

**Minutes of the Kansas Sentencing Commission Meeting  
June 19, 2014**

The Honorable Evelyn Z. Wilson, Chair, called the Kansas Sentencing Commission meeting to order on June 19, 2014 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 Harold Lane, Designee
- Representative John J. Rubin
- Senator Carolyn McGinn
- David W. Riggin, 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:**

Susanna Honaker, Little Government Relations, LLC  
Kathleen Rieth, Chief Court Services Administrative Officer, 10th Judicial District  
Kathleen Graves, Deputy Secretary, Department of Corrections  
Tim Madden, Department of Corrections

**Staff:**

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

## **New Business**

Chair Wilson requested approval to amend the agenda by reorganizing the order of agenda items and addressing the Executive Session as topic number two. Representative John Rubin moved to approve the amended agenda. Jennifer Roth seconded the motion and the agenda was amended.

## **Approval of Minutes**

Chair Wilson referred to the Sentencing Commission meeting minutes of May 22, 2014. Amy Hanley moved to approve the minutes and Betsy Gillespie seconded the motion. The motion carried and the minutes were approved.

## **Executive Session**

Chair Wilson moved to go into executive session for 30 minutes concerning personnel matters. Amy Hanley seconded the motion and the motion carried.

Back in open session, Amy Hanley moved to go back into consecutive session for an additional 15 minutes to discuss personnel matters. Shawn Elliott seconded the motion and the motion carried.

Back in open session Representative John Rubin moved:

1. The Executive Director shall conduct surveys or research other small Kansas state agencies with similar numbers of staff and obtain their organizational structure and levels of supervision. As a result of this consultation, the Executive Director shall create an Organizational Chart setting forth the KSC's "chain of command" and specifying who the supervisor is for each employee of the KSC. If the Executive Director is not the immediate supervisor for a specific employee, the Organizational Chart shall specify the Executive Director as the second level supervisor.
2. The Executive Director is required to immediately institute a program of annual performance evaluations for all KSC employees. Evaluations will be conducted by the immediate supervisor of each employee. If the Executive Director is not an employee's immediate supervisor, he will sign off as the second level supervisor. Commission members will perform an annual performance evaluation of the Executive Director.
3. The Executive Director, in conjunction with annual performance evaluations, will also perform evaluations of compensation levels, structure compensation of all employees and report results of that study to the Commission annually with any recommendations he has for changes in salary for any employee. The Commission will then review and approve or disapprove any recommended salary changes.
4. The Executive Director, in consultation with the Commission, will annually develop by December 31 a proposed legislative agenda of the KSC for the next legislative session. The agenda will be submitted to the Legislature and appropriate committees, including the House Corrections and Juvenile Justice Committee together with drafts of any proposed legislation that the KSC will introduce each session, with the understanding that once submitted, other items can be added or changed.

Amy Hanley recommended a friendly amendment to Representative Rubin's motion, to add Commission member, Jennifer Roth, as an additional outlet for communication after the chain of command within the Organizational Chart has been exhausted by an employee.

Representative Rubin amended his motion to include Amy Hanley's recommendation.

Judge Fowler seconded the motion as amended and the motion carried.

### **Level of Service Inventory Review (LSI-R) Subcommittee Report**

Chair Wilson presented a draft letter "Sentencing Commission Action on LSI-R Cutoff Scoring for Probation" for consideration and approval that established LSI-R cutoff and supervision levels for probation as required of the Commission by statute. After discussion, Betsy Gillespie moved to modify the letter by amending the verbiage of the two lowest supervision levels in the table from Very Low and Low to Low and Low-Moderate. Chris Mechler seconded the motion and the motion carried. This change will be made to the letter and sent to Chief Justice Lawton Nuss and Secretary Ray Roberts.

### **Journal Entry Forms Subcommittee Report**

As a result of 2014 legislative changes, Sean Ostrow and Jennifer Roth provided proposed changes to Kansas Sentencing Guidelines Forms, including the Journal Entry of Judgment (JE), Journal Entry of Probation Violation Hearing (PVJE), and Presentence Investigation Report (PSI).

Kevin Berens moved to approve the JE and PVJE forms as provided, including any supplemental pages and to modify the PSI form as recommended. Reverend Dotson seconded the motion. Betsy Gillespie proposed a friendly amendment to change the language on the PSI to be consistent with the LSI-R Supervision Level language passed in the recently approved LSI-R letter. Kevin Berens amended his motion to reflect the change. Reverend Dotson seconded the amended motion and the motion carried.

### **Report on the HB 2170 Graduated Sanctions Session at the Kansas Judicial Conference**

Chair Wilson presented information at the recent Kansas Judicial Conference during a breakout session on consideration and application of the Justice Reinvestment Initiative in 2013 HB 2170.

### **Agency Report**

Executive Director Scott Schultz provided a brief summary of the agency's activities since the last meeting and reviewed various KDOC prison population reports.

### **Next Meeting**

The next Sentencing Commission meeting will be at 1:30 p.m. on July 24, 2014 at the Jayhawk Tower, Senate Room.

Meeting adjourned 4:00 p.m.