

Minutes of the Kansas Sentencing Commission Meeting August 27, 2015

The Honorable Evelyn Z. Wilson, Chair, called the Kansas Sentencing Commission meeting to order on August 27, 2015 at 1:34 p.m.

Participants:

Members:

- Honorable Evelyn Z. Wilson, Chair
- Honorable W. Lee Fowler, Vice Chair
- Honorable Patrick D. McAnany
- Senator David B. Haley
- Representative Tom Sawyer
- Representative John J. Rubin
- Senator Carolyn McGinn
- David W. Riggan, Kansas Prisoner Review Board
- Amy Hanley, Kansas Attorney General's Office
- Chris A. Mechler, Office of Judicial Administration
- Tim Madden, Department of Corrections Designee
- Kevin N. Berens, Thomas County Attorney
- J. Shawn Elliott, Attorney
- Elizabeth M. (Betsy) Gillespie, Director of Corrections, Johnson County
- Stacey L. Donovan, 3rd Judicial District Chief Public Defender
- Edward (Eddie) J. Regan, Public Member
- Reverend Junius B. Dotson, Public Member

Guests:

Marie McNeal, KDOC Director of Community Corrections
Kathleen Graves, Deputy Secretary, Department of Corrections
Susanna Honaker, Little Government Relations, LLC
Jennifer Roth, 1650 Law and Policy Group, LLC
Derek Hein, Mirror, Inc.
Briana Landon, Legislative liaison, KDOC
Representative Janice Pauls

Staff:

Scott M. Schultz, Executive Director
Kunlun Chang, Director of Research
Brenda Harmon, Special Assistant to the Executive Director
Charlene Peacock, Utilization Review/SB 123 Program Director
Trish Beck, Program Assistant
Ebo Browne, Research Analyst
Jesse Becker, Finance Director
Fengfang Lu, Senior Research Analyst

Welcome New Commission Member

Chair Wilson introduced and welcomed Stacy Donovan, 3rd Judicial District Chief Public Defender who has been appointed by Governor Sam Brownback to serve as a commission member, replacing Jennifer Roth.

LSI-R Scoring Guide Update

Marie McNeal, KDOC Director of Community Corrections provided handouts and presented a PowerPoint presentation, “*KDOC & Court Services LSI-R Scoring Guide Update*”.

Ms. McNeal advised that in an effort to maintain uniformity in the preparation of assessments by field staff in community corrections services and court services, Dr. Jennifer Pealer studied both the KDOC and Court Services’ LSI-R scoring guides. Dr. Pealer determined the largest discrepancy came from the assessment time frame references (i.e., KDOC uses Lifetime, Current, Past Year and One-Year while Court Services uses Lifetime, Current, Past and Two-Years)

After further consultation, KDOC has elected to return to the original time frame references of Lifetime, Current, Past Year and Two-Years. Implementation of this will be ongoing with a possible start date in early 2016.

Approval of Minutes

Chair Wilson referred to the Sentencing Commission teleconference meeting minutes of June 25, 2015. Betsy Gillespie moved to approve the minutes as written. Chris Mechler seconded the motion and the minutes were approved.

Presentation of the FY 2016 Prison Population Projections

Scott Schultz, Executive Director, provided handouts and reviewed the FY 2016 Adult Inmate Prison Population Projections. Judge Fowler moved to approve the projections. Judge McAnany seconded the motion and the projections were adopted.

2015 National Association of Sentencing Commission Annual Conference

Judge Wilson presented a summary of information presented at the 2015 National Association of Sentencing Commissions Annual Conference in Alaska. Scott Schultz also moderated and presented on a panel that discussed a state perspective of the Justice Reinvestment Initiative.

SB 123 Update

Chris Mechler provided a brief update regarding work being conducted by SB 123 Subcommittee. She announced that for SB 123 cases sentenced on or after July 1, 2015, extensions on a case-by-case basis will be considered for the Intermediate/Residential modality. Extensions of the length of stay will be considered after completion of a new *Extension Request Form* that was approved by the Subcommittee for staff use. Letters to treatment providers will be sent out August 31, 2015 to inform them of this available option.

A SB 123 cost of services survey was sent to all treatment providers to determine the costs providers incur to provide SB 123 services to offenders. Jesse Becker will compile the results and provide a report of findings to the Subcommittee next month.

Agency Report

Scott Schultz provided a summary of the agency's activities since the last meeting and advised the Commission on the agency's upcoming activities:

- *State vs. Pearce* - While still on appeal, the case potentially affects criminal history scoring. Its current interpretation by the Court of Appeals allows the use of prior convictions for special rule enhancements as well as criminal history scoring.
- Expanding Payment Options for Stakeholders – The Kansas.gov/Information Network of Kansas contract has been approved and the agency will shortly be accepting credit card and electronic check transactions for purchases of the Desk Reference Manual and other materials sold by the KSC.
- SB 123 Treatment Providers Payment System (TPPS) – In addition to the credit card DRM project, the agency is currently partnering with Kansas.gov to craft a new, expanded and automated version of TPPS to assist with online portal/tracking on payments and electronically filing of Invoice for Purchase of Service from treatment providers. The next meeting is scheduled for September 9, 2015.
- 2015 KSC Workshop will take place on November 18 and 19. He requested brainstorming ideas for further development of a legislative agenda for the upcoming session.

Mr. Schultz referred to and discussed KDOC's monthly letter to the KSC reflecting the current prison capacity as well as the Prison Population Monthly Monitoring Report.

Next Meeting

The next Sentencing Commission meeting will be at 1:30 p.m. on September 24, 2015 at the Jayhawk Tower, Senate Room.

Meeting adjourned 3:25 p.m.