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Division of Corrections – Administrative Services

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Glenda Martens
Director

Presented To: Senate Committee on Judiciary
Presenter: Jay Holmes, Deputy Director, Sedgwick County Division of Corrections
Date: February 1, 2017
RE: Testimony for K.S.A. 2016 Supp. 22-2807

I am Jay Holmes, Deputy Director of the Sedgwick County Division of Corrections. My testimony today is offered on behalf of Sedgwick County in support of amending K.S.A. 2016 Supp. 22-2807.

The elected county officials in Sedgwick County have been working collaboratively for several years to build capacity for evidence-based, data-driven local justice policies and practices. The Board of Sedgwick County Commissioners established a Criminal Justice Coordinating Council composed of key system stakeholders to coordinate efforts, review practices and recommend solutions to protect public safety in the best, accountable, data-driven and cost-effective ways. The focus of this work has centered on how we use incarceration in our jail and creating less costly and more effective alternatives.

In order to be effective with front-end criminal justice resources, the county funds the Pretrial Services Program. The program employs a combination of individual risk assessment, OR bonds and supervision of defendants in the community. Sedgwick County implemented the program for the purpose of lowering the inmate population in the jail by providing an effective release alternative for adult inmates who cannot afford to post bond on their own. At the discretion of the judiciary, inmates are released on their own recognizance, with supervision by Pretrial Services as a condition of their bond. Conditions of bond are imposed that will reasonably assure public safety and the appearance of the person for court. Pretrial Services staff provides monitoring and supervision through; weekly face-to-face visits, substance-abuse testing, automated court reminders, electronic monitoring (as appropriate), residence verification, situational counseling and referrals to community resources.

It is our position that Pretrial Services supervision officers should be given statutory authority to arrest defendants for a bond violation without a warrant. Currently, supervision officers must obtain a warrant signed

by a Judge. This process can take a significant amount of time and depending on when the bond violation occurs, might have to wait until the next business day. The inability to take a defendant into custody, or have them held in custody without a warrant, creates public safety concerns and inefficiencies. For example, a defendant on felony bond with Pretrial Services arrested for a new crime cannot be held on the bond violation without a warrant. This often results in the defendant being allowed to be released while the supervision officer prepares a warrant to revoke the defendant's bond. Subsequently, the defendant may not report again to his supervision officer out of fear of being arrested. This can result in the defendant committing more new crimes that could have been avoided. The inability to arrest without a warrant in this scenario also results in an unnecessary waste of law enforcement time trying to serve the warrant, which then leads to multiple releases and bookings for the local jail. This is just one of many examples I can provide as to why warrantless arrest authority is critical for public safety and efficient use of tax payer dollars. It should be noted that the bail bond industry has warrantless arrest authority for defendants they have on bond. Also, statutory authority (K.S.A. 22-3716) exists for court service officers and community correction supervision officers to arrest without a warrant for violations of probation conditions.

Thank you again for allowing me to share our perspective. I will be happy to stand for questions.