

Minutes of the Louisiana Sentencing Commission
Department of Corrections Headquarters, Building 1
504 Mayflower, Baton Rouge, LA 70802
August 15, 2013
1:00 p.m.

The meeting was called to order by Honorable Ricky Babin at 1:10 p.m.

Members Present

Chairman Honorable Ricky Babin
Mr. Dale Simoneaux (proxy for Honorable Louis Ackal)
Honorable Charles Ballay (Proxy for Honorable Louis Daniel)
Mr. Robert Barkerding
Mr. Dale Simoneaux (proxy for Honorable Mike Cazes)
Honorable Louis Daniel
John DiGiulio (proxy for Mr. David Dugas)
Mrs. Julie H. Ferris
Honorable Fredricka Wicker (proxy for Honorable Greg Guidry)
Ms. Debbie Hudnall
Mr. Cheney C. Joseph
Honorable Robert Kostelka (by phone)
Secretary Jimmy LeBlanc
Honorable Fredricka Wicker (proxy for Honorable Joseph Lopinto)
Ms. Cecil Guin
Honorable Jay B. McCallum
Honorable Hans Liljeberg (proxy for Honorable Michael McDonald)
Mr. Robert Mehtens
Honorable Helena Moreno
Honorable Laurie White

Committee and Advisory Members

Mrs. Jennifer Watson, LCLE
Mr. Rhett Covington, DOC
Mr. Frank DiFulco, LASC
Mark Dumaine, EBRDA
Honorable Jules Edwards, 15th JDC
Whalen Gibbs, DOC
Ms. Melanie Gueho, DOC
Mr. Carle Jackson, LCLE
Dan Krutz, LA Interchurch Conference
Natalie LaBorde, Governor's Office
Sandra Laborie, 5th Circuit Court
Jessie LeBlanc, Judge, 23rd JDC
Sheryl Ranatza, DOC
Sarah Tirrell, EBRDA
Ms. Opal West, LCLE

Guests

Chief Justice Bernette Johnson, Louisiana Supreme Court
Antoine Barriere

Angela Bazile, Louisiana Supreme Court
Scott Brandt, ALBU
Norma Broussard, JPDA
Ray Childress, LDJA
Jennifer Eagan
Robb Farmer, ALBU
Veronica? Freeman, WIN
Bishop Jerry Henry, Micah
Amber Kepper, CJS-BR
Linda LaLa Duscoe, CURE
Rev. Willie Louis, WIN
Richard Pittman, LPDB
Judith Rhodes, LSU
Rev. John H. Sanders, WIN
Daniel Schwartz, PICO Louisiana / Micah
Ms. Cara S. Sigler, Calcausieu Parish DA
Amy Sorbet, CJS-South
Sara Sullivan, VERA
Rick Swarte, 22nd JDC
Virginia Williams, LASC
Mr. Checo W. Yancy, LA CURE/Re-Entry

I. Welcome and Introductions

Chairman Ricky introduced guest Honorable Chief Justice Bernette Johnson
Roll Call was taken by Jennifer Bailey, LCLE

II. Approval of Minutes

Motion by Honorable Ricky Babin, Chairman; seconded by Honorable Judge Laurie White. Passed with no objection.

III. Organization for the 2014 Term

A. Overview

Honorable Ricky Babin, Chairman

B. Governor's Office Priorities

Ms. Natalie Laborde, Assistant Executive Counsel

Ms. Laborde reviewed the Commission's accomplishments since 2010 for the new members and guests. She then spoke of the Governor's priorities for the Commission for the 2014 term:

- Parole eligibility for the elderly
- Medical parole for the infirm
- Cleansing period for purposes of parole eligibility
- Expansion of Drug Courts
- Further work on mandatory minimums
- Continue research on the drivers of the prison population

C. Current Situation in Corrections

Secretary James LeBlanc

Secretary James Leblanc reviews the status of corrections in Louisiana.

- Louisiana Department of Public Safety and Corrections "lock(s) up 860 people per 100,000. The national average is 540 per 100,000" almost doubling national average.

