

**Kathleen Atkinson, OSB**

**Wednesday, March 18, 2025**

**HB 1425**

**Senate Judiciary Committee**

Madam Chair and Members of the Senate Judiciary Committee,

Thank you for the opportunity to speak today.

My name is Sister Kathleen Atkinson. I serve as the director of *Ministry on the Margins* and have been part of the ND Reentry Study Work Group.

I am a teacher by background and realized something when I first visited Kellen (Real person. Fabricated name) in jail. He was jailed for missing the deadline to inform his PO he had a new job. Kellen had started work, worked as many hours as possible, and forgot to call in as required. Now he was incarcerated and lost his job because of it. My frustration was tempered as I watched Kellen fidget, listened to him bounce from topic to topic. I asked him about other experiences with the law and learned he had been part of the Criminal Justice system since middle school. Rash decision-making. Hyperactivity. Impulsive behavior. Use of alcohol and drugs to quiet his mind. The teacher in me realized Kellen was on the Autism Spectrum with ADHD; had he been in the educational system we would have provided Kellen with an IEP (Individualized Education Program), medication, and assistance for his mental health balance. Since he was in the Justice/Corrections system, he was being treated with incarceration, fines, limited avenues for his excessive energy and a cycle of being labeled a ‘troublemaker.’ (Side note: I recently read that 3-5% of the general population would have this diagnosis while 43% of the prison population is considered AuDHD).

Justin (Real person. Fabricated name) and I were visiting late one night at the Ministry Coffee House. He told me this story: He was 5 years old when he was invited by his dad to ‘leave the little kids’ and come join the men. So proud to be invited, he was handed his first beer at that early age. Just a sip. Then he built up his tolerance. Then he stayed at the men’s circle and began to use other drugs; by 16 Justin’s dad had died, he had dropped out of school, he had become the man of the family, his addiction had taken over his life. By 17 he was tried as an adult because of his history of run-ins with the police. And now he is homeless, with a felony record, and trying to find a job and stay sober.

**IF THE ONLY TOOL YOU HAVE IS A HAMMER, IT IS TEMPTING TO TREAT EVERYTHING AS IF IT WERE A NAIL.**

HB 1425 provides other tools than jail or prison. **A strong continuum of deflection and diversion** provides alternatives to incarceration as a means to stop the cycle by addressing the root cause. Undiagnosed and untreated behavioral health issues addressed *prior* to incarceration. Addiction treatment and recovery required as an alternative to incarceration rather than *at the end of or after* time served. **Pretrial services** that allow a person to continue to work, live in a supportive environment, and establish positive patterns of behavior rather than sit in jail awaiting trial when they are not a danger to society. These are important collaborative efforts for rehabilitation of a person without getting them further into the criminal justice cycle. Lives can be changed rather than locked up. Money can be spent on treatment. Someone who is employed can continue to be a taxpayer rather than a tax burden.

And hammers can be used only in the serious cases when needed.