nature of an offense to which a defendant has pled guilty to, or been found guilty of, for sentencing purposes. Driving a motor vehicle alone does not establish "a position of responsibility or trust over the victim" under N.D.C.C. § 12.1-32-07.4(2)(b).

State v. Rademacher, 2026 ND 107 (May 27, 2026)

(Link to full case: [State v. Rademacher](#))

***** The following is my analysis of the Rademacher case because as a retired judge I have that luxury.***

Under NDCC § 12.1-32-07.4, the sentencing court is required to impose a term of probation at the time of initial sentencing for individuals who have pled guilty to, or have been found guilty of, a class C felony or class A misdemeanor. This is the default or presumptive sentence, meaning probation is the standard unless certain exceptions apply.



Exceptions to Presumptive Probation

Probation is not automatically required in the following cases:

- Offenses involving domestic violence
- Offenses subject to registration under NDCC § 12.1-32-15 (e.g., sex offender registration)
- Offenses involving a firearm, dangerous weapon, explosive, or incendiary device
- Offenses where a mandatory term of incarceration is required by law

Aggravating Factors Allowing Incarceration

Even when probation is presumptive, the court may impose a prison sentence if aggravating factors justify a departure from probation. These factors include:

1. Prior convictions: The individual has previously pled guilty to, or been found guilty of, a felony or class A misdemeanor before committing the current offense.
2. Victim vulnerability or abuse of trust: The age or vulnerability of the victim, or whether the offender held a position of responsibility or trust over the victim, or abused a public position of trust.
3. Use of force or coercion: The offender used force, threats, or coercion during the commission of the offense.

Additional Provisions

- The statute does not prevent the court from deferring the imposition of a sentence under NDCC § 12.1-32-02(4).
- The court may also sentence an individual to incarceration with credit for time already spent in custody if the execution of the sentence is suspended.

NDCC § 12.1-32-07.4 is designed to make probation the standard sentence for lower-level felonies and misdemeanors, while still allowing courts discretion to impose incarceration when aggravating factors or statutory exceptions exist. This ensures that sentencing balances rehabilitation opportunities with public safety and accountability.

Take the rest of this with as many grains of salt as needed, it is just my honest opinion.

Rademacher tragically caused the death of his own brother after a night of drinking to celebrate the younger brother's 21st birthday. I have to imagine there is punishment here that the law could never give.

The decision was split (3-2) so this tells me the court struggled with the application of the exceptions and the separate opinions show they did.

I submit that there was already presumptive probation being handed out in most cases across the state, we didn't need a statute to mandate it. I think it takes away discretion from judges. We already have sentencing factors that judges consider in their decisions. We did not need the Council of State Governments or some other outside entity coming in to tell us how to do business. As you can see, the statute is fairly narrow, making it difficult to deviate from the presumption. This case was a prime example.

You can see the division between the justices, voting 3-2. Frankly, I think the majority got this one wrong. I think the initial sentence by the judge should have been upheld. Here is why. I think the younger brother (victim), even though 21, was vulnerable and trusted his big brother to get him home. He did not. He was intoxicated and almost certainly impaired and caused the death of someone that he had a responsibility and trust over, his little brother. Add in the normal dynamics of a 21st birthday in our state, where friends and family buy shots and drinks for the birthday person until they are smashed. Then they take care of them and laugh about it the next day. I am not promoting this, simply stating what we know to be mostly true. If the little brother would have been a minor, say 17 years old the case would likely have been different. To me, that is a distinction without a difference. ■



North Dakota 2026 Fatal Crash Statistics

as of 10/9/2026

FATALITIES: 84

Crashes: **76**

Operators tested positive BAC: **19**

Operators tested negative BAC: **15**

Operators not tested: **0**

Fatalities from Alcohol Crashes: **23**

No Seat belt (for seat belt eligible vehicles) **35**

Speed-related fatalities: **25**

Pedestrian fatalities: **6**

Motorcycle fatalities: **10**

ATV/recreational vehicles: **6**

Fatal crash involved lane departure: **45**

Fatal crash involved a younger driver(s) 14-20 years old: **17**

Fatal crash involved an older driver(s) 65+ years old: **18**

Fatal crash involved a train: **2**

Fatal crash involved a commercial motor vehicle(s): **13**

Holiday fatalities: **7**

*Please note that there are crashes that are still under investigation and not yet categorized, currently at 43. North Dakota has a new Vision Zero page, please visit here: [Home | Vision Zero](#). You can find a link to the 2024 North Dakota Crash Summary here: [2024 North Dakota Crash Summary](#).

