

Tuesday Topics March 4, 2025

The Alternative Sentencing Court was established in 2015 in the Topeka Municipal Court. Rebecca Maltby, LMLP, LMAC, is a Valeo clinician working with Alternative Sentencing Court for over a year. Judge Karan Thadani is the Municipal Administrative Judge for the City of Topeka, a lawyer with 19 years of public service in Kansas. He joined the City of Topeka in 2013 and took the bench in 2020, and Alternative Sentencing Court every Wednesday at 2 pm is the most rewarding aspect of his job.

Nationally, statistics support the connection between behavioral health and the criminal justice system:

- 2 million people with mental illness are booked into jails each year.
- 72% also have a substance use disorder.
- The vast majority are not violent criminals and are serving short sentences for minor crimes.
- They stay longer in jail than their counterparts without mental illness and often their conditions get worse.
- 83% don't have access to needed treatment while in jail.

The largest consumer of the Shawnee County Department of Corrections is the City of Topeka. Almost 30% of the daily populations in 2021-2023 were considered to have severe and persistent mental illness (SPMI), which may include a diagnosis like schizophrenia or bipolar disorder along with criteria around hospitalization or homelessness.

The City of Topeka court does a jail call every morning to ensure people's constitutional rights are being met and to review daily costs of housing inmates.

Alternative Sentencing Court (ASC) is a specialized docket designed to address the unique needs of defendants with mental illness charged with misdemeanor criminal or traffic offenses. The goal is to reduce re-offending/recidivism and increase utilization of mental health services.

Common qualifying charges for clients of Alternative Sentencing Court include criminal trespass, criminal damage to property, obstruction, disobeying a lawful police order, theft, battery, disorderly conduct, solicitors for money or sales,

loitering, resisting arrest, pedestrian under the influence, public consumption of alcohol, possession of drugs and/or paraphernalia, etc., and DUI.

Top five charges for severely mentally ill population in 2022 were:

- Topeka bench warrants
- Use/possess with intent to use drug paraphernalia into human body
- Possession of opiate, opium, narcotic or certain stimulants
- Probation, county on felony
- Criminal trespass

Top five recidivism charges for severely mentally ill population in 2022 were:

- Use/possess with intent to use drug paraphernalia into human body
- Possession of opiate, opium, narcotic or certain stimulants
- Criminal trespass
- Interference with Law Enforcement Officer
- Unlawful acts; vehicle registration violation

Benefits of alternative sentencing court include that individuals are encouraged to utilize treatment as an alternative to recidivism and jail sentences and are better served in the community with treatment programs in place than in jail. Most importantly, this also reduces the financial burden on LEOs, corrections, and local/state budgets, as jails spend 2 to 3 times more on adults requiring mental health interventions than other inmates. In Shawnee County, it costs an average of \$9 a day to house an inmate but over \$300 to house an inmate with severe and persistent mental illness.

Alternative Sentencing Court is a voluntary program to which participants are referred. Participants are given probation or diversion after their 12 months in ASC, but their underlying jail sentence can be invoked for non-compliance. Participants must be able to give consent, to acknowledge their mental illness or addiction, and express willingness to engage in the treatment process and follow all recommendations. Treatment plans are tailor-fit for each defendant's situation. Requirements also include regular court appearances, regular drug testing, payment of all court fees, and being responsible for payment of treatment beyond what Valeo and any available grants can cover.

In the Alternative Sentencing Court, a unique gathering of team members supports the defendant in this process, including the Judge, chief prosecutor, court appointed defense attorney, supervising probation officer, police officer, mental health clinician, all there to help the defendant become part of the solution and not the problem. Program phases transition to less frequent meetings as sobriety and participation in treatment plan continues.

Incentives include reduced charges, bus passes to get to appointments, gift cards to Walmart at promotions to the next phases, but especially the ways that the team cares for the individuals. Judge Thadani described this care eloquently: "We do a lot of clapping, we give out a lot of chocolate, just a lot of positive reinforcement. And for some of these folks, they've never had it before in their life.... the support in the room is something they haven't had before.... A lot of positive affirmation... And at the end, the growth and achievement and what they are able to give now because their cup is filled is pretty fascinating."

The number of ACS admissions and referrals since the program's inception has varied. COVID impacted as well. The number of cases the city is prosecuting has dropped significantly in the last 10 years, from around 20,000 to around 10,000, which is reflected in the lower number of referrals to Alternative Sentencing Court. The 2024 graduation numbers will show an increase once they are officially reported. Success looks like the client having medication compliance, employment, disability benefits obtained, permanent housing, therapy or substance abuse treatment completed, and staying out of jail.

Someone asked how we can help: donate money to Valeo for medication support at the Alternative Sentencing Court, be a mentor, participate in the Homelessness meetings in the community, support NAMI, donate tents and food, support this work in our community. Use soft eyes when you are seeing homeless individuals and people struggling, you don't know what they have already survived.