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## City no longer jails people for minor drug possession

Associated Press

**WICHITA, Kan.** - Unlike the rest of Sedgwick County, people found to be possessing small amounts of illegal drugs in Wichita no longer get sent to jail.

Instead, those caught with less than a quarter-gram of meth or cocaine are charged with possession of drug paraphernalia, given notice to appear in a misdemeanor courtroom and released.

Possession of a quarter-gram of illegal drugs used to be prosecuted as a felony in Wichita. The city began treating it as a misdemeanor about two years ago so detectives could focus on more serious drug investigations, said Deputy Police Chief Tom Stolz.

"To be honest with you, there's so many paraphernalia cases that we could clog the District Court system if we charged them all as felonies," he said.

State law makes possession of any amount of cocaine or meth a felony, but a spokesman for the attorney general's office said punishment was a local jurisdiction issue.

Deputy District Attorney Kim Parker said Wichita police cases involving smaller amounts of drugs are still prosecuted if a suspect has a prior criminal record or is a known gang member who is considered a threat to the community.

State sentencing guidelines require probation for first-time offenders convicted of felony drug possession. In cases filed in Wichita Municipal Court as misdemeanors, Parker said, a person can be sentenced to up to a year in jail. Typically, first-time offenders in both courts are placed on probation.

Sgt. Chester Pinkston, president of Wichita's Fraternal Order of Police, said some Wichita officers have complained that the new policy allows drug users to go unpunished.

Sedgwick County Sheriff Gary Steed said his deputies still pursue felony charges for people found with small amounts of cocaine or meth. But he said he understands why Wichita has changed its policy.

"You can't hardly blame them for using their resources the best way they can," he said.

Paul Morrison, who becomes attorney general Monday, said Johnson County prosecutors routinely filed felony charges against people arrested for possession of less than a quarter-gram of drugs.

In 1993, Sedgwick County prosecutors stopped filing charges with "testable" amounts of cocaine, such as residue in crack pipes, and began requiring "measurable" amounts. The minimum measurable amount in Sedgwick County was considered 0.1 grams.

About two years ago, at the request of police, the threshold for Wichita police cases was raised to 0.25 grams.

Suspects caught with small amounts of drugs were still booked into the Sedgwick County Jail. A narcotics detective would then prepare a probable-cause affidavit for prosecutors. The drugs would be tested at the Sedgwick County Forensic Science Center, which could take 30 days.

In November, police officials take narcotics detectives, prosecutors and the Forensic Science Center out of cases that would ultimately lead to misdemeanor charges, Stolz said. Small baggies each containing a quarter-gram of white powder were displayed on bulletin boards at the police department's four substations.

Officers were told that anything less than the amount in the bag was considered to be "residue" and did not merit felony charges.

Officers were asked to issue Municipal Court misdemeanor citations for possession of drug paraphernalia. The drugs are seized, but suspects are released after getting the citations.

Stolz said he doesn't know how many drug cases fall below the 0.25-gram threshold. The department handles 1,600 to 1,700 drug cases a year.

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*Information from: The Wichita Eagle, <http://www.kansas.com>*