

**Minutes of the Louisiana Sentencing Commission  
Department of Corrections Headquarters, Building 1  
504 Mayflower, Baton Rouge, LA 70802  
April 18, 2013  
1:00 p.m.**

The meeting was called to order by Honorable Ricky Wicker (Proxy for Chairman Honorable Ricky Babin) at 1:21 p.m.

**Members Present**

Honorable Ricky Wicker (Proxy for Chairman Honorable Ricky Babin)  
Mr. Dale Simoneaux (Proxy for Honorable Louis Ackal)  
Mr. Cheney C. Joseph, Jr (Proxy for Honorable Charles Ballay)  
Honorable Mike Cazes  
Mr. Hans Liljeberg (Proxy for Honorable Louis Daniel)  
Mr. John DiGuilio (Proxy for Mr. David Dugas)  
Mr. John DiGuilio (Proxy for Ms. Julie H. Kilborn)  
Honorable Ricky Wicker (Proxy for Honorable Greg Guidry)  
Mr. Cheney C. Joseph  
Secretary Jimmy LeBlanc  
Honorable Ricky Wicker (Proxy for Honorable Joseph Lopinto III)  
Honorable Ricky Wicker (Proxy for Ms. Cecil Guin)  
Honorable Laurie White (Proxy for Honorable Jay B. MaCallum)  
Mr. Carle Jackson (Proxy for Honorable Michael McDonald)  
Mr. Ruston Legendre (Proxy Mr. Robert Mehrtens)  
Honorable Laurie White (Proxy for Honorable Helena Moreno)  
Honorable Laurie White

**Committee and Advisory Members**

Jennifer Bailey, LCLE  
Darryl Campbell, DPS & C  
Rhett Covington, DPS & C  
Frank DiFulco, Louisiana Supreme Court  
Jennifer Eagan, Louisiana Supreme Court  
Christine Fiudo, Orleans Parish DA  
Whalen Gibbs, DPS & C  
Melanie Gueho, DPS & C  
Billy Kline, DPS & C  
Jasmine LaDuff, DPS & C  
Edward Mcauliffe, Orleans Parish DA  
Gerald Starks, DOC  
George Steimel, LACDL  
Angela Whittaker, DPS & C

**Guests**

Paul Barker, Orleans Criminal Court  
Vicki Dauterive, Together Baton Rouge

Linda Lala Duscoe, CURE  
Sheila Feigle, Private Citizen  
Trent Garrett, Re-Entry/CURE  
Amber Kepper CJS  
Roy Sanchees, CAHsd  
Amy Sorbet, CJS-South  
Sara Sullivan, VERA  
Cynthia Tracy, Together Baton Rouge  
Cleco Yancy, Re-Entry/CURE

I. Roll Call

a. Roll Call was taken by Jennifer Bailey, LCLE

II. Approval of Minutes

Motion by Mr. Cheney C. Joseph, Jr.

Second by Mr. John DiGuilio

III. Status of Legislation related to 2013 Recommendations

A-The Honorable Ricky Wicker – The Honorable Joe Lapinto, chairman of House Criminal Justice committee advised that a number of bills relating to sentencing commission will be set for committee hearing April 24<sup>th</sup> including attempted theft, simple escape, pretrial services, DWI, and mandatory treatment of drug offenders/early release.

B- No stated objections to attempted theft, simple escape, pretrial services, DWI

C-Mandatory treatment of drug offender/early release has undergone major revisions by Natalie LaBorde. These proposed revisions will be presented to the Honorable Joe Lapinto and if he approves, will be sent to Greg Riley for drafting. The revised proposal changes the concept from mandatory treatment to a DOC substance abuse probation program. In line with the change in approach, the language now includes a statement of purpose and specific goals. The program is voluntary. A court's participation in the program requires an *en blanc* majority vote and then must be approved by Secretary Jimmy Leblanc to insure the necessary resources are in place. Otherwise, the program will proceed as previously designed. The revision clearly states if a defendant is eligible a participating court shall consider the program. This program will be periodically evaluated for its impact on recidivism. Mr. Cheney Joseph suggested a modification to the revised proposal that would allow a judge to decide if supervision should be intensive or not. Cheney Joseph made the motion that the commission approve the revision in principle along with such amendments as the author or secretary may deem appropriate. Seconded by Judge White. Approved.

D. Bail Reform Bill

Bail reform bill is scheduled to go before Senate committee on the judiciary C in 2 weeks. Mr. John DiGuilio reported several issues the defense bar has with recommendations: 1. The mandatory 5-day detention may be unconstitutional 2. "Failure to appear" provision creates issues with the judge's discretion. Christine Fuido advised DiGuilio that Sara Tirrell is addressing problems identified. Once issues have been resolved a phone ballot of the commission will be taken.

IV Other Legislation

Carle Jackson – reviewed relevant bills of interest

A Bills related to Bail Bond

One proposal under consideration requires an additional limitation on ROR or signature release that would render ineligible a defendant who has prior ROR or signature release and was subsequently arrested for a

felony offense or fails to appear in court. Wicker is concerned this reduced judge's discretion, for example if defendant is released and is hospitalized.

B DA Probation pilot project

C New Crimes

Reviewed relevant bills of interest

D Criminal Discovery

Reviewed relevant bills of interest

E Mental Health Court

F Reviewed other relevant bills of interest

V Committee reports

A Release mechanisms – Honorable Laurie White, Mr. Darryl Campbell. Report on HCR 113 was submitted when due. The committee would like to make further amendments indicating that the entire subject matter requires further study. Wicker recommended the revised report be sent to members and one week allowed for response prior to refiling.

B Re-entry and Evidence Based Correction Committee – Rhett Covington. No new information since last meeting

C Research and Technology-Ms. Melanie Gueho and Mr. Frank DiFulco worked with district court judges association to update the uniform sentencing document. Modifications include additions to the drug offense fields including type of drug and specific activity. Additional modifications reflect total sentence length, amount of time served in custody (credit), space to record any associated cases, an indicator for waiver of minimum mandatory sentence, and an indication of local processing. Judge White suggested that if the form is to be automated that drop down menus be available. Additional modifications under consideration include clarifying whether time served is to be concurrent or co-terminate with any federal sentence.

VI Reorganization of probation and parole

Deputy Secretary Jeanie Powers presented brief discussion of reorganization of probation and parole.

A Early termination of probation will be allowed if certain criteria met. If the defendant is not eligible for early termination such cases may be placed on suspended status. Suspended cases will be on self-report basis and monitored by an investigative specialist. This allows probation/parole officers to focus their time and effort on those most likely to reoffend.

B The use of the performance grid is creating greater consistency with respect to violation. This relates to the use of administrative sanctions when appropriate.

C The process of privatizing collections is proving successful on a pilot basis and will eventually be utilized statewide. Officers will no longer need to deal with day to day collections, freeing their time for supervision. There is legislation in the 2013 regular session that would centralize all state collection processes and could have impact on privatization effort.

D Instructors have been selected to teach motivational interviewing to all probation/parole officers.

E The new web based offender management system will begin testing by summer or early fall. The system is called the Offender Management System (OMS). OMS will replace CAJUN and other systems.

VII Other Business

John DiGuilio reminded members of the Louisiana State Bar Association Legislative Committee meeting Saturday morning

X Adjourn

Motion made for adjournment by Judge White. Honorable Ricky Wicker adjourned meeting at 3:02 pm.