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Honorable Evelyn Z. Wilson, Chair
Honorable W. Lee Fowler, Vice Chair
Scott M. Schultz, Executive Director

Sam Brownback, Governor

June 20, 2014

The Honorable Lawton R. Nuss, Chief Justice
Kansas Supreme Court
301 SW 10th Ave.
Topeka, Kansas 66612-1507

The Honorable Ray Roberts, Secretary
Kansas Department of Corrections
714 SW Jackson St., Suite 300
Topeka, Kansas 66603

Re: Sentencing Commission Action on LSI-R Cutoff Scoring for Probation

Dear Chief Justice Nuss and Secretary Roberts:

Pursuant to K.S.A. 74-9101(b)(21), the Kansas Sentencing Commission is authorized to make statewide supervision and placement cutoff decisions based upon risk levels and needs of state probationers. After this mandate was created on July 1, 2013, the Commission quickly formed a subcommittee to utilize data-driven methods to provide the best possible results for community supervision stakeholders. During the process, the subcommittee enlisted the services of Dr. Alexander Holsinger, Ph.D., Professor of Criminal Justice & Criminology, University of Missouri-Kansas City, to assist in data analysis. Dr. Holsinger has extensive experience specifically with the state's criminal justice system and possesses substantial expertise in the utilization of the Level of Service Inventory-Revised in a criminal justice context.

As the LSI-R is the assessment tool approved by the Commission, assessments were gathered statewide from Court Services and Community Corrections, with exceptional cooperation from each respective agency. On June 10, 2014, the LSI-R subcommittee met to finalize its recommendations regarding the statewide LSI-R cutoff for probation agency placement. Following much debate, the subcommittee made the below recommendations to the full Sentencing Commission, which subsequently approved them on June 19, 2014:

The Sentencing Commission is required to make statewide supervision and placement cutoff decisions as set forth in K.S.A. 74-9101(b)(21). The following is established by the Commission:

LSI-R Score	Supervision Level	Presumed Supervision Agency
0 - 13	Low	Court Services
14 - 23	Low-Moderate	Court Services
24 - 33	Moderate	Community Corrections
34 - 40	High	Community Corrections
41 +	Very High	Community Corrections

- Offenders scoring 23 and lower on the LSI-R are presumed to be placed with Court Services;
- Offenders scoring 24 and higher on the LSI-R are presumed to be placed with Community Corrections;
- Cutoffs and supervision levels apply to all felonies, including SB 123 eligible offenses and nongrid offenses (e.g., DUI, Test Refusal, and Domestic Battery);
- This placement is based on **initial** assessment, being mindful that as offender risk and needs change, so should the supervision. These supervision levels contemplate a continuum of services which relies on evidenced-based decision making;
- Violations of conditions of release for those placed in Court Services per K.S.A. 75-5291(a)(5), is presumed to be placed with Community Corrections before being revoked to DOC;
- Offenses listed in K.S.A. 75-5291 may still be placed under supervision to Community Corrections regardless of LSI-R score, if ordered by the court;
- These cutoff scores and supervision levels apply prospectively to cases in which the underlying crime was committed on or after July 1, 2014.

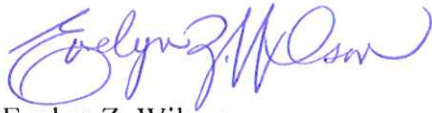
As required by the legislature, the Commission will further monitor the effectiveness of supervision and will be prepared to make recommended changes as necessary in the future.

To further clarify the role of cutoff scoring and supervision levels in community supervision, the Commission plans to pursue an amendment to the applicable portion of K.S.A. 75-5291 during the next legislative session. This refers to the sections of the statute that many commonly refer to as the Community Corrections “target” population. With such an amendment, it is contemplated that any conflict in application of these above-mentioned statutes would be removed, resulting in the initial assignment to probation placement at sentencing being designated solely by LSI-R risk score.

Kansas will be served well moving to an even higher level of evidence-based decision making with offenders. On behalf of the Sentencing Commission, I present these recommendations to you for your

review, distribution and implementation in your respective organizations. If you have questions, please do not hesitate to contact me.

Sincerely,



Evelyn Z. Wilson
Chair

Cc: Hon. W. Lee Fowler, Vice Chair
Scott M. Schultz, Executive Director
Chris A. Mechler, LSI-R Subcommittee
Betsy M. Gillespie, LSI-R Subcommittee