

TESTIMONY IN SUPPORT OF HOUSE BILL No. 2313

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Good afternoon

I appreciate the opportunity to speak with you today from the point of view of the sexual predator program and its use of resources. It will become clear why we support HB 2313.

For a variety of reasons since its inception, SPTP has been constantly challenged in the courts, beginning with the Hendricks case, heard by the Supreme Court, and continuing to the present. There are obvious reasons why this would be so, since the Sexual Predator Law did open new legal ground, but the greatest reason for the storm of litigation which consistently surrounds the program is that the residents, particularly a certain group of residents, see considerable advantage in suing the program. Legal services are afforded to them at no cost, are viewed as a benefit of placement in the program and are seen as a way to play the system by this group. Residents should be able to appeal to the courts if their rights are violated. I support this bill as a step toward a way to identify which cases may not merit a great deal of the Court's time or that of our staff.

At the present rate, our staff will take residents to court for approximately 65 appearances during this fiscal year. Escorting a resident to court requires at least two staff to be with him for the duration of the time involved in travel and by the court proceedings. Preparation time for a hearing may involve a good deal more staff time. The week before last our records management staff spent the entire week with a resident going over his record for one of the numerous cases this resident has before the court. Staff who may testify must spend time reviewing the record, in addition to time spent travelling and testifying. There is the cost of retrieving and copying documents. Typically, each time I go to court a copy of the resident's entire record is made, to be taken in case the Court may need copies. Depositions can take significant amounts of time. All of this is time taken away from that which could be spent on the mission of the program, which is to provide quality treatment. We are also being sued for that, i.e., not providing adequate treatment. At last count, SRS had approximately 50 cases, in various stages of litigation, before the court. Additionally, the Attorney General's office had 15 post-commitment cases on its agenda. The hospital's capable attorney, Brenda Hagerman, recently asked us to consider

committing a staff position to fund a secretary in her office solely to help handle the legal paperwork generated by our program. The need is certainly there and yet it would require us to give up a staff position sorely needed elsewhere, so the cost would be significant.

This is not an issue for Kansas alone. The Seattle Times recently ran a story on Washington's civil-commitment program, which devoted an entire section to the "hidden legal costs" which are associated with its program. Controlling legal, and medical, costs are major issues for civil commitment programs across the country. SPTP currently has 216 residents on its Larned campus, and we are expecting one more this week. We are staffed for 176 residents, 50 less than we currently have. I state this fact simply to emphasize that it is incumbent on us to use the time and energy of our staff as wisely as possible. We are committed to meeting the legal needs of our residents and the program. We believe that HB 2313 helps us to be good stewards of the resources available to us.