



SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS

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Presented To: Kansas Senate Standing Committee on Judiciary
Presenter: Mark Masterson, Director, Sedgwick County Department of Corrections
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RE: Testimony Opposing SB 321

Chairman Owens and Committee Members,

I am Mark Masterson, Director of the Sedgwick County Department of Corrections. On behalf of Sedgwick County, thank you for the opportunity to provide testimony in opposition of SB 321.

The elected county officials in Sedgwick County have oversight and responsibility for the local criminal justice system. In order to be effective with front-end criminal justice resources, the county must support an ongoing jail population management collaborative. To that end, they have funded the Pretrial Services Program since 1994. Pretrial Services was implemented for the purpose of lowering the inmate population in the jail by providing an effective supervision program for accused adults 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 staff provides monitoring and supervision through weekly face to face visits, performs substance abuse testing, sends automated court reminders, uses electronic monitoring as appropriate, verifies residence, provides situational counseling and makes referrals to community resources.

It is our position that the current statutes and practices work well and allows flexibility at the local level in managing detention and release decisions. By prescribing strict qualifications for a defendant to be released on their own recognizance, SB 321 severely limits the discretion of the courts and the number of inmates who can obtain release without financial payment. The bail bond industry's support for SB 321 is apparent – every defendant released with non-financial conditions is one less paying customer. Commercial bail bonding companies do business with defendants who have to pay for release by collecting a non-refundable fee of 10 percent or more of the bail amount. SB 321 is a legislative attempt by private industry to influence the local criminal justice system and judicial decisions.

On January 27, 2012, there were 248 defendants being supervised in the Pretrial Services Program. If SB 321 had been in effect on that date, only 10 of those 248 could have been released from jail on their own recognizance. The other 238 would have been required to pay for their release. As Pretrial Services targets those inmates not able to afford to post bond, it is likely that the majority of those individuals would remain in jail at a cost of \$66/day. The Pretrial Services Program cost is \$7.42/day!

Sedgwick County has been successful at implementing jail alternative programs to avoid the need to build more jail space. SB 321 substantially increases the number of inmates that are unable to be released from jail on their own recognizance even though many of them will be supervised in the community if convicted. At a time when Counties and States are looking for smarter ways to lower jail and prison populations, pretrial services provides an obvious way to work together. The bail bond industry deserves a strong message from this Committee to stop promoting ineffective and more costly solutions designed to increase their profits at the expense of taxpayers. We urge you to reject the changes proposed in SB 321 and continue to allow county officials and the judiciary to establish local practices that control the inmate population and protect public safety.