



STATE OF KANSAS  
TENTH JUDICIAL DISTRICT

STEPHEN R. TATUM  
DISTRICT JUDGE, DIVISION 5  
COURTHOUSE  
OLATHE, KANSAS 66061

KRISTIE HUDSON  
ADMINISTRATIVE ASSISTANT DIVISION 5  
COURTHOUSE  
OLATHE, KANSAS 66061

February 2, 2011  
Honorable Tim Owens, Chair  
Senate Judiciary Committee  
Kansas Statehouse  
Re: SB 321--In Opposition

Members of the Committee:

I am here today on behalf of Johnson County stakeholders who currently are working to improve our process for pretrial release in the 10<sup>th</sup> Judicial District. This group includes myself, Peter Ruddick, Kevin Moriarty and Dan Vokins, Sheriff Frank Denning, District Attorney Steve Howe, Corrections Director Betsy Gillespie and Chief Court Services Officer Kathleen Rieth. In 2004, we dramatically expanded our use of pretrial supervision in Johnson County and at any given time have approximately 500 defendants on bond supervision. In 2010, we sought technical assistance through the Pretrial Justice Institute (PJI) to evaluate our process and provide technical expertise in adopting best practices. Throughout the nation, PJI has been called on to assist jurisdictions as they struggle with rising jail populations and determining best practices for the pre-trial release decision.

Through the recommendations of our PJI report, Johnson County is in the process of completing an analysis of our data as related to the pretrial population and also the development and validation of our own pretrial risk assessment tool. Dr. Alex Holsinger, University of Missouri-Kansas City has been assisting us in this process. In addition, we are also a designated Justice Reinvestment Initiative (JRI) site through the Department of Justice and have additional data analysis as provided through that effort. We know from our JRI work, that at any given time our jail population breaks out 60% pre-convicted and 40% post-convicted. We can also see the impact of higher financial bonds resulting in longer jail stays.

In reviewing our data, Johnson County is not looking much different from other jurisdictions in the country that have also completed this process. First it must also be reminded that the primary goal of any-pretrial release decision is-to determine-the-likelihood-one will not appear for court and the likelihood one will not commit a new offense while pending hearing. As Dr. Holsinger has examined past

Senate Judiciary  
2-2-12  
Attachment 17

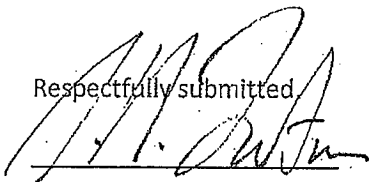
behavior of those released pre-trial the following items have presented as statistically significant factors to consider:

1. State of residence
2. Employment status
3. Age at first charge
4. Current charge misdemeanor or felony
5. Current charge drug related
6. Prior jail time
7. Substance abuse history
8. Mental health history

Next steps for Johnson County will be the development and validation of a pre-trial risk tool to screen for these items and to finalize our process for the information to be shared with the court at time of first appearance. It is crucial that judges continue to have the discretion they currently have in order to base their decisions on the results of effective pre-trial screening and to not be tied to statutory requirements to order financial bonding. The judge needs all options available including OR, ORCD, bond supervision and financial bonding when making the release decision.

The States of Kentucky, Virginia, Ohio, Indiana and Mecklenburg Co, North Carolina have already demonstrated success with their pretrial assessment instruments. We ask you to support and encourage jurisdictions in Kansas to employ data-driven decision-making and best practices for our judicial process. To do this it is imperative that the court maintains the options needed to balance the concerns for public safety with the rights of the unconvicted. We are opposed to SB 321 and strongly encourage the committee to not move this legislation forward.

Respectfully submitted

A handwritten signature in black ink, appearing to be "A. J. ...", written over a horizontal line.