- The prison population has doubled in last 20 years. Louisiana now has 40,000 incarcerated. 70,000 are under supervision.
- 41% of inmates in our prison system have been convicted of violent crimes.
- Louisiana still ranks in top 10 in five major categories – number 1 in murder.
- Costs are continuing to increase even though budget is decreasing.
- Louisiana Department of Public Safety and Corrections (DPS&C) reports a cost per inmate for state institutions of \$43/day in '09, compared to \$37/day in 2013. DPS&C is saving 240k a day compared to 2009.
- In 2008 there were 6700 employees. Now there are 5000, 1800 positions less than we had in 2008.
- 18599 offenders are in state facilities, 18042 in local facilities, and 3529 in Transition to Work Programs (TWP).
- 11,000 out of a total of 15,000 are discharging out of our local jails.
- DPS&C must work on re-entry at local level.
- DPS&C has 69,845 inmates are under supervision. This number is stable.
- The cost per day for supervising an offender on probation/parole is \$2.37.
- To house an offender at a local jail is \$24.39.
- At state level we get those the locals can't handle – medical or mental health wise.
- 71.3% of prisoners are black, 93.9% are male, and the average age is 38.
- There is a significant population of geriatric offenders in our system. 17.6% of our population is elderly.
- The average age is 54.5 for the population over 50.
- There has been a 90% growth in population rates of elderly offenders since 2005. From 3,721 in 2005 to 7,081 in 2013 (90% growth)
- The average sentence length in State prison 21 years, 8.1 years for local prison.
- Time served is 8.36 years in state and 1.99 years in local facilities
- At the state level, 42% of the inmate population are violent offenders, 26.5 are drug offenders while 18% are incarcerated for property crimes.
- The combined number of state and local offenders incarcerated for over 20 years is 5,500.
- 4660 have a life sentence. The majority of these inmates are at Angola.
- 85 inmates are on death row.
- Current average reading level in state the prison population is at 8.2 grade equivalency.
- 42% of prison population comes from Caddo, Jefferson, East Baton Rouge and Orleans Parishes.
- Since 42% of inmates are from four parishes, that's where our concentration needs to be.
- The recidivism rate at the state facilities over a 5 year period is 44.7%.
- The most effective tool against recidivism is education. Those who go through education programs have a recidivism rate of 39%.
- Inmates housed in local facilities have a higher recidivism rate than those released from state facilities
- However, inmates participating in Transition to Work Programs/Work Release have a lower recidivism rate at 40.8%.

Honorable Ricky Babin, Chairman, asked Secretary James Leblanc if his team is expecting budget reductions in upcoming session. Secretary James Leblanc responded they were.

IV. Overview of Commission and Committees

Honorable Ricky Wicker, Judge 5th Circuit Court of Appeal

Judge Wicker outlined the history of The Louisiana Sentencing Commission, its structure, operating practices and committees for the new members and guests.

The major committees are:

- Front End (Arrest to Sentencing)
- Release Mechanisms (parole, good time, etc.)

- Re-Entry and Evidence Based Corrections
- Research and Technology

She also announced that Rep. Moreno is starting a new workgroup - Outreach/Education. Judge Wicker noted The Commission hasn't been doing a good job of educating committee that Louisiana has highest incarceration rate and high recidivism rate and the factors that drive them. As to operating principles, Judge Wicker noted that The Commission is committed to:

- Data driver recommendations
- Seeking input from every aspect of the criminal justice system prior to making specific recommendations

V. Parole Board Progress

Ms. Sheryl Ranatza- chairman of pardon/parole board

Legislation was enacted last August to combine the Board of Pardons with The Board of Parole. The board members realize that board's relationship with DOC is critical to flow of parole. In July the National Institution of Correction (NIC) funded training for five of parole board members. The subject/focus was evidence based decision making. The group was required to participate in two webinars, take a test, have a ride along with paroling authorities from other states and participate in a ride along in Louisiana. There is now a training mandate for Board members. The Board reviewed the parole process and put formal policies and procedures in place when there were none before. They collaborated with staff, board members, and the Division of Probation and Parole in developing an eight hour annual training program.

