



Supreme Court of Appeals State of West Virginia

News

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Court issues pre-sentencing testing mandate for all felons **For immediate release Tuesday, January 22, 2013**

The Supreme Court of Appeals of West Virginia has issued a new policy directive that will give circuit judges more information about persons found guilty of felonies before judges impose sentences, Supreme Court Administrative Director Steve Canterbury announced today. The Court approved the policy directive at its January Administrative Conference. Beginning August 1, 2013, each felon in circuit court will be administered a risk and needs assessment test known as the LS/CMI (Level of Service/Case Management Inventory) before sentencing. The results of this assessment will be available for the circuit judges' consideration prior to sentencing.

"This change in policy is largely due to the work of the Justice Center," said Mr. Canterbury, a member of the Justice Reinvestment Work Group. Mr. Canterbury apprised the Justices of the findings of the Justice Center's on-going research during the last several months. That research helped the Court reach the conclusion that judges should have more information when making sentencing decisions.

"This assessment gives each judge objective information about the likelihood of the felon re-offending and what needs must be met to prevent such recidivism," said Mr. Canterbury. "It's another tool at the judge's disposal to help enhance public safety."

In many cases, a judge may order a pre-sentence investigation to be handled by a probation officer. The LS/CMI results will be included in those pre-sentence investigation reports.

"Since probation officers currently carry out investigations about felons and have contact with them and, often, their families, it's the best use of the Court's resources to have probation officers administer the LS/CMI," said Mr. Canterbury. "Every felon will have this base-line assessment, however, whether there is a pre-sentencing investigation or not."

The LS/CMI tests cost approximately \$3 each. There were approximately 8,000 findings of guilt in 2011 in West Virginia. Training probation officers to administer the LS/CMI will cost the court system about \$25,000.

"Many of our probation officers, such as those who work with treatment courts, have already been trained," said Director of Probation Services Mike Lacy. "My staff and I have devised a plan to use a train-the-trainer approach to cut costs, maximize efficiency, and meet the August deadline."

"The Justice Center's work in West Virginia is already bearing fruit," Mr. Canterbury said. "The Court is appreciative of the efforts of the Justice Center staff and, as is obvious through this major policy change, has taken at least one of the Justice Center's fundamental recommendations to heart."

The Justice Reinvestment Working Group on Tuesday presented results of a comprehensive analysis of West Virginia's criminal justice system to a bipartisan panel of state cabinet members, lawmakers, judges, prosecutors, and other state and local leaders at The Culture Center in Charleston.

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