

Drug Treatment Court

The Drug Treatment Court Coordinator or its designee will screen the defendant to determine eligibility. Eligibility screens include review of the current case and charges, criminal history, Presentence Investigation reports, database searches, and any other information determined relevant to the eligibility determination. Once screened as eligible through an eligibility screen, the defendant must also score as high-risk/ high-needs on a subsequently administered LSI-R evaluation.

The Drug Treatment Court Coordinator or its designee shall notify the criminal division to which the case is assigned, the division of the Drug Treatment Court Judge, the District Attorney's Office, and defense counsel of the determination of eligibility.

An individual is ELIGIBLE for the Drug Treatment Court program if ALL of the following are met:

- The individual has been convicted of Unlawful Possession of a Controlled Substance (K.S.A. 2019 Supp. 21-5706) or a drug-related* felony offense;
- The conviction is presumptive prison as a result of the individual's criminal history or by application of special sentencing rule;
- The individual is a current resident of Shawnee County; and
- The individual is physically and mentally capable of completing the Drug Treatment Court program.

An individual is INELIGIBLE if ANY of the following apply:

- The individual has a prior diversion, conviction, juvenile adjudication or pending charges which would require offender registration at the time of conviction or under current statute, or of any felony which would otherwise require registration as a "violent offender"***;
- The individual has a prior diversion, conviction, juvenile adjudication or pending charges of any sexual offense;
- The individual has a prior diversion, conviction, juvenile adjudication or pending charges of any and all drug distribution or manufacturing offenses, as well as any offenses classified as a Severity Level 1D-4D on the current KSC Drug Sentencing Grid;
- The individual is currently charged with or on supervision for a domestic violence or domestic violence-related offense;

- The individual has a current KDOC or out-of-county hold that KDOC / other county is unwilling to lift to allow participation in the Drug Treatment Court program;
- The individual is not a current resident of Shawnee County;
- The individual possesses physical or mental health limitations that would otherwise impair their ability to meet the Drug Treatment Court completion requirements; or,
- The individual has a prior diversion, conviction, juvenile adjudication or pending charges deemed by the Drug Treatment Court Judge to be against the best interests of the community, the individual or the Drug Treatment Court.

Drug-Related Offense*:

For purposes of determining eligibility for the Drug Treatment Court program, an offense is “drug-related” if any of the following are determined:

- The underlying facts of the offense include drugs and/or drug paraphernalia;
- The individual tests positive at the time of arrest;
- The individual tests positive while on bond supervision;
- The individual admits drug usage, or tests positive during the assessment period;
- The individual’s family, friends, attorney, etc., report drug usage.

**K.S.A. 22-4902 (e) “Violent Offender” includes any person who:

(1) On or after July 1, 1997, is convicted of any of the following crimes:

- (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto;
 - (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;
 - (C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;
 - (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;
 - (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto. The provisions of this paragraph shall not apply to violations of K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013;
 - (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;
 - (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;
 - (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2017 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or
 - (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;
- (2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;



Third
Judicial
District
Drug
Treatment
Court

The Drug Treatment Court

Team

District Court Judge C. William Ossmann

Amanda Wilson, Court Services CSAO

Brist McConico, Drug Treatment Court Coordinator

Matt Lange, CSO

Tracy Martin, CSO

Jason King, Public Defender

Jonathan Noble, Northeast KS Conflict Office Public Defender

Rick Anson, New Dawn Wellness & Recovery Center

Tommy Vann, Valeo Recovery Center

Charles Kitt, Shawnee County District Attorney's Office

Victoria Toothaker, Shawnee County District Attorney's Office

Program Summary

- ▶ Participants have been convicted (but not yet sentenced) of a felony drug or drug-related offense and are facing a presumptive prison sentence.
- ▶ Participants are released from incarceration with the stipulation they participate in the Drug Treatment Court program.
- ▶ Sentencing is continued pending completion of the Drug Treatment Court program.
- ▶ Upon successful program completion, the participant is rewarded with a sentencing departure and avoid incarceration.
- ▶ Conversely, when a participant is unsuccessfully discharged from the program due to noncompliance, their bond is revoked and their case proceeds to sentencing.

Eligibility Criteria

- ▶ Offense- The individual has been convicted of a felony and:
 - › The felony is drug related or;
 - › The individual tests positive for drugs at arrest, or while case is pending or;
 - › The individual's family, friends, attorney, etc., report drug usage, AND;
- ▶ The disposition of the case is presumptive prison

Criminal History-

- ▶ An individual shall be ineligible for Drug Treatment Court if their criminal history includes:
 - › prior or current conviction, diversion, adjudication or pending charge that which would require offender registration
 - › prior or current conviction, diversion, adjudication or pending charge of any sexual offense
 - › prior or current conviction, diversion, adjudication or pending charge of drug distribution or manufacture
 - › pending domestic violence charge, or currently on probation for domestic violence (any resolved domestic cases are ok)
- ▶ Residence- Must be a resident of Shawnee county, Kansas
- ▶ Physical & Mental Status- There are no physical or mental health limitations for inclusion in Drug Treatment Court, so long as the individual is capable of full participation

DRUG TREATMENT COURT PARTICIPANT DEMOGRAPHICS	2019	2020	2021
Male	77%	80%	81%
Female	23%	20%	19%
Caucasian	58%	60%	72%
Black/ African American	33%	28%	24%
Asian	2%	2%	0%
Hispanic	6%	7%	7.5%
Age 36 -59	65%	65%	51%
Age 19-35	31%	30%	43%
Age 60+	4%	5%	6%
Below Federal Poverty Guidelines	100%	100%	100%

	2019	2020	2021
% receiving mental health services	67%	62%	40%
SSDI recipients	4	5	10
Awaiting SSDI determination	2	2	3
% who have served prior prison sentences	88%	80%	74%

	2019	2020	2021	First half of 2022
Issuances of Direct Assistance (housing, mental health services, bus passes, etc.)	52	33	87	78
Rewards/incentives	313	71	141	101
UA tests administered	1032	579	1134	875
% of Negative UA tests	91%	87%	92%	95.5%