In February Dr. Susan Tucker, the mental health director for DOC, talked to the Board about Static 99, which is an assessment tool required for all sex offenders before they go to board for parole. In April, the Attorney General's Office explained the revocation process. In May, the group participated in NIC training focusing on gender issues. In July, Rhett Covington talked to us about re-entry and Dr. Tucker talked to us about mental health issues as it relates to re-entry. In July, the body had orientation to the accreditation of correctional facilities process of the American Correctional Association (ACA). In October, the Board plans to discuss timing and dosage of special conditions as well as LARNA1, a risk assessment tool utilized at state correctional facilities.

The group has been working to improve processes in last 2 fiscal years. The Parole Board's grant rate increased from 29% in 2009 to 52% in 2013, likely due to training. The parole board had 611 revocations in fiscal year 2009 to 199 in 2012. This reduction was due to administrative sanctions, Act 402 for technical violators, and credit for good behavior. The Board also improved the way they handle dockets & supervising parolees.

The two day strategic planning retreat funded by NIC in July helped the Parole Board improve in many areas: We developed Core Values, Revised the Mission Statement, Agreed upon operating principles for parole hearings, and Identified strategic themes. Three strategic themes were identified: Develop case work due diligence objectives, Identify strategy to support system change, and Identify training objectives. The Team's training objectives included Evidence Based Practices, Research and discussion opportunities. The Case Work Due Diligence Objectives were as follows: Standardize decision making process, review interview process for possible enhancement using motivational interviewing, create a method to help offenders prepare for the interview, increase use of technology, how to share individual and aggregate data, explore possible new risk/need tool, review forms for needed changes and possible elimination. The Board promotes public safety by supporting the moral development of offenders to: break the cycle of crime, provide hope for a different life, and reduce recidivism and thereby reducing state expenditures on corrections.

The Parole Board has developed a new Mission Statement - Mission: Using evidence based research, parole decision makers support and promote successful offender reentry by: using available information to make reasonable, relevant, and evidence based decisions, providing opportunities for victim involvement in the parole process, recognizing that education is key to rehabilitation and encouraging the development of job skills, imposing reasonable conditions of release tailored to the specific offender, acknowledging compliance and accomplishments, and appropriately addressing violation behavior.

VI. Justice Reinvestment

Ms. Sara Sullivan, VERA Institute of Justice

In 2011-2012, the Louisiana legislature passed much legislation based on recommendations from the JRI (Justice Reinvestment Initiative) oversight committee. The Commission Identified 3 main drivers of prison population: High Percentage of Prison Admissions are Non-Violent, Non-Sex Offenders; High Rate of Technical Parole and Probation Violators; and Declining Use of Parole. The Commission developed policy changes to address those drivers.

In 2011 & 2012 Louisiana legislature passed 9 pieces of legislation to enact policy recommendations.

Oversight committee is focused on Phase II of justice reinvestment which is implementation work. Last year Commission established JRI oversight committee chaired by Sec. Leblanc to oversee implementation of these policies and requested VERA continue to provide assistance with the three things oversight committee is tasked with: Implementing the new policies, Measuring outcomes, Determining where Reinvestment savings should go.

Implement new policies

Implementation Successes to Date - DOC fully implemented revisions of goodtime earned time calculations & changes to parole eligibility criteria. Sheryl Ranatza has reviewed work done by the parole board (revising mission statement, establishing new qualifications for board members, participating in NIC training). The JRI oversight committee identified 3 areas that need additional attention: Discretionary Waivers of Mandatory Minimum Sentences and Administrative Sanctions; Additional statewide training and education is needed for all agencies involved on the use of discretionary waivers of mandatory minimum sentences & administrative sanctions. The committee recognized need for standards for Home Incarceration providers. The workgroup is writing these needs into a proposal for funding from the Bureau of Justice Assistance (BJA).

The second part of Phase II is measuring outcomes. In order to do this, the committee must first identify relevant data elements, then create a data collection tool. The DOC is reporting on quarterly basis to the oversight committee. Committee will then use information as a tool to report to commission and stakeholders on successes and challenges. Finally the team will report on outcomes. The next steps are to Finalize Implementation Plan, Submit Funding Application to BJA, and Continue to Monitor Performance Measures.

