

**Minutes of the Louisiana Sentencing Commission
Department of Corrections Headquarters, Building 1
504 Mayflower, Baton Rouge, LA 70802
September 19, 2013
1:00 p.m.**

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

Members Present

Honorable Ricky Babin, Chairman
Mr. Dale Simoneaux (proxy for Honorable Louis Ackal)
Honorable Charles Ballay
Mr. Dale Simoneaux (proxy for Honorable Mike Cazes)
Honorable Louis Daniel
John DiGiulio (proxy for Mr. David Dugas)
Mr. Richard Pittman (proxy for Mrs. Julie H. Ferris)
Honorable Fredricka Wicker (proxy for Honorable Greg Guidry)
Ms. Debbie Hudnall
Mr. Cheney C. Joseph
Mr. Alden Clement [proxy for Honorable Robert Kostelka (by phone)]
Secretary Jimmy LeBlanc
Secretary Jimmy LeBlanc (proxy for Honorable Joseph Lopinto)
Ms. Cecil Guin
Honorable Jules Edwards (proxy for Honorable Jay B. McCallum)
Mr. Cheney Joseph (proxy for Honorable Michael McDonald)
Mr. Rustin Legendre (proxy for Mr. Robert Mehrtens)

Committee and Advisory Members

Mr. Rhett Covington, DOC
Mr. Frank DiFulco, LASC
Christine Fuido, Orleans Parish DA
Whalen Gibbs, DOC
Ms. Melanie Gueho, DOC
Mr. Carle Jackson, LCLE
William L. Kline
Natalie LaBorde, Governor's Office
Sandra Laborie, 5th Circuit Court
Edward McCaulliffe, Orleans Parish DA
Richard Pittman, LPDB
Sarah Tirrell, EBRDA
Mrs. Jennifer Watson, LCLE
Ms. Opal West, LCLE
Angela Whittaker, DOC

Guests

Scott Brandt, ALBU
Mrs. Ann Carmon, Circuit
Kandice Doley, LASC
Jennifer Eagan
Ms. Ariyal Fabre, JDC

Robb Farmer, ALBU
Trent Garret, CAPARC
Lyn Hakeem, BWCS
Mr. Kevin Kane, Pelican Institute
Linda LaLa Duscoe, CURE
David LaCerte, LA Dept. of Veterans Affairs
George Mills, Cenikor
Ms. Alanah Odoms Hebert
Mr. Spencer Pearson, Pelican Institute
Greg Thompson
Rachel M. Veal, CAPARC
Mr. Checo W. Yancy, LA CURE/Re-Entry

I. Welcome and Introductions

Honorable Ricky Babin, Chairman, welcomed attendees to the meeting.
Roll Call was taken by Jennifer Watson, LCLE.

II. Approval of Minutes

Motion by Honorable Judge Jules Edwards; seconded by Mr. Cheney Joseph. The motion passed without objection.

III. Organization for the offsite meeting

All committee meetings and the Commission meeting will be held at Hunt Correctional next month. Secretary Jimmy LeBlanc will be hosting.

IV. Report of Committees

A. Front End – Honorable Judge Ricky Wicker reported on the work of all Front End subcommittees.

i. Theft Statute Revision – Deputy Sheriff Gary Parker organized Billy Kline and Judge Jessie Leblanc to redraft the Theft Statue Rewrite. The group will report on progress in the next 30 days.

ii. Drug Law Revision – Honorable Judge Wicker reported this committee is to be split into three groups:

- Marijuana
- Other Drug Statutes
- Drug Courts and Specialty Courts

Materials for these teams are available on a CD. Judge Wicker plans to have a phone conversation regarding work schedule with each team in about ten days.

Honorable Ricky Babin noted several District Attorneys have come to him about the increasing use of heroin in their communities and the state, raising the issue of whether or not it should remain in Schedule 1. Honorable Judge Wicker asked Ms. Sandra Laborie to email Team ii, subgroup two, to explore this issue.

iii. DWI Statute Revision – Honorable Judge Wicker reported the group's work is almost complete. The recommendation was not acted upon during the 2013 Regular Session due to its complexity. Now, the Governor has a DWI taskforce with which we should coordinate our efforts. Honorable Ricky Babin, Chairman, suggested that due to the length and complexity of the recommendation, a representative of the Commission should make a personal visit to Louisiana Sherriff's Association (LSA), the Louisiana District Attorney's Association (LDAA), State Police, Mothers against Drunk Driving (MAAD) and other victims groups to explain that the rewrite is does

not soften any laws, but largely reorganizes the statute. Honorable Judge Wicker suggested the workgroup compose a list of additional stakeholder groups and develop a plan for outreach.

iv. Sentencing Workbook – Tracy DiBenedetto will begin working on this team.

v. Bail and Bond Statute Revision – The team will attempt to complete the revisions to last term's proposal in the next 30 days. They plan to travel to Monroe and Lake Charles to discuss the recommended changes with additional constituencies. Representatives of the Commercial Bail industry are now included in the group and are working with us to improve the recommendation.

