

House Corrections and Juvenile Justice Committee

Hearing on HB 2535, February 5<sup>th</sup>, 2018

Testimony of Robert Bieniecki, Douglas County Criminal Justice Coordinator

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Mr. Chairman, Members of the Committee,

I am Robert Bieniecki, the Criminal Justice Coordinator in Douglas County. Douglas County hired me in August of 2016 as staff to the Criminal Justice Coordinating Council (CJCC). At the direction of the Board of County Commissioners and the CJCC, I have worked diligently to research and implement alternatives to incarceration. I am here today to urge you to change the speedy trial law. Let me explain why the County now has this opinion.

The Douglas County Corrections Facility (DCCF) inmate population exceeded capacity in 2015 and has continued to grow since then. To manage the overpopulation, the Sheriff's Office has contracted with other counties to house an average of 50-60 inmates every day. Housing inmates in other county jails has not only been a financial burden to taxpayers, but it is also an inefficient and ineffective solution for inmates and a burden on their families and their defense attorneys.

Over the past 17 years, offender bookings at the DCCF has remained relatively the same with an average of 6,000 booking per year. However, the average daily population (ADP) and the average length of stay (ALOS) continued to increase. Clearly inmates are staying longer in jail. The table below illustrates these changes since 2014.

Year	2014	2015	2016	2017
Bookings	5,880	5,908	5,329	5,374
ADP	171	195	239	231
ALOS	10.88	11.02	15.3	15.6

The current capacity of the jail is 186. When overcrowding seemed inevitable in 2015, county leaders researched and supported fully implementing programs to decrease the inmate population. The programs include Pretrial Release, House Arrest and a Behavioral Health Court. On Friday February 2, 2018, there were 282 inmates in jail and an additional 89 defendants out on pretrial release. As you can see, the overcrowding problem would be a lot worse without the Pretrial Release Program.

Note that in 2017 the ADP was lower and the ALOS was slightly higher. We believe the reduction in ADP can be attributed to the alternative to incarceration programs. Realizing that the decrease in ADP is not substantial, we understand that there are many factors that contribute to the increased inmate population. Some of these include the report that Douglas County has one of the fastest growing populations in the state and that Douglas County has had a recent increase in violent crimes and crimes against persons.

The positive collaboration between the 7<sup>th</sup> District Court, the Douglas County Board of County Commissioners and Douglas County Government has been fostered by the Douglas County Criminal Justice Coordinating Council. All of these entities have been proactive with attempting to solve the inmate overpopulation problem in Douglas County.

As we work through potential solutions to the overpopulation problem, we have systematically identified possible explanations to the overcrowding. One explanation is that the 2015 change of a speedy trial for incarcerated defendants from 90 days to 150 days contributes to the longer lengths of stay we are experiencing in our jail.

Please consider our request to decrease the length of a speedy trial for incarcerated inmates from 150 days to 90 days as proposed in HB 2535.

Thank you for the opportunity to speak today.