VII. National Level Issues: Report on the National Association of Sentencing Commissions

Mr. Carle Jackson

Merging Sentencing Research and Practice

Major Issues at the conference:

1. The use of Risk Assessment in Sentencing Decisions. The Commission has a pilot project to test this concept in the 22nd JDC.
2. The Role and Impact of Criminal History in Sentencing Decisions. Most states have guidelines that structure how criminal history is weighted in determining sentencing. Louisiana no longer has a uniform method of doing that after the demise of the sentencing guidelines.
3. We are currently implementing The Administrative Sanctions program to address this issue

There were some Surprises:

1. Criminal History is not always predictive of future criminal conduct under certain conditions. It depends on how old criminal history is. At some point, predictive value drops.
2. Given the severity of collateral consequences, the conviction itself is considered significant punishment in some states for minor offenses. The ABA (American Bar Association) is doing a study of collateral consequences of convictions.
3. Risk of reoffending is lower for convicted felons than the general population after some point after satisfaction of sentence. This implies perhaps we should reduce collateral consequences after a certain duration.

There were also Surprises in Practice:

1. A few states give the Court the option of unconditionally discharging persons convicted of minor crimes) on the notion that conviction itself is enough sanction-you find that in New York, Connecticut, New Hampshire, & Pennsylvania.
2. Washington State does not allow violation for new criminal offenses, instead of violating parole for a new criminal offense they try the new criminal offense.

3. There is a growing adoption of "Results First" where they look at any proposal to change the sentence system or anything else in the criminal justice system, and assess what the results of that are going to be before they do it using cost benefit analysis.

Issues from Around the Nation:

1. Justice Reinvestment.
2. Juvenile Life without Parole-Graham & Miller decisions starting a lot of conversations.
3. Revision of Drug Laws.
4. HOPE Style Programs (swift and certain sanctions) - consequences follow conduct immediately – not 30 days later-
5. Use of Risk/Needs at Sentencing.
6. Controlling supervision caseloads. Louisiana is at 170. Utah doesn't get above 70. The Federal standard is reported 45.
7. Need to provide guidance in the structuring of community supervision – eliminating standard conditions that don't relate to the particular offense of the offender.
8. Age of Criminal Culpability- many states are raising the age (from previous lowering) because of neurological research & special problems these offenders cause in system.

Challenges faced by Commissions:

1. Crowded prison systems;
2. Supervising more offenders with fewer resources;
3. Lack of data;
4. Growth in specific populations;
 - a. Female Offenders;
 - b. Mental Health-couple with Plata;
5. Maintaining implementation of policy changes so appropriate adjustments can be made.

More to Come: We will be presenting more information at future meetings. Papers and presentations available at the NASC website <http://thenasc.org/2013nascconference/papersandpresentations.html>

VIII. Report of Committees

A. Front End

Honorable Ricky Wicker, Chairman

i. Fines and Fees (Final Report)

Mr. Mark Dumaine

The team set out to determine what fines and costs are currently being assessed and collected. Other than Jefferson parish, we found little tracking of what costs are actually assessed. We need to focus on what is assessed at district court level. The made no recommendation on the impact of criminal fines, fees, and court costs for probation/parole because existing procedures were functioning. They have discretion to hold offenders accountable for restitution or to look beyond amount that's been ordered and determine that a good faith effort has been made and terminate probation/parole. If eliminating, by reducing, or unifying fines, fees, and court costs was achieved, by simplifying the system, law enforcement would have accurate data. We could then enforce collection and develop simple collection tools and a collection office as a backup. The workgroup recommends a single reference database for fines, fees, and court cost management. No legislation is needed for this goal to be reached.

In the 24th JDC they have correlated information in one place so all agencies know what to fine and can see court costs. Moreover, it clarifies what fine fees and court costs are. The workgroups objective is to make court costs transparent. They should be accountable and auditable. Before taking action, now that the team has met with the Sentencing Commission, the next step is to vet the idea with the Supreme Court, and finally with the judicial council. The changing of court costs, fines and fees must be monitored annually. The court cost database created by the Team is on Google Database for now, but can be hosted anywhere. It is current as of 8/15/12.