vi. Pretrial Services – Lead by Honorable Judge John Molaison and Mr. Jonathan Friedman. Mr. Friedman and Honorable Judge Wicker have planned a planning meeting in two weeks.

vii. Use of Risk/Needs Assessment at Sentencing – Honorable Judge Knight plans to have a report in 30 days.

viii. Home Incarceration and Electronic Monitoring - Mr. Darryl Campbell completed a draft of the survey for judges and providers as part of the on-going data collection effort. Honorable Judge Wicker will review the survey and send it out to the group. The survey needs to cover how judges determine who the home incarceration provider is and whether or not the provider will be listed in court records.

ix. Non-Drug Statute Review – Headed by Honorable Judge Zibilich and Graham Bosworth. This is a new group that will work on the mandatory minimum statutes not covered by the previous recommendation adopted in 2012.

B. Release Mechanisms – The group will meet next Thursday September . A work list is prepared and tasks will be assigned. The group should make significant progress in the next 30 days. Honorable Judge Hans Liljeberg reviewed Release Mechanism's teams and leaders.

- Team #1- Geriatric and Medical Release - Dr. Raman Singh, Jerrie LeDoux
- Team #2- Multi-Offender Statutes - Keith Nordyke
- Team #3- Crimes of Violence - Carle Jackson
- Team #4- Parole for 3rd Offenders - Tracy DiBenedetto

C. Re-Entry and Evidence Based Corrections Mr. Waylon Gibbs (proxy for Rhett Covington)

i. Education Update – Committee will be headed by Dr. Cecile Guin

The Substance Abuse group is mapping service providers statewide. The team is reviewing the White paper by Lafayette Correctional and their treatment programs providing a definition of treatment rather than education.

ii. Workforce Development –The team is working to dispel myths, such as the inability of an ex-offender to obtain TWIC. Seventy-one offenders are engaged in employment requiring TWIC – hurdles exist but a card is attainable. LA Workforce Commission doesn't feel like tax credit incentives are being taken advantage of. Tax credits were given to the employers of 5,000 offenders in 2010-2011. There are 70,000 offenders on probation/parole/ supervision and 4,000 on work release. We should be leveraging a lot more with the available tax credit.

A representative from Re-Entry plans to talk to the Transition to Work program. Re-Entry is giving information to employers about the advantages of employing an offender but they aren't reading the information.

iii. Social Support – Capital Area Re-Entry Coalition hosted training in August for mentoring opportunities. Mentors must have appropriate training. The team is speaking to Ward King to develop innovative ways at Angola to identify offender mentors.

Ms. Elaine Ellerby is spearheading the Fatherhood First Initiative with Child and Family Services. A stakeholders meeting will be held September .

iv. Re-Entry Court and Expungement: These two new workgroups had their first meeting today and are in the infancy stages.

Honorable Ricky Babin, Chairman, asked Mr. Gibbs if there was a protocol for the TWIC issue. DA's have asked Chairman Babin if there is a written outline or diagram for them to post on how to advise offenders. Mr. Gibbs answered an information packet exists and the contents could be streamlined. Most important, Mr. Gibbs noted that offenders are often denied the first time, but they may immediately apply for a waiver and appeal. Once an offender receives a letter that he or she has applied through the system, they present the letter to an employer and work until the waiver process is completed.

D. Research and Technology

Mr. Frank DiFulco reported the release of the second part of the charge code application. Forty-seven out of a hundred offenses have been entered. The site is <https://chargecode.lasc.org>. The team is working with agencies on a direct-connection to the application via the internet. Ms. Melanie Gueho presented demographic charts of offenders under the jurisdiction of the Department of Corrections. She presented specific information relative to:

- a. Habitual Offenders
- b. Lifers
- c. Offenders
- d. Over Age 65
- e. Drug Offenders

Ms. Gueho will soon provide charts on Crimes of Violence and on Drug Statute. Ms. Gueho said that she could get drug offense data by next week.

E. Public Education

Honorable Judge Wicker proposed that the Commission create a Public Education committee that focuses on outreach. Honorable Judge Edwards moved a Public Education committee should be formed and headed by Honorable Judge John Michael Guidry. Honorable Judge Wicker seconded. The motion passed with no objection.

V. Other Business

Honorable Charles Ballay mentioned the work of the Project Accurate RAP Sheet. The existing RAP sheets are a weak link in the system due to reporting problems. Honorable Judge Ricky Wicker noted sometimes convictions do not show up on the RAP sheet. Honorable Charles Ballay added that additional problems exist that extend beyond Louisiana. He would like to invite someone from Integrated Criminal Justice System (ICJS) and U.S. Department of Justice (DOJ) to the October meeting to possibly learn from other states and agencies about how to improve the system.

Secretary Jimmy LeBlanc advised the group that Juvenile Justice needs to be a subject matter discussed by the Commission. He requested Ms. Mary Livers to speak at the next meeting.

V. Adjourn – Honorable Judge Jules Edward motioned to adjourn. No objections. The meeting was adjourned at 1:45 p.m.