

Office of The  
**DISTRICT ATTORNEY**  
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April 24, 2009

The Honorable Joc Reardon  
Mayor/CEO  
Unified Government of Wyandotte County/Kansas City, Kansas  
701 N. 7<sup>th</sup> Street  
Kansas City, Kansas 66101

RE: 2009 Amended Budget And 2010 Proposed Budget

Dear Mayor Reardon:

On April 8, 2009 I attended the budget kick-off meeting for departments within the Unified Government of Wyandotte County/Kansas City, Kansas at the invitation of County Administrator Dennis Hays. At that meeting Mr. Hays indicated to all department heads/senior managers that each department needed to submit a proposed 2009 amended budget and a proposed 2010 budget showing 5% and 10% cuts.

At that meeting Mr. Hays acknowledged that as County Administrator he was not directly responsible for the determination of the District Attorney's budget. He further acknowledged that as the elected District Attorney, under K.S.A. 22a-106, I would deal directly with the county commissioners, or in our case, the Unified Government Commissioners and the Mayor/CEO. Hence this letter to you.

I feel compelled to describe the operations of the District Attorney's Office in some detail. Ninety-one (91.2%) of our operating budget is personnel costs. Less than nine (8.8%) percent of our budget is operations. While I can offer a small budget cut, I cannot meet the 5% and 10% requested reductions.

Many of the Unified Government's departments operate discretionary services driven by the level of service that the Unified Government wishes to deliver to their

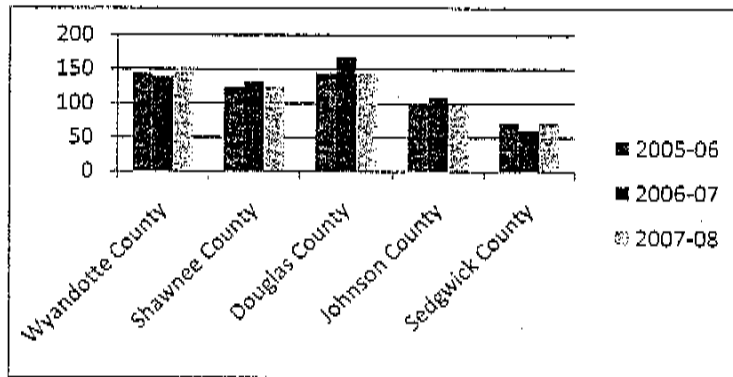
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constituency. The operation of the District Attorney's office is not discretionary. K.S.A. 22a-104 sets out the statutory duties of the District Attorney wherein it states in part:

“Except as otherwise provided in this section, it *shall* be the duty of the district attorney to appear in the several courts of the judicial district in which the district attorney is elected and to prosecute or defend, on behalf of the people therein, *all* matters arising under the laws of this state, and such civil matters as are instituted by the district attorney, in which the state or any county in such judicial district is a party or has an interest...”(emphasis added)

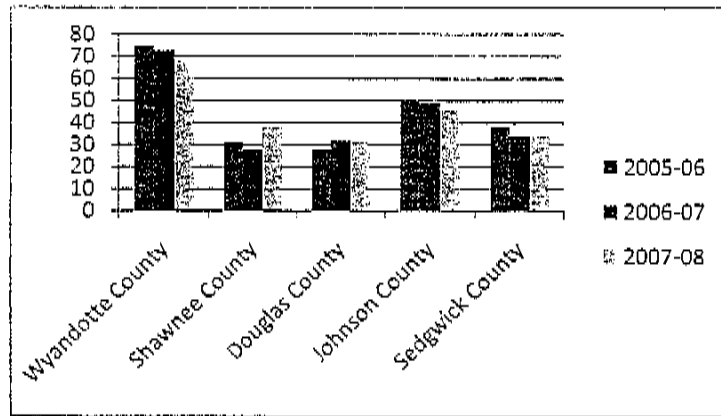
Most persons readily recognize the appearances we make in the district court regarding the prosecution of felony crimes. However, that statute also requires that the District Attorney appear in juvenile offender court, “children in need of care” (CINC) court, involuntary commitment court (probate), consumer protection, traffic court, habeas corpus civil proceedings, civil forfeiture matters and civil sexual predator cases.

As you can tell from the chart below, Wyandotte County files more felony cases per 10,000 residents than the three larger counties in Kansas.



Further if you consider juvenile charges, we file more juvenile cases than any other jurisdiction per 10,000 residents.

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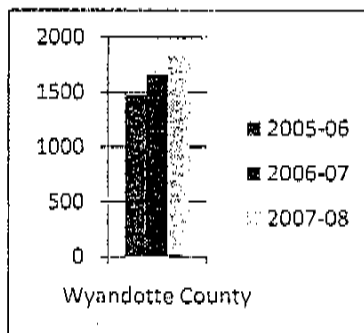


Further, once those cases are filed, we are totally at the scheduling discretion of the Wyandotte County District Court.

The District Attorneys Office has no discretion in which courts we will appear, or how many times we will appear. Nor can we decide not to prosecute those matters that are prosecutable by law.

