

**Minutes of the Kansas Sentencing Commission Meeting
April 25, 2014**

The Honorable Evelyn Z. Wilson, Chair, called the Kansas Sentencing Commission meeting to order on April 25, 2014 at 1:32 p.m.

Participants:

Members:

- Honorable Evelyn Z. Wilson, Chair
- Honorable W. Lee Fowler, Vice Chair
- Honorable Patrick D. McAnany
- Senator David B. Haley
- Representative Janice L. Pauls
- 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
- Secretary Ray Roberts, Department of Corrections
- Kevin N. Berens, Thomas County Attorney
- J. Shawn Elliott, Attorney
- Elizabeth M. (Betsy) Gillespie, Director of Corrections, Johnson County
- Jennifer C. Roth, 3rd Judicial District Assistant Public Defender
- Edward (Eddie) J. Regan, Public Member
- Reverend Junius B. Dotson, Public Member

Guests:

Tim Madden, Department of Corrections
Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Sheriffs' Association
Kim Brown, Mirror Inc.
Susanna Honaker, Little Government Relations, LLC

Staff:

Scott M. Schultz, Executive Director
Brenda Harmon, Special Assistant to the Executive Director
Sean Ostrow, SB 123 Program Director/ Staff Attorney
Trish Beck, Program Assistant
Fengfang Lu, Senior Research Analyst
Jennifer Dalton, Accountant

Approval of Minutes

Chair Wilson referred to the Sentencing Commission meeting minutes of March 21, 2014. The Honorable Patrick D. McAnany moved to approve the minutes and Betsy Gillespie seconded the motion. The motion carried and the minutes were approved.

Review and Approval of the Journal Entry Forms

Sean Ostrow, Staff Attorney, reported a concern with the Probation Violation Journal Entry (PVJE) form not including a specific finding requirement as mandated by K.S.A. 22-3426a(a). A proposed amended PVJE was offered to resolve the concern. Amy Hanley moved to approve the amended PVJE form and Chris Mechler seconded the motion. The motion carried and the amended PVJE will be posted to the agency website for immediate use.

Legislative Update

Representative John Rubin and Scott Schultz, Executive Director, provided a legislative update on Sentencing Commission bills. Staff is currently tracking 60 bills that are significant to the Kansas Sentencing Guidelines Act. The following bills were discussed: S Sub for HB 2448, H Sub for SB 19, HB 2655, and HB 2588.

Mr. Schultz extended his thanks to the Commission Senators and Representatives for their continued support of the agency during the legislative session.

SB 123 Report

Sean Ostrow, SB 123 Program Manager, reported the monthly SB 123 Treatment Provider Working Group meetings have been providing positive communication with treatment providers and continue to be very beneficial and informative.

Mr. Ostrow reviewed the handout, *SB 123 Update-Proposals for UR Implementation*. The agency has applied for a federal grant through the Bureau of Justice Statistics, which is available to each state's Statistical Analysis Center (SAC). This funding will assist in employing a SB 123 Utilization Review position to ensure that treatment providers are providing care that is appropriate under the American Society of Addiction Medicine (ASAM) Criteria and evidence-based practices, and provide funding for the software programming necessary to track multiple factors regarding individual offenders in the program.

Mr. Ostrow attended an ASAM conference in Orlando, Florida, to become better acquainted with the ASAM criteria and software implementation.

A meeting with General Butch Tate (Ret.), who advocated on behalf of HB 2655's veteran's bill will visit the office on May 9, 2014 to discuss implementation of the policies set forth in the bill.

Justice Reinvestment Initiative – Phase II Report

Secretary Roberts reported an increase in prison sanctions - indicating progress but not as quickly as projected on the implementation of phase two of 2013 HB 2170.

Secretary Roberts also provided a prison population monthly monitoring report, outlining the current offender population of KDOC.

Chris Mechler reported that the Council of State Governments is in negotiations with OJA for regional training for court services supervisors. Quality assurance in staffing and on LSI-R assessments will be included in the training.

LSI-R Subcommittee Report

Chair Wilson reviewed the memorandum sent by OJA to district court chief judges regarding *Statewide Use of Level of Service Inventory-Revised*.

The Subcommittee is still gathering data and plans an informational presentation by Dr. Alex Holsinger, Associate Professor and Director of Graduate Programs, University of Missouri-Kansas City, at the next meeting on May 19, 2014.

Agency Report

Scott Schultz, Executive Director, provided a summary of the agency's activity since the last meeting. The 2013 Annual Report has been completed and will be sent out next week. Mr. Schultz thanked Fengfang Lu, Senior Research Analyst, who is responsible for this important publication.

Executive Session

Representative Jan Pauls moved to go into executive session for 10 minutes concerning personnel matters. Representative John Rubin seconded the motion and the motion carried.

Back in open session, Representative Pauls moved to go back into executive session for an additional 15 minutes to discuss personnel matters. Representative Rubin seconded the motion and the motion carried.

Back in open session, Chris Mechler moved to return to executive session for an additional 15 minutes for personnel matters. Representative Rubin seconded the motion and the motion carried.

Back in open session, Representative Pauls stated that the Commission requests to have the Executive Director provide a report on staff compensation in comparison to the market and other similar positions at the next Commission meeting, taking into consideration the potential of the Commission losing \$97,420 from its budget this legislative session. It was anticipated that the budget issue will be resolved before the next Commission meeting.

Next Meeting

The next Sentencing Commission meeting will be at 1:30 p.m. on May 22, 2014 at the Jayhawk Tower, Senate Room.

Meeting adjourned 3:44 p.m.