



*The Kansas District Judges' Association*



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March 25<sup>th</sup>, 2021  
10:30 AM.

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## **TESTIMONY IN SUPPORT OF HOUSE BILL 2361**

Thank you for the opportunity to testify in support of HB 2361. I am Daniel D. Creitz. I am honored to serve as the Chief Judge of the 31<sup>st</sup> Judicial District (Allen, Neosho, Wilson and Woodson Counties), and honored to serve as President of the Kansas District Judges Association (KDJA). The three Legislative Co-Chairs of the KDJA are: Chief Judge Merlin Wheeler of the 5<sup>th</sup> Judicial District, Chief Judge Thomas Kelly Ryan of the 10<sup>th</sup> Judicial District, and Chief Judge Glenn R. Braun of the 23<sup>rd</sup> Judicial District. Chief Judge Braun also served on the committee formulating this legislation. He is in a jury trial and unable to attend today's hearing. On the other hand, last week I completed a 5-day civil jury trial. Thus, I was available for today's hearing.

More importantly for purposes of HB 2361, I also serve as the Drug Court Judge for the 31<sup>st</sup> Judicial District Drug Court. In contrast to policy testimony, based upon about 10 years of experience, I will provide general information regarding the practical challenges of drug courts and the truly life-changing rewards of leading a successful drug court. I will also be available for committee questions.

Statutorily, it is essential that each drug court maintain the ability to apply for, receive and retain control funding to facilitate the operation of (their) specialty court, and HB 2361, Sect. 1(b) (7) preserves that local control. Most existing drug courts have local resources, and some, including our drug court, have applied for and received federal grants which are essential to provide the necessary supplemental funding for treatment, transportation, education and the other individualistic needs of each court.

Presently, we are utilizing our fourth federal grant. We have passed two federal audits to certify compliance with the “Ten Key Components for Drug Courts,” <https://www.ojp.gov/pdffiles1/bja/205621.pdf>

For a brief history and background in 2011 with a local feasibility grant, we began studying the feasibility of our drug court. Frankly, knowing that a drug court would add substantial unpaid work for court staff that were already overworked and underpaid, I was reluctant to create our drug court. I was also worried about other issues including transportation, financial and logistical issues. Additional concerns included convincing treatment providers, law enforcement, prosecutors and defense counsel to buy into a drug court. After our team visited four other drug courts, we were all convinced that our visionary and highly respected Sheriff Tom Williams was right when he had originally asked me to study the feasibility of a drug court. Sheriff Williams had said that “we can change lives by treating and helping individuals, leading them to recovery from their addiction, repairing their families, and enabling them to become self-sufficient tax-paying citizens.”

We resolved my concerns, and in January 2013 we began our drug court. Our drug court is a post-conviction adult program. Not all, but most are SB 123 Mandatory Drug Court Treatment cases, K.S.A. 21-6824.

Our drug court has four distinct phases. All defendants are high risk and high needs. Most are addicted to methamphetamine, and some are or have been addicted to marijuana, K-2, opiates including heroin. All defendants are randomly tested at least twice per week, abide by a curfew and random curfew checks by law enforcement, pay all costs, appear in drug court twice each month, and numerous other conditions. Drug Court is held in Iola. For those that need transportation, that reside in our district’s other three counties and that are without transportation and/or a driver’s license, we provide contracted transportation.

At this time we have 53 in our drug court, and our drug court population fluctuates between 40-65. Drug court staffing is from 1:00 PM-2:30 PM, Thursday afternoons twice per month. During staffing, each individual’s history for the previous two weeks is discussed. Then, the team makes a recommendation of an incentive or sanction based upon our federally approved incentive and sanction grids. Constitutionally, for each defendant the ultimate decision must be and is my decision as the drug court judge. Generally, I follow the team’s recommendation. We have two court sessions at 2:30 and 3:30 PM. Each defendant is individually called to the bench on the record, and each defendant with their court contracted attorney has the therapeutically crucial one-on-one interaction with the court. To be therapeutically effective all drug and therapy courts by design are distinctly different than regular court, and each is tailored to the needs of that district or court.

To have a successful drug court you must have a great team of dedicated professionals. We have a great team, including: community corrections officers, treatment providers from the privately owned facility (Road to Recovery), a local mental health center, (the Southeast Kansas Mental Health Center (SEKMHC) and the Community Health Center of Southeast Kansas (CHCSEK) which also provides a psychiatrist, nurses and medical personnel for medically-

assisted treatment (MAT) for opiates. Our law enforcement coordinator is Allen County Undersheriff Roy Smith. We have two contracted defense attorneys. All four of our district's county attorneys can also participate. Our Drug Court Director is Troy Smith who also serves as the 31<sup>st</sup> Judicial District Director of Community Corrections and Juvenile Services.

To graduate from our program the individual must be drug-free for (12) months, complete all conditions, pay all costs, and be gainfully employed or in a full-time educational or training program. Our last statistics were prepared in November 2019 before the pandemic when we had 91 graduates. As of March 2020, we have had more than 100 people graduate. Our graduate recidivism rate of 29% for those graduates that have re-entered the criminal system is well below the national average of 68% of released drug offenders arrested within (3) three years published by the National Institute of Justice.

Before the pandemic and its plethora of administrative chief judge duties, the most emotionally draining but rewarding part of my numerous duties was being a drug court judge. To be effective a therapeutic court judge must develop a challenging balance between being a judge and a "coach." While realizing many will fail, you must try to convince many defendants that they can and will overcome addiction. It is tough, challenging and emotionally draining. But, also very rewarding.

Each defendant must give a graduation speech at their graduation ceremony where family and their guests attend. When you hear someone who has been addicted to methamphetamine for more than 30 years, say that they are now employed and drug-free. When graduates tearfully discuss their life before and life now after recovery when their family is reunited, it often leaves me in tears. Many times, their children are back in their homes, and their marriages are restored, it is satisfying for the dedicated staff and me. When you see their family cry at the graduation and celebrate their recovery, it is heartwrenching.

Bottom line, Sheriff Williams' vision is now a reality. We do change lives. We assist in graduate's recovery. Most graduates are now supporting their families, paying taxes and no longer dependent upon social services and programs. Therapeutic courts are an extremely valuable tool. On behalf of the KDJA I urge you support HB 2361.

Respectfully submitted on behalf of the KDJA,

Daniel D, Creitz, KDJA President, Chief Judge, 31<sup>st</sup> Judicial District

Merlin G. Wheeler, Chief Judge, 5<sup>th</sup> Judicial District.

Thomas Kelly Ryan, Chief Judge, 10<sup>th</sup> Judicial District.

Glenn R. Braun, Chief Judge, 23<sup>rd</sup> Judicial District.