

House Judiciary Committee Meeting
Wednesday, March 31, 1965

The House Judiciary Committee met Wednesday, March 31, 1965, in Room 523 at 9:15 A.M. with Representative Robert Cram presiding. Sixteen members were present. Members Davis, Fatzer and Hill were absent. Representatives Euler and Tillotson were excused.

Mr. Cram called the meeting to order.

Present for a hearing concerning House Bill No. 1034, an act relating to salaries of the county attorney, deputies, stenographic and clerical hire in certain counties; amending existing K.S.A. 28-604 and repealing said existing section, were: Keith Sanborn, Sedgwick County Attorney; Charles D. Anderson, Attorney, Kansas Chairman Criminal Practice and Procedure Commission of the Wichita Bar Association and Maurice Cochran, Executive Director of Wichita Citizens Crime Commission.

Mr. Sanborn stated that they were present to request that House Bill No. 1034 not be passed and that House Bill No. 792 be reinstated and enacted. The Board of Governors of the Wichita Bar Association passed a resolution to that effect. Attached is a copy of a letter from Charles D. Anderson, Chairman, Committee on Criminal Practice and Procedure recommending to the Board of Governors that such a resolution be passed and submitted to the Kansas legislature. Also attached is a copy of the letter from Eugene M. Pond, Chief of Police, City of Wichita, providing data in regard to the serious crime increase and recommending that House Bill No. 1034 be not passed and that the provisions relating to the office of County Attorney as set out in original House Bill No. 792 be reinstated and that House Bill No. 792 be enacted as reinstated.

Mr. Sanborn pointed out some of the provisions of House Bill No. 1034. It provides that the county attorney shall receive a salary of \$10,500 per annum; the staff be reduced from nine deputy county attorneys to 6 deputy county attorneys and that they be prohibited from the practice of law. He stated that this is the substance of the bill. He stated that the law is presently: nine deputy county attorneys, a salary of \$10,500 for the county attorney and a budget of \$82,500 which also includes five secretaries and a receptionist. House Bill No. 792 as it applied to the Sedgwick County Attorney's Office provided for a budget of \$172,500 which included eleven deputy

House Judiciary Committee Meeting
Wednesday, March 31, 1965
Page 2

county attorneys, five secretaries, a receptionist and a salary of \$12,000 for the county attorney.

Mr. Sanborn stated that House Bill No. 1034 as written would dismantle the office and render completely helpless the people in prosecuting crime in the county. He went on to state that Wichita is a good town with good people and that there should be a strong law enforcement effort in the community. They have an obligation to protect all the innocent people. The office of county attorney is the office which is charged with the responsibility for law enforcement and the supreme court has stated that it is the chief law enforcement agency of the county. And, it is in that light that he appeared today and not in any partisan light. The last increase of deputies was in 1957.

Mr. Sanborn stated that he has no quarrel that the career prosecutor may be the answer. If that is to become the law, then he has no quarrel with the concept of full time deputies. But, this can not be put into operation without serious infringement with the effort that is now going forward. He stated that the chief of police does not engage in any politics and he also urges this same thing. If there had been any partisan consideration, Mr. Cochran, the association and the Board of Governors would not have passed the resolution. He stated that they have a lot of records showing the steady increase in crime and that Wichita is no exception. The police department projected its needs for the future by about a ten percent increase and budgeted accordingly. On March 10, 1965, they released the data and instead of a ten percent increase, there was a thirty-seven and eight tenths percent or forty-three percent increase in serious crimes and these figures do not embrace all of the offenses which are part of the duty of the county attorney to prosecute. The first figure is the clearance rate, that is, the apprehension of offenders rate. The second figure is the rise in class one offenses in 1964 over 1963. This increase is what caused the request for the two additional deputies. This unexpected increase which occurred

is a serious problem in other cities too. This won't be confined to Wichita.

Mr. Sanborn then gave a brief description of what the office of the county attorney actually does. Its principal occupation is the preparing of and trying of criminal cases.

Mr. Turner asked if it was Mr. Sanborn's opinion that Sedgwick County should strongly consider moving to a full time office in the future. Mr. Sanborn stated that there are two problems in this regard. 1) Can the community afford the cost of a full time career office: 2) Can the job be best handled by full time people? After again being questioned in this regard, Mr. Sanborn stated that his recommendation is the same as in the Board of Governors' letter. We need more data before that determination is made. Mr. Coldsnow asked how long it will take to get the necessary data.