Honorable Judge Ricky Wicker gave Chief Justice Bernadette Johnson a written report including our recommendations as well as a letter signed by The Chairman.

ii. Statutory Revision

Honorable Judge Ricky Wicker

The Committee will undertake a rewrite of the theft statutes. The Committee has also been asked to look at drug statutes. Team 2 will perform this task. Team 3 will work on the DWI rewrite. The Bail Bond issues have been broken down into two groups – security bond rewrite and pretrial release. The Security Bond team has been working all summer and will continue to work. Their names will be sent to The Louisiana Law Institute to facilitate coordination between the two groups working on the issue. Our work should be complete before The Law Institute. Jefferson parish has decided to start a pretrial services program. They will work with Orleans Parish to move forward proposed legislation. Honorable Rusty Knight, Judge 22nd JDC, and pretrial sentencing team are reworking the areas of concern from the last term's proposal.

iii. DWI statute revision

Norma Broussard – 24th JDC Assistant DA

The 1st portion of revision involves the actual offense. The team delineated different types of driving instances of impaired driving. For example; alcohol – test $\geq .08$, Controlled Dangerous Substance, and combination alcohol and legally obtainable Controlled Dangerous Substance

The team recommended enhanced penalties for the Child Endangerment Law. Enhanced penalties were also recommended for second offense, if 1st conviction was: Vehicular Homicide or 1st Degree Vehicular Negligent Injuring. In addition to participating in a court-approved substance abuse program, the team added a base screening for first offenders in an effort to curb re-offense.

The next sections of the DWI rewrite are penalties broken down by offense level. Language was added at third offense to create a treatment option where no prior treatment was received.

DOC had a concern regarding those released early for good behavior for DWI related offense (whether it be for 3rd or 4th). The offender doesn't start probation until parole for good time release was completed. All programs need to be complete when on supervision meaning it could be months or years before that program was completed (for example, substance abuse treatment or community service because not on probation, but parole). The team added language that provides that if offender is released for good behavior probation commences simultaneously with parole.

Fourth Offense

If the offender previously received benefit of substance abuse treatment and/or home incarceration after they had completed the mandatory sentence, they were not eligible to have a subsequent sentence suspended. The mandatory minimum went from "two" to "not less than three, no more than five years, without benefit of parole, probation, or suspension of sentence". The team included same prohibitions on fourth offences as on the third. Honorable Ricky Babin, Chairman, clarified thusly that's on either one of the previous DWIs. Ms. Broussard confirmed an offender is not allowed to receive suspended sentence. Honorable Chairman Ricky Babin questioned whether this was within the 10 year cleansing period or if that mattered. Ms. Broussard answered prior conviction includes the cleansing period.

Prior conviction is any offense committed within 10 year period from date of offense to date of offense excluding time awaiting trial, time on probation/parole & DWI related offenses, time on attachment for failing to appear in court, and time incarcerated (similar and related offenses or any offense). A cleansing period is more than 10 years because all those periods are excluded. A case could go back 20 years. If it's a 3rd offense and they've received benefit as a 3rd offender, they're not eligible for a deferred sentence, unless the 10 year period less the exclusion has lapsed.

Another substantial change the team worked on deals with 4th offenders who've had prior treatment as 3rd. Technically a 10-30 year sentence is mandatory. Minimum went from 2 to 3 years but if offender received treatment, he is not eligible for mandatory minimum. The team recommend 5 years minimum in such cases. If the offender had benefit of suspension on a prior case and accused of a 4th offense, the court can't suspend the sentence and it can't be concurrent with the other sentence.

Ms. Norma Broussard advised the group that the team's revisions also included mandatory minimum. The mandatory minimum for home incarceration – 3rd offense is 1 yr. For example, if Honorable Judge Laurie White has 3rd offender, she can't suspend that sentence based on current law. However, home incarceration (Art. 894.2) provides if DA recommends home incarceration, which is something judge can consider. The team clarified existing law already allows us to do that. The rewrite also included removing duplication from DWI statute and adding consequences of probation/parole for clarification.

iv. Home Incarceration and Electronic Monitoring

Mr. Darryl Campbell

The team researched the feasibility of requiring an offender to serve his term of imprisonment through Home Incarceration with the use of Electronic Monitoring. The problems that initially came up are as follows: Unknown number of providers; No standards and no governing body regulating providers; Number of offenders receiving services is unknown; Completion rate (both successful and un-successful) is unknown; Fees for services provided were unknown and not regulated. Act 168 of the 2011 Regular Session requires providers of Home Incarceration and Electronic Monitoring to submit their data – who they have on, how long they're on, what offense, what conviction - on or after August 15, 2011.