Most of the prosecutions that we file are based upon investigations done by the Kansas City, Kansas Police Department. However, we also receive cases from numerous other law enforcement agencies. They are the Wyandotte County Sheriff's Department, Bonner Springs Police Department, Edwardsville Police Department, Kansas Highway Patrol, Kansas Bureau of Investigation, Alcohol Beverage Control, Wyandotte County Park Rangers, University of Kansas Campus Police, Kansas City Kansas Community College Police, Lake Quivira Police Department, Kansas City Kansas Fire Department, Kansas State Fire Marshall's Office and many other state and federal agencies.

While Kansas City, Kansas enjoyed great news last year as to a drop in the crime rate, that success does not translate into less cases prosecuted by our office. According to the Office of Judicial Administration, felony cases filed in Wyandotte County increased each of the last three years.



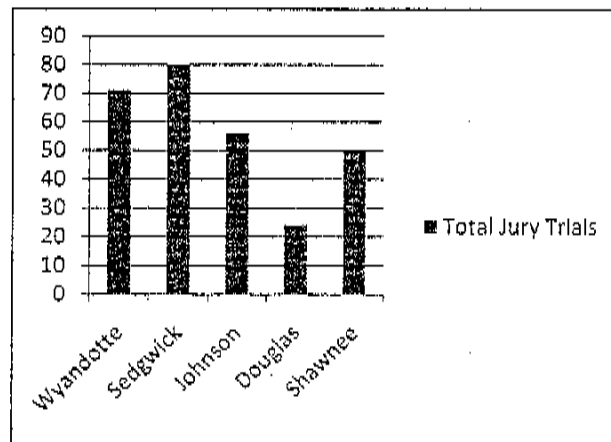
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The Wyandotte County District Attorney's Office already operates at minimum levels. Our office is not capital intensive. We have no vehicles, machinery, tools, etc. We have tools of the legal trade: pens, paper, folders, copy machines, etc.

Further, several items in our budget are statutorily mandated. Line item 5273 "Physician and Medical Associate" for \$53,000 should not even be in the District Attorney's budget. State law requires the county to pay for medical exams of sexual assault victims. Our office historically ended up being the processing agent for this state mandated requirement.

Further, state law requires the county to provide additional costs to the District Attorney's Office for handling appeals. Line item 5213 for District Attorney Expense is \$26,000. This figure is a steal for the county as most offices handle appeals through a budgeted position. The large counties have at least one position budgeted for this. Sedgwick County has five. The cost of one additional Assistant District Attorney would be three times higher than the expense provided.

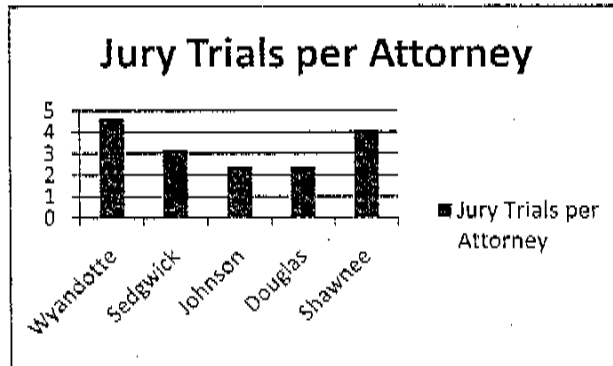
The attorneys in the Wyandotte County District Attorney's Office already have a higher than average case load. This results in more jury trials than most Kansas Counties. The summary below shows that the Wyandotte County District Attorney's Office tries more jury trials than all counties (80-71) except for Sedgwick County, a county three times the size of Wyandotte County.



The number of jury trials is bound to rise as the Kansas Supreme Court decision of *In Re L.M.* in July, 2008 allows juveniles to have a jury trial for any felony crime. Wyandotte County has already had five juvenile jury trials this fiscal year in only the first half year of statistics. No other large county has had any juvenile jury trials. This puts a tremendous strain on the already stretched resources of this office.

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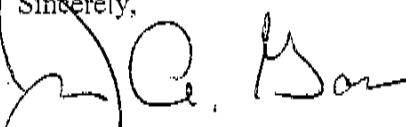
The Assistant District Attorneys in Wyandotte County try more jury trials per attorney than any county in Kansas. This office cannot reduce the number of staff attorneys in order to provide the minimum level of service to the people of Wyandotte County. I am requesting that the two held PAN's (#'s 6243 and 6224) be released so that we can return to normal staffing levels.



I have in my budget a half time position (# 6878), two summer clerical positions (#'s 6889 and 6888) and a part time legal intern (#6245) position that we can eliminate. The elimination of these positions would (at my estimates) reduce our budget by approximately \$25, 378.

I recognize that this proposal does not meet the suggested levels of reductions. However, as the chief law enforcement office of Wyandotte County, I cannot fulfill the statutory duties of this office with any less.

I would invite you Mayor Reardon and Mr. Hays and all of the Commissioners to sit down and personally discuss the matter with me before any unilateral reduction in the budget occurs.

Sincerely,  
  
Jerome A. Gorman  
District Attorney