

**Minutes of the Louisiana Sentencing Commission
DOC Headquarters, Building 1
Louisiana State Penitentiary Angola
1:00 p.m. October 18, 2012**

The meeting was called to order Chairman Honorable Ricky Babin

Members Present

Honorable Ricky Babin
Sheriff Mike Cazes
Honorable Ricky Wicker (Proxy for Honorable Louis Daniel
Mr. John DiGiulio (Proxy for Ms. Jean Faria)
Honorable Ricky Wicker (Proxy for Honorable Greg Guidry)
Ms. Angela Whittaker (Proxy for Secretary James Leblanc)
Rep. Joseph P. Lopinto, III
Ms. Mary Manhein
Carle Jackson (Proxy for Honorable Michael McDonald)
Mr. Ruston Legendre (Proxy for Mr. Robert Mehrtens)
Honorable Ricky Babin (Proxy for Honorable Charles A. Riddle)

Committee, Advisory and Staff Members

Darryl Campbell, DOC
Rhett Covington, DOC
Cloyce Clark, Governor's Office
Rhett Covington, DOC
Frank DiFulco, LASC
Whalen Gibbs, DOC
Melanie Gueho, DOC
Carle Jackson, LCLE
Sandra Laborie, 5th Circuit Court
Katherine Lee, LCLE
Genie Powers, DOC
Raman Singh, DOC
Douglas J. Saloom, Lafayette City Court
Opal West, LCLE
Angela Whittaker, DOC

Guests

Sheila Feigley, Private Citizen/Crime Victim
David Cressy, Tulane University
Jennifer Eagan, LA Judicial Admin. Office/Supreme Court

Lauren-Brooke Eisen, VERA Institute of Justice
Christine Fiuldo, Orleans Parish D.A.'s Office
Geraldine F. John-Louis, LA/CURE
Natalie LaBorde, Governor's Office
Peggy McGarry, VERA
Mike Redmann, Orleans Parish D.A. Office
Robert Reed, Attorney-Covington
Sara Sullivan, VERA Institute of Justice
Checo W. Yancy, LA/CURE

I. Roll Call

- a. Roll Call was taken by Katherine Lee, LCLE

II. The minutes of the previous meeting were approved

Motion by Sheriff Mike Cazes

Second by Representative Joseph Lopinto, III

III. Justice Reinvestment Program Phase 2: Sara Sullivan and VERA Team

- a. JRI (Justice Reinvestment Program) is a data-driven approach to reduce spending on corrections and reinvest savings in evidence-based strategies designed to increase public safety.
 1. JRI Phase I
 - Analyzing data of high percentage of Prison admissions are non-violent non-sex offenders, high rate of technical parole and probation violators, and declining use of parole.
 - Develop policy options with sub-teams the Front End Framework, Release Mechanism, Re