The team created a database to capture the information. It's in a webpage format. Fields include: Provider Name, Physical address, Phone number. Once offender information is completed we want to know date supervision began/ended, offense type, fees charged, reasons for terminations. After the survey was compiled and distributed, the group reached out to the judges. The judges were asked what providers were being used. The group then contacted those providers and explained they are now required to give us this information. Most of them were compliant. As of August 2013, this project has 19 providers and have data entered on 4,521 offenders.

The data tells us: Average number of offenders per provider – 238; most providers charge a setup fee. Average set up fee is \$53. Average Monthly fee \$220; Average number of days on supervision – 206; Average age of offender supervised – 34.

Monthly fees by category:

-12% under \$60/month. Some providers say it's better to get something rather than nothing so they'll work on a sliding scale.

-29% in \$200-\$546 range

-45% of data that's been provided has no fee information.

Reasons for termination: Non-payment, non-compliance, Incarceration, Early release, other/no reason stated, Scheduled release is about 70%

Offense type: Controlled/dangerous substance – 11.7%; OWI – 48.2%

Known Providers-Private: AIM, Alternative Sentencing Solutions, Alternatives to Incarceration, Inc., Criminal Justice Services – Baton Rouge, Criminal Justice Services – South, ETOH Monitoring, Louisiana Home Detention Services, Sentinel Offender Services, ShadowTrack Technologies, Inc., Smart Start of Louisiana, Superior Interlock Services, TEEM Electronic Monitoring

Known Providers – Public: 23rd JDC, Gretna PD Home Incarceration Program, Jefferson Davis Sheriff's Office, Lafayette Parish Sheriff's Office, Lafourche Parish Sheriff's Office, Ouachita Parish Sheriff's Office, St. Landry Parish Sheriff's Office. As for Home Incarceration Supervision, The Court, the Sheriff's Office, and the Police Department are supplying information for the project on a regular basis.

The goal of the team right now is to create standards and structure where there are none. The team is working on a draft version of a survey for judges as well as known providers. The group wants to know how they are using it, are they using it. The subcommittee seeks to establish standards for the use of Home Incarceration; establish standards for providers; and develop consequences for providers not adhering to standards.

Robb Farmer asked who picks up the offenders when they violate. Honorable Ricky Babin, Chairman, answered there are as many answers as there are parishes. Some Sheriffs pick up offenders, some issue warrants.

B. Release Mechanisms

Honorable Hans Liljeberg, Judge 5th Circuit Court of Appeal

No report

C. Re-Entry and Evidence Based Corrections

Mr. Rhett Covington, Department of Corrections

No report

D Research and Tech

i. Uniform Charge code project

Mr. Frank DiFulco

Accurate data is needed at many key points-The charge at arrest, the charge at time of billing, the actual offense of conviction. Statutes have been revised but old references are still being used by some judges, DAs, etc. Mr. Frank DiFulco added if statute redesigned, repealed, or held unconstitutional, it doesn't need to be in the database. The Legislature may

adopt something that was previously repealed. However, an old offense code may still be there. If so, information on what the offense was becomes a problem. Each year the legislature will make changes.

Unified Charge Codes were modeled after what was done in Missouri.

- 1st letter - what level of offense (municipal/parish)
- 2nd letter – offense type (criminal/civil/juvenile)
- 3rd part – classification. NCIC (National Crime Information Center) published by FBI offense classification or Louisiana offense classification.
- 4th part - Chart of account. What offense do we classify in what categories? This part is four digits so if legislature adds additional offenses, they can all be accounted for.
- 5th part -Classification - Misdemeanor/Felony/ Felony eligible misdemeanor
- 6th part -Enhancers and modifiers- For example: Blood Alcohol Content, weight ranges for drug possession, check amount for theft

Example of Schedule I Drug

SK351154-F03.00
□□□□□□□□ □

35= NCIC classification for dangerous drugs

1154 = 40:964 Schedule I [1,000 will be schedule 1; 2,000 will be schedule 2; 3,000 will be schedule 3...], paragraph A [paragraph A would be 100, paragraph B would be 200...], *(54) Tilidine 03 [last 2 numbers would be actual drug]

03= Possession Schedule I, Narcotic >=28g but <200g

00= Principal

Missouri is one of the current states that took revised statutes and matched them to charge codes. This becomes a Rosetta stone. Now “x” code goes with “y” offense no matter how legislation changes. For example, say in 2003 “x” was the law that was in effect. Charge codes don’t replace what’s law, it just takes a snapshot in time - this is the offense you were talking about trying to research on.