Mr. Turner pointed out that they are presently on a part time basis. Mr. Sanborn stated that it depends just what you consider part time. You would have to keep track of the actual time spent. They presently put in many, many hours. Mr. Turner asked how much civil work he handled. Mr. Sanborn said he couldn't answer this exactly at this time. Mr. Foster asked how many divorces Mr. Sanborn and the deputy county attorneys filed last year. Mr. Sanborn stated that he did not come with these figures available, but would not object to stating this information.

Mr. Foster asked if Mr. Sanborn would have any objection to a career type county attorney if the salary is right. Mr. Sanborn stated that his position is that this should be determined some time and it is time to start finding out if this is the solution. No one can give the answer at the present time. Mr. Foster asked if Mr. Sanborn rejects the theory. Mr. Sanborn said no. Mr. Foster asked if Mr. Sanborn considers \$22,000 to be inadequate for a full time county attorney in Sedgwick County. Mr. Sanborn said he did not say

this. He stated that he does not know what it should be. He stated that this would be substantially lower than others by comparison. Mr. Foster again asked if that figure is inadequate. Mr. Sanborn said he did not know if it is adequate or inadequate. He went on to state that whatever they determine to be correct is what it is going to be and that is the absolute prerogative of the legislature. No salary would be fixed which would not be just as adequate and just as fair and good so far as the profession is concerned as any lawyer for a private client. Mr. Foster stated that he doesn't understand. He went on to ask if Mr. Sanborn meant that he should be paid what he is worth from time to time. Mr. Foster again asked Mr. Sanborn what he considered a proper compensation for full time work in their county. Mr. Sanborn stated that presently there is such a study being made and this information should be available in July. If comparative data would furnish any standard to go by, they could obtain this information. After being questioned again in this regard, Mr. Sanborn stated that Paul Johnson, Tampa, Florida has an automobile allowance and a salary of \$25,000. The county attorney of Buffalo, New York receives a car, driver and \$27,500. He then added that this is probably more than the chief executive of Kansas.

Mr. Bell then asked Mr. Sanborn if it would be fair to state that he generally agrees that Sedgwick County should work toward the principal of a full time prosecutor, but at this time we need a full study of the various factors concerning this. But, that the principal is something that we should work for and make a study of this need. Mr. Sanborn said yes. Mr. Sanborn was then asked if he wants his salary, under the present setup, to be the \$12,000 as was indicated in House Bill No. 792. Mr. Sanborn said yes and that they need the two deputies and if they could get them, they would be most grateful. This amount is the low median of the pay for similar jobs. He thinks this is substantially and modestly in line with the general range. He also pointed out that the county attorney's

office works with other county attorney offices and not just on the cases they themselves file. If House Bill No. 1034 is killed, he needs additional money. Mr. Coldsnow pointed out that this bill could be amended to apply to the situation.

Mr. Sargent asked what percentage of increase there was in the filing of cases in 1963 and 1964. Mr. Sanborn again gave the figures as presented in the attached letter. Mr. Sargent asked how many suits were actually filed. Mr. Sanborn stated 511 up to 565. Mr. Cram pointed out that this is an enormous increase. Mr. Sanborn pointed out that the police are putting in 24 additional officers for 1965.

Mr. Foster stated that the committee would like to hear from the other two gentlemen appearing.

Mr. Anderson gave a brief background concerning the Criminal Practice and Procedure Commission. The committee has been in existence for about two years. He stated that there should be an upgrade in salary and the profession generally. Any bill which downgrades the attorneys in the eyes of the public is wrong.

It was pointed out that the figure of \$10,500 which was used in House Bill No. 1034 was used just to give them something to work with. They did not know what the salary of the judges would be. It was also pointed out that this was explained to Mr. Sanborn, the press and other parties concerned.

Mr. Anderson went on to state that he is in agreement with the theory that the county attorney's office should probably be put on a full time basis. The study could be completed easily within two years. The salaries would have to be upgraded. He went on to list different appointive salaries which are quite high and to state that this appointive business

House Judiciary Committee Meeting
Wednesday, March 31, 1965
Page 6

frightens him. It is the committee's opinion that the salary should be \$15,000 to \$20,000. The position should be full time, but not right now. He was not prepared to speak regarding the budget figure.

