



Office of the
WYANDOTTE COUNTY
DISTRICT ATTORNEY

DISTRICT ATTORNEY
Mark A. Dupree, Sr.

29TH JUDICIAL DISTRICT OF KANSAS

February 16, 2022

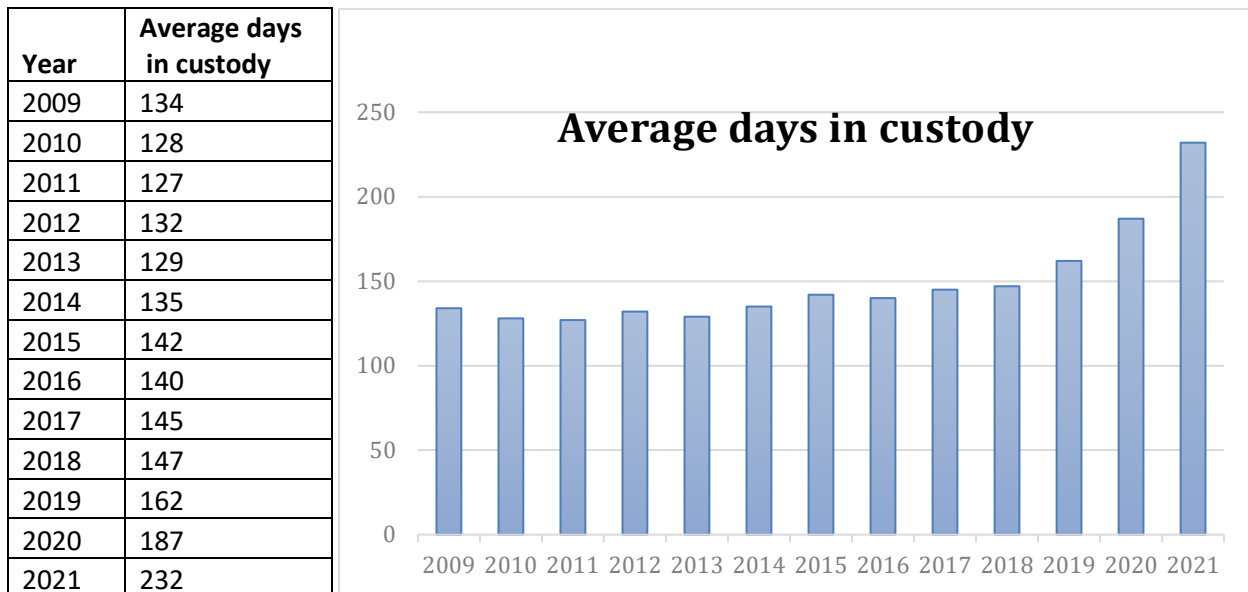
The Honorable Fred Patton, Chairperson
House Committee on Judiciary

Hearing Date: February 17, 2022

TESTIMONY OF WYANDOTTE COUNTY DISTRICT ATTORNEY MARK A. DUPREE, SR. REGARDING HOUSE BILL 2697

Chairman Patton, Vice Chair Bradley Ralph, Ranking Member Carmichael, Members of the Committee and staff:

I am the duly elected and serving District Attorney of Wyandotte County. Since 2009, Wyandotte County has been tracking how long the average defendant waits in custody at our local jail before being transferred to Larned State Hospital (Larned) for evaluation and/or treatment. The data below describes the average number of days defendants spend in custody each year from 2009 – 2021:



While we all recognize that COVID-19 has delayed the speed at which individuals can get evaluated and or treated, it's important to note that prior to the pandemic, our jurisdiction saw a minimum of a four-month delay to get these individuals to Larned. This is a four-month delay in justice for our victims.

House Bill 2697 can help the victims in Wyandotte County receive justice sooner by providing the option for defendants' competency evaluations to be conducted electronically. Currently, the competency evaluation process can only be done in person, and as we know, there is a backlog of defendants waiting to receive competency evaluations. While competency is pending, the case is put on pause, which means we cannot engage in plea negotiations, have motion hearings, or set trial until the defendant's competency has been restored. Currently, our county has seventeen individuals waiting to go to Larned, fifteen are in, and two are out of custody. As of February 14, 2022, the total wait time for these defendants is 3,018 days. For that duration of time, the county must pay \$257,748 to house individuals until a bed is available. Thus, it is fiscally responsible to allow Larned to evaluate and treat those with competency issues as it reduces the amount the county spends holding an individual until a bed becomes available.

In addition, HB 2697 would allow defendants to be treated and evaluated using trauma-informed principles. According to the Agency for Healthcare Research and Quality, trauma-informed care is an approach to engaging people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in their lives. This bill would employ the principles of trauma-informed care in the world of incarceration. It reduces trauma to those individuals who suffer from mental illness while awaiting their competency evaluation by allowing them to remain in an environment they are familiar with and know the structures/routines of, i.e. the local jail. Under the current structure of determining and treating competency issues, a person suffering from mental illness gets booked into the jail, they begin learning the structures, policies, and routines of that institution, then they get removed from that learned environment to a brand-new environment and are required to readjust to a new set of policies and rules. Finally, when they are restored, they have to unlearn the policies and rules of one institution and adjust to the jail rules they learned months before. This increases significant trauma for the individual and encourages disruptive behaviors in the jail.

Respectfully, I would also make a suggestion for the bill to expand the process to two cycles of treatment via the electronic communication method employed by the jail and Larned. As the bill is written, it limits the number of individuals it could help. By expanding to allow a full 180 days of treatment, if needed, using electronic communication, it would increase the chances of their competency being restored without adding trauma to the individual and assist in the efficient handling of cases. There are times when an individual has been restored when they are brought back from Larned, they have decompensated again, thus restarting the competency cycle.

The Wyandotte County Sheriff, Daniel Soptic, and I are in full support of this bill. We need to reduce trauma for the individuals in jail; but also strive to provide justices to victims sooner and make more fiscally responsible decisions for our county.

Sincerely submitted,

Mark A. Dupree, Sr.