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Thomas R. Stanton
District Attorney

TO: Hon. Kellie Warren, Chair, Senate Judiciary

FROM: Thomas R. Stanton
Reno County District Attorney

RE: House Bill 2361

DATE: March 25, 2021

Chairman Warren and Members of the Committee:

Thank you for allowing me to submit written testimony regarding House Bill 2361.

I have been a prosecutor for the State for nearly 30 years. In that time, I have prosecuted a full range of criminal cases from traffic infractions to capital murder. However, my specialty over the years has been drug prosecution. That experience leads me to urge you to pass House Bill 2361 favorably out of this Committee.

My background before becoming a prosecutor was as a police officer. It was my belief at that time, and remains my belief, that there should be consequences for the commission of crimes in Kansas. I admit that, when I was a police officer and in the early stages of my tenure as a prosecutor, I was under the belief that a person with a substance abuse disorder merely needed to make a decision to stop using drugs, and therefore stop committing crimes. I prosecuted with this philosophy for more than a decade. However, I began to come to the realization that incarceration was not leading to a change in behavior in those I was prosecuting for possession of illegal drugs. I believe I came to that full realization when I moved from being the First Assistant County Attorney in Saline County to being the Deputy District Attorney in Reno County. Not long after beginning my tenure with Reno County, I prosecuted a man for possession of controlled substances whom I had prosecuted twice in Saline County. I knew that man had been to prison on his Saline County cases, and I realize prison had not operated to change his behavior.

In 2011, we began having discussions in Reno County about the possibility of beginning a Drug Court for our community. Many people from various disciplines began meeting and talking about this type of court and plans slowly emerged to create the specialty court. Representatives from Community Corrections, the court, prosecution, defense, social services, counseling and treatment, and law enforcement worked together to create a framework for the Reno County Drug Court. We went to training as a team sponsored by the National Association of Drug Court Professionals (NADCP) to fine-tune the program to apply the research that had been done in the field of substance abuse disorders. We held our first Drug Court session in March 2011.

As an “old school” prosecutor, I was not initially convinced that the Drug Court program would be successful. Some of the tactics and techniques used in Drug Court were foreign to my stringent view of court procedure and the justice system in general. However, that apprehension disappeared as I observed the affect Drug Court had on its participants. I can tell you plainly and without reservation that I observed transformation in the lives of persons with substance abuse disorders that I had come to believe was not possible. Real, observable change occurred in persons, some of whom I have prosecuted multiple times. I now believe, based on my experience with the Reno County Drug Court, that specialty courts which follow the science-based policies and procedures established by the NADCP are the best answer for dealing with substance abuse and other issues within our communities. Not every participant of a specialty court program is successful, and I have seen persons who graduated from such programs turn back to the use of controlled substances. But those who do fall back into their old lifestyle are often able to correct their path based on the information and tools they received going through the program. More importantly, I have seen many graduates of our Drug Court program completely turn their lives around and become productive citizens who do not return to the life they left behind.

Let there be no mistake - specialty courts require resources, both financial and human. Specialty courts require a dedication to the ideals developed over the years by the NADCP, and a full understanding of the research supporting these courts is necessary to be successful. This requires specialty court teams be trained in what works best for persons with substance abuse, alcohol, or mental health disorders. We must be willing to engage in answers that seem counterintuitive and trust the research that has gone into the development of the recognized standard procedures and practices produced by the NADCP.

There are many states in this country that have developed statewide associations for their specialty courts. Kansas is behind the curve in this area. The provisions of House Bill 2361 were designed to get Kansas moving in the right direction. The bill contemplates standardized rules within Kansas for the operation of specialty courts and provides for an advisory committee that will concentrate on identifying the resources needed to initiate specialty courts, seek methods of funding for those resources, and recommend judicial and legislative action that will help establish these courts in Kansas.

Specialty courts use a defined list of sanctions and incentives to operate the program. HB 2361 recognizes that the incentives available in the program help support the ongoing sobriety of program graduates by allowing for the reduction of sentences and immediate expungement of

convictions for those who graduate programs. This allows the successful graduate to more easily obtain legitimate employment in support of the graduate's recovery. These incentives provide a real reward for those who truly work the program and strive to leave the use of controlled substances behind.

I remain a staunch advocate of incarceration for those who would benefit from the misery caused by the illegal use of controlled substances by selling the substances within our community. But I am equally dedicated to the concepts and practices used in specialty courts to help our fellow citizens recover from substance abuse, alcohol abuse, and mental health disorders. HB 2361 is a step in the right direction, and I urge the passage of this legislation.

Respectfully submitted,

Thomas R. Stanton
Reno County District Attorney