Mr. Cochran stated that the Crime Commission feels that the county attorney's office must some day go on a full time basis. When asked what his opinion on budgetary items was, Mr. Cochran stated that he had none. It should be adequate enough to attract good full time people.

Mr. Anderson stated that the commission thought the number of deputies should be increased by four if the facilities are available.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



ANDERSON, CLARK AND APPLING
ATTORNEYS AT LAW
410 UNION NATIONAL BUILDING
WICHITA, KANSAS, 67202

CHARLES D. ANDERSON
DONALD B. CLARK
MARVIN R. APPLING

March 23, 1965

AREA CODE 316
AMHERST 7-4317

Honorable Roetzel Jochems
President, Wichita Bar Association
500 Farmers and Bankers Life Building
Wichita, Kansas

Re: Sedgwick County Attorney's Staff


Dear Sir:

At a special meeting called on the 8th day of February, 1965, of the Committee on Criminal Practice and Procedure held at the Lassen Hotel, by unanimous vote of the mentioned committee on motion duly made, the following was recommended:

The addition of four additional Deputy County Attorneys to the present staff. A substantial increase in the staff salary and clerical budget to make them commensurate with the increased duties arising from increase in the number of cases handled by the office and the increase of post conviction proceedings, hearings, and appellate reviews, the latter arising out of an increase in crime and increased attention to post conviction matters being given by the Appellate Courts.

We, therefore, urge and recommend to the Board of Governors of the Wichita Bar Association that appropriate resolution be passed and submitted to the Kansas Legislature recommending an increase in budget and staff so that the office of the County Attorney of Sedgwick County can properly carry out its duties in the administration of justice.

Very truly yours,


CHARLES D. ANDERSON, Chairman
Committee on Criminal
Practice and Procedure

CDA:mk

cc: All Committee Members

THE CITY OF WICHITA



March 29, 1965

POLICE DEPARTMENT
WICHITA, KANSAS 67201

Honorable Jack R. Euler
Chairman
Judiciary Committee
House of Representatives
State Capitol Building
Topeka, Kansas

Honorable Charles F. Heath
Chairman
Fees and Salaries Committee
House of Representatives
and Committee Members

Gentlemen:

Regarding House Bill 1034 and House Bill 792, concerning office of the County Attorney of Sedgwick County, Kansas, the nature of the law enforcement effort in this community requires close cooperation between the officers of our department and the County Attorney of Sedgwick County, and his Deputy County Attorneys. The successful preparation and prosecution of criminal cases requires particularly close communication and coordination between our Detective Bureau and the County Attorney. We have for a number of years maintained a liaison officer with the rank of Lieutenant by mutual agreement actually in the County Attorney's office.

There has been a steady increase in the crime rate for a number of years and a serious incidence as shown by our department figures of a rise of 43% in class one offenses in 1964 over 1963. Our own City Government, after a factual assessment of the situation did authorize in 1964 the addition of eleven officers, and in 1965 twenty-four officers. The clearance rate, that is, the apprehension of offenders rate has remained at 39%. The number of state warrants obtained, which in many instances charge more than one individual with a felony has thus continued to rise. As we have had to add new officers and detectives to our staff this has resulted in an increased demand upon the deputies in the County Attorney's office to prosecute



ALL-AMERICA CITY

cases presented by this department. My officers and detectives frequently confer with the County Attorney and his deputies with regard to enforcement problems, with regard to the preparation of cases before they are made, and feel free to and do call upon their services at any hour of the day or night. We believe that these cases in order to properly serve the people must be given the utmost and careful preparation and presentation. The Deputy County Attorneys, at our request, are frequently called upon to conduct schools of instruction and seminars to which the local law enforcement officers in this area are invited to and do attend upon such subjects as the law of search and seizure, the law of search warrants, the law of arrest, court room procedures, etc.

In addition there have been a number of instances when the County Attorney and his deputies have had to appear on our behalf regarding Writs of Habeas Corpus and regarding the protection of our investigations, and have had to appear on our behalf in connection with subpoenas served upon this department and its officers in both State and Federal Courts.

In view of the serious crime situation, the increase in 1964 beyond that projected and the projection for 1965 and 1966, it is my judgment that the best interests of law enforcement in this community would not be served by the enactment of House Bill 1034, and that the provisions relating to the office of County Attorney as set out in original House Bill 792 would be in the best interests of this community so far as its law enforcement effort is concerned.

Respectfully yours,



Eugene M. Pond
Chief of Police
City of Wichita

EMP:bg