



SEDGWICK COUNTY, KANSAS

SHERIFF'S OFFICE
ROBERT HINSHAW
Sheriff

141 WEST ELM * WICHITA, KANSAS 67203 * TELEPHONE: (316) 660-3900 * FAX: (316) 660-3248

Date: February 1, 2011

To: Honorable Tim Owens, Chairman and Members of the Senate Judiciary Committee

From: Robert Hinshaw, Sedgwick County Sheriff
Chairman of the Sedgwick County Criminal Justice Coordinating Council

Subject: Opposition to Senate Bill 321

I am writing today on behalf of the Sedgwick County Criminal Justice Coordinating Council and myself as Sedgwick County Sheriff. I have attached a list of our voting members so you may see the depth and breadth of our committee. We have spent nearly eight years working hard as a criminal justice community to control and effectively manage the challenges of an ever increasing demand for jail beds. In that time we have focused on providing public safety at a reasonable cost to the taxpayers - both for the long and short term. As partners, we have established local programs such as Day Reporting, Wichita and 18th Judicial District Drug Courts, Mental Health Crisis Intervention Teams (CIT), Mental Health Assessment Programs and a Wichita Mental Health Court. We have integrated disparate criminal justice information management systems to improve and accelerate decision making, expanded our Pretrial Supervision, Work Release and Diversion programs. We have looked at policies, procedures and processes to ensure that we are rationally and thoughtfully administering criminal justice in Sedgwick County. All of this was done to provide the judiciary with effective tools to protect public safety, embrace evidence-based practices to reduce recidivism, and to be respectful of the cost to the taxpayer.

Senate Bill 321 as written severely limits judicial discretion in granting Own Recognizance (OR) bonds. The Sedgwick County Criminal Justice Coordinating Council **strongly opposes** any language that materially abridges judicial discretion in this matter. The bonding system is uniquely designed to assure defendants reliably show up in court; it is not designed to impose unwarranted financial or custody burdens on citizens. Sedgwick County believes that the current, informed court processes effectively discern those individuals who may be released on an OR bond. To add additional limits for OR bonds, in our opinion, would impede the judicial process, increase cost to the taxpayer and be a disservice to the citizens who could be released from custody under pretrial supervision or without a financial burden.

To be more candid, we see this legislation as a boon to the Bail Bond Industry (that generally provides a useful service) that desires to limit judicial discretion with an effect to undermine governmental pretrial service programs and to increase profits where they can. If this legislation were to be enacted the Sedgwick County Pretrial Supervision Program, established in 1994, would be decimated; of the nearly 250 under supervision today as a condition of an OR bond only 10 would be eligible under SB 321 criteria. Some of the remainder might eventually post bond, but most could not and would remain in the custody of the Sheriff at considerable and unnecessary added cost to the taxpayer. Social equity would dictate you **not** punish the poor by virtually eliminating cost effective pre-trial supervision programs for those unable to post bond while allowing those with similar charges but with financial means to bond out.

The Sedgwick County Offender Assessment Program (SCOAP) caters to a mentally ill population that is typically indigent, often homeless and who are not managing their lives well. Historically, they have multiple misdemeanors for trespass or other public nuisance crimes - and they have frequently failed to appear in municipal court. SCOAP (in partnership with enforcement) identify those that are in need of treatment and services rather than incarceration and, with consent of court by use of an OR bond, are stabilized and connected with services pending a court appearance. This effective program and intervention would be lost under SB 321 - these mentally ill folks would simply remain on the arrest-jail-release - arrest carousel that SCOAP disrupts.

Please also consider the case of the “upstanding citizen” who failed to appear in a municipal traffic court in the past. Regardless of the circumstances, that “history” would require posting of a surety bond. Would it not be better for a judge to assess if a financial surety is required or not in such a case?

The Sedgwick County CJCC unequivocally urges you to reject SB 321 and not reduce the discretion of the judiciary. Do not inadvertently undermine the efforts of local communities to effectively manage a complex issue. Every offender has a unique story and set of circumstances to be heard and considered; please let judges continue to “judge”.

Respectfully submitted,



Robert Hinshaw
Sheriff, Sedgwick County, Kansas
Chairman, Sedgwick County Criminal Justice
Coordinating Council