

Minutes of the Kansas Sentencing Commission Zoom Meeting January 22, 2021

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) Zoom Meeting to order on January 22 at 1:30 p.m.

Participants:

Members:

- Honorable W. Lee Fowler, Chair
- Honorable Benjamin J. Sexton, Vice Chair
- Honorable Stephen D. Hill, Kansas Court of Appeals
- Senator David B. Haley
- Representative Dennis “Boog” Highberger
- Representative John Barker
- Senator Carolyn McGinn
- Jonathan Ogletree, Kansas Prisoner Review Board
- Jessica Domme, Kansas Attorney General’s Office
- Spence Koehn, Office of Judicial Administration
- Jefferey Zmuda, Secretary of Corrections
- Mark Dupree, Wyandotte County District Attorney
- Jessica A. Glendenning, Third Judicial District Public Defender’s Office
- Pat Colloton, Public Member
- Jermaine Wilson, Public Member
- Shelly Williams, Community Corrections Director

Guests:

Gwyn Harvey, Kansas Department of Corrections

Marie McNeal, Kansas Department of Corrections

Ed Klump, KS Association of Chiefs of Police, KS Sheriff’s Association, KS Peace Officers Association

Staff:

- Scott M. Schultz, Executive Director
- Brenda Harmon, Special Assistant to the Executive Director
- Kunlun Chang, Director of Research
- John Grube, Senior Research Analyst
- Kira Johnson, SB 123 Program Director
- Trish Beck, Program Assistant
- Jamie Mai, Administrative Assistant
- Christopher Lyon, Staff Attorney
- Francis Givens, Special Projects Director
- Melissa Zoesch, Finance Director

Approval of Proposed Agenda

Chair Fowler asked if there were any objections or additions to the agenda. The agenda was approved with no modifications.

Approval of December 17, 2020, KSSC Meeting Minutes

Chair Fowler referred to the December 17, 2020 Minutes. The Honorable Judge Stephen Hill moved to approve the minutes as is. Vice-Chair Sexton seconded the motion. The motion carried.

2021 Legislative Update

Executive Director Scott Schultz reported on the current status of the legislative session, discussing the start of the session, testimony presented to the legislature, and the bill status introduced by the Commission.

KSSC Assessment Selection Committee Update

Jessica Domme presented an update on the progress of the KSSC Assessment Selection Committee. The Assessment Selection Committee recommended the Commission:

- Adopt placement for female offenders with WRNA scores of medium risk and above be placed with Community Corrections;
- Adopt placement for male offenders with LS/CMI scores of high risk and above be placed with Community Corrections;
- Amend K.S.A. 75-5291(2)(A) to reflect better the new placement scores for the WRNA and LC/CMI;
- Request staff review data 12 months after the implementation date, starting July 1, 2022, and provide the impact on offender population for later adjustment of the policy and assessments, if necessary;
- Ensure that the Commission does a quality assessment and utilizing stakeholders' terminology and implement with fidelity; and
- Coordinate with contractors for the LS/CMI and WRNA for staff to provide training to stakeholders.

Jessica Domme moved the Commission define probation placement risk levels for females using the WRNA scores of medium risk and above for placement in Community Corrections. For males using the LS/CMI, scores of high-risk and above would be placed in Community Corrections. The Honorable Judge Stephen Hill seconded. The motion carried. Implementation of this measure begins on July 1, 2021.

Jessica Domme moved to authorize KSSC staff to develop language amending K.S.A. 75-5291(a)(2)(A) to reflect the recommendations of the Assessment Selection Committee regarding implementation of the separate risk thresholds in the WRNA and LS/CMI. The proposed language would require the Kansas Sentencing Commission to designate and define the tools or instruments used. The Honorable Judge Stephen Hill seconded the motion. The motion carried.

Agency Report

Executive Director Scott Schultz informed the Commission of recent activities, including the office being closed as recommended by the Department of Administration for the week of January 18, 2021, due to security concerns in the Capitol Complex. Employee performance reviews are close to being completed. At the request of House Corrections Committee Chair Russ Jennings, Brenda Harmon and the Executive Director created an extensive spreadsheet of the

2021 criminal justice bills introduced by the KSSC, Kansas Criminal Justice Reform Commission, Judicial Council, and the Judicial Branch. This spreadsheet was distributed to stakeholders and Commission members as a legislative guide.

Adjournment

Jermaine Wilson moved to adjourn. The Honorable Judge Stephen Hill seconded the motion. The motion carried.

The meeting adjourned at 2:12 p.m.

The next Sentencing Commission meeting will be held Friday, February 19, 2021, in the Senate Room of the Jayhawk Tower.