



## SEDGWICK COUNTY, KANSAS

### SHERIFF'S OFFICE

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### TESTIMONY HB 2070

#### House Standing Committee on Corrections and Juvenile Justice February 13, 2013

The Honorable John Rubin and members of the committee, my name is Richard Powell, Chief Deputy of the Sedgwick County Sheriff's Office. Thank for the opportunity to provide this personal testimony on behalf of Sedgwick County in opposition to HB 2070.

The Sedgwick County Sheriff's Office opposes HB 2070 which takes away local flexibility in managing detention and release decisions. Sedgwick County has a bond schedule in place with criteria set by the judiciary that establishes who can be released on an OR bond, which typically is those accused of minor crimes. With current judiciary criteria in place, these individuals spend limited time in the custody of the Sheriff, thus having minimal affect on overall long term jail population. HB 2070 would in fact take away statutory authority of the judiciary and at the same time lead to dramatic increases in inmate population in many already overcrowded county jails in the more urban, higher populated counties of Kansas.

In applying the proposed release criteria contained in HB 2070, we looked at local Sedgwick County bookings from February 1, 2013 through February 4, 2013. During that four day time period, 206 persons were booked in the Sedgwick County jail. 66 persons were released on Own Recognizance bonds. If the provisions of HB 2070 had been applied during this same time period, only 21 persons out of the 66 would have met the Own Recognizance criteria. That equates to 68% of the booked persons being retained in custody. In reviewing a larger snapshot in time within the Sedgwick County Adult Detention Facility during the month of January, 2013, a total of 2,228 persons were booked into our facility. A total of 582 persons received an "Own Recognizance" bond. Using the 68% retention rate as identified earlier, only 186 of the 582 inmates would be released under the provisions set forth in HB 2070. Unable to obtain an Own Recognizance bond, the remaining 396 inmates would remain in custody, creating even more overcrowding within a facility that currently averages 175-185 inmates housed out of county on a daily basis. Other concerning provisions of HB 2070 include:

- The need for judicial review of all booked inmates within 48 hours of arrest. Currently the 18<sup>th</sup> Judicial District uses the "on-call" duty District Attorney to review all new felony charges and communicate with the "on-call" duty judge.

- The cities within Sedgwick County may be required to establish a system to avoid inmates over the weekend and holidays without judicial review.

In opposition to HB 2070, it is our assertion that current statute and local practices work well allowing flexibility in controlling inmate population, managing detention and release decisions for minor crimes without increasing costs associated with the need for additional court hearings or increased jail space requirements.

Thank you Mister Chairman for the opportunity to present this testimony.