Once there is consistency in the data, reports can be compiled. Mr. Frank Difulco commented “We don’t want to break any existing systems. This allows people to keep using legacy systems”. It also allows us to maintain old data in a meaningful way. It gives users the ability to exchange information, so when it’s filed in the clerk’s office, the clerk’s office isn’t trying to figure out what the offense is that’s being billed. This also clarifies for judges ‘the offense the person’s been convicted of’. Charge codes allow for consistent information.

A screen shot of the interface was shown. Information can be consumed in 2 ways;

1-can be downloaded by information systems. Can have hook to get to data base;

2- publisher interface. Anyone can use basic query.

Ex: looking for “aggravated battery” but offense was 6/1/10 so results say this is aggravated battery but in 2012 legislature modified that statute. The screen is set up by offense date so users can see law that would’ve been in effect. The SKU for charge code remains the same as law changes.

1-Defining Laws 2-Penalty: dollars, jail time 3-Enhancers and modifiers 4- Special Penalties (ex: aggravated battery is a crime of violence, so you’re able to categorize those defenses.

Also able to specify under Bail & Bond provisions in crimes of violence that security or ROR are unavailable.

Special Conditions: 1-Restrictions – ex: there has to be a hearing, 2-Fingerprint Requirement, 3-DNA Collection

Status of Development: This is Version 1. Version 2 will be released September 15th. The team has been working with Louisiana District Attorney’s Association and they listed the top 100 offenses for the group to put in the Charge Code System. Research and Technology has the top 30 offenses programed in right now. A Schedule has been agreed upon for future additions. Another review will be done through committee to make sure everything is correct before publishing on web. Next Research and Technology will work with the committee as a group on how to define sex offenses. The subcommittee is working on the ability for a one time data download.

ii. Project Accurate Rap Sheet

Mr. Mark Dumaine

Law Enforcement has seen RAP sheets improve tremendously in last 20 years (as felony arrests are concerned). On the flipside, dispositional information is not very good because we have a high stack of green sheets that someone has to go through to make corrections.

Automated fingerprint ID system (AFIS) is the system that is responsible for improvement of RAP sheets as we know them. Progress wasn't being made anywhere on RAP sheets until we started pushing these out to every law enforcement and correctional agency. Finger prints are placed in the system at a prison so a person can look at crime anywhere in the state of Louisiana. The system IDs the arrested person and updates their charges on RAP sheet. The Green sheet is still a paper process for collecting dispositions.

Offender steps: arrested, booked and printed, bail set, formally charged, arraigned, motions, trial/plea/convicted, sentenced.

It's almost a "wash-rinse-repeat" cycle. It takes a long time for information to make it to a RAP sheet.

Concept: AFIS at back of system as well as in front where judges can post a conviction after plea or trial. There are more monetary obstacles than technical obstacles. The team already has ideas for reducing cost.

V. Other business

Honorable Judge Ricky Wicker - Jonathan Finding's group finished updating the sentencing grants. These will be emailed to every Commission member and every team member. Honorable Judge Ricky Wicker pointed out that Rustin Legendre had completed a summary of all statutory changes with Sandra Laborie. This will be emailed to all members.

Honorable Chief Justice Bernadette Johnson invited others to attend The National Association of Women Judges Annual Conference in New Orleans Thursday October 10th. Attorney General Eric Holden will be speaking Thursday and Friday speakers will be Sen. Mary Landrieu and Barbara Arnwine (Lawyer on committee for civil rights). Honorable Chief Justice Bernadette Johnson mentioned barriers to employment for offenders are a problem. She gave accolades to labor unions for hiring exonerated and released criminals.

VI. Adjourn

Motion made for adjournment by Mr. Cheney Joseph, seconded by Honorable Laurie White. Honorable Ricky Babin, Chairman, adjourned meeting at 3:10 pm.