Useful Resources and Links

1. SAMHSA's GAINS Center Sequential Intercept Model (SIM) tri-fold brochure

Click here for document: [The Sequential Intercept Model Brochure](#)

2. Substance Abuse and Mental Health Services Administration (SAMHSA)

Click here for document: [Home | SAMHSA - Substance Abuse and Mental Health Services Administration](#)

3. *Inside America's Opioid Crisis: 12 Hard Lessons for Today's Drug War*

Examines how patterns in policymaking, institutional behavior, and public attitudes have shaped both successes and failures in the nation's struggle with addiction.

Click here: [Book — Inside America's Opioid Crisis — Richard J. Baum](#)

4. Highway to Justice (ABA Judicial Division)

Click here: [Highway to Justice](#)

5. Tribal Traffic Safety Bulletin (ABA Judicial Division)

Click here: [Tribal Traffic Safety Bulletin](#)

6. National Judicial College

Click here: [Home - The National Judicial College | NJC](#)

Upcoming Trainings/Events/Webinars

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

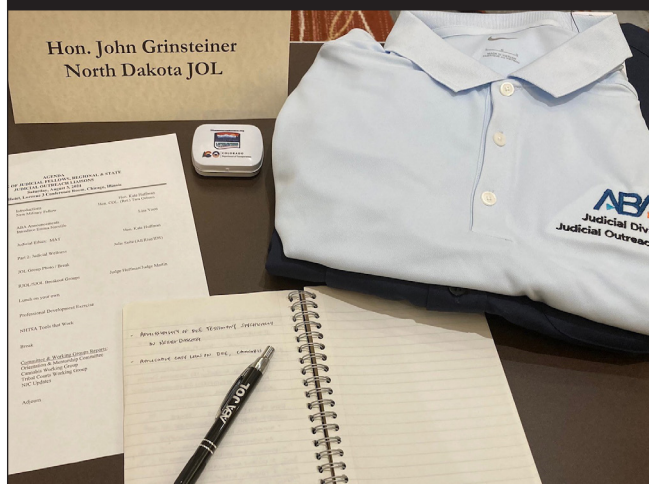
SAMHSA Training Opportunities

SAMHSA's GAINS Center for Behavioral Health and Justice Transformation offers multiple trainings for working with justice involved people with behavioral health needs.

[Subscribe to the GAINS Newsletter](#) for more information on the following training opportunities.

[Access GAINS webinars.](#)

STAY TUNED!



Up next, the 2027 Legislative Session. 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 (think seven degrees of Kevin Bacon), 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 the position can be, so you have a friend in me! Until next time, peace on your heart and strength for your fight no matter how big or small!

As the State's JOL, John brings you access to current and evidence-based practices that will assist you in your work and help promote more effective outcomes in impaired driving and other traffic related cases. With the help of the ABA's Judicial Division and its partnerships with various organizations (NHTSA, National Judicial College, NCSC, AllRise), John works to provide education, training, and technical assistance to judges and court staff throughout ND.

UNSUBSCRIBE

About the JOL Program (Judicial Outreach Liaison and Fellows Program)

The Program provides peer-to-peer judicial education, court case interpretations, guidance, and liaisons between the judiciary and highway safety community. Our educational efforts focus on evidence-based sentencing practices, criminal justice reform, and reducing impaired driving recidivism, among others. The Program consists of three National Fellows, as well as Regional and State Judicial Outreach Liaisons (JOLs).

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