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Testimony to the House Committee on Judiciary in Support of HB 2078

January 25, 2021

Chairman Patton, Vice Chairman Ralph, and Members of the Committee:

The Johnson County Sheriff's Office appreciates the opportunity to present testimony in support of HB 2078. We provided testimony to the Special Committee on the Kansas Emergency Management Act last year in September and outlined three areas of concern for our agency under KEMA. One of those concerns was a request for the Legislature to make the speedy trial issue a top priority for this session.

The COVID-19 response has put a strain on the criminal justice system and if the normal jury trial procedure is eventually able to be followed again there will be a need to provide security for jury selections for numerous trials. This will mean providing additional security for the district court as there will be more prospective jurors needed than under non-COVID-19 conditions.

The Johnson County Sheriff's Office is responsible for providing a safe, secure environment in our district court, pandemic or not, which includes everything from escorting inmates from jail to the courtroom and back to the jail, providing security for judges, jurors, and persons utilizing the courthouse for any number of reasons besides a court hearing, as well as ensuring that the building environment is not breached by someone who has intent to do harm. We are also charged with detaining persons who have been accused of a crime but are subject to incarceration because they have not been able to make bail or their conditions of release have not been met due to a substantial risk of harm to someone else. These determinations are not made by us. They are made by the judicial branch.

However, the sheriff does have a responsibility to ensure that no one's constitutional rights are violated, including the right to a speedy trial. The issue was brought to the forefront last year by a letter from the Kansas County and District Attorneys Association and the issue has been temporarily resolved. However, a permanent solution needs to be crafted by the Legislature – not by Executive Order and judicial edict.

Constitutional rights are not negated due to a "pandemic." It is clear from our research that there is a risk that these temporary actions may lead to an increase in litigation. However, there is no need for a panic reaction to this issue. There is plenty of time for the Legislature to enact law to deal with this important issue if they make it a priority and pass legislation early in the legislative session to provide a permanent solution. HB 2078 is the start of a thoughtfully crafted solution to this issue.

Our testimony in support of this bill is written but I will be available at the hearing to answer questions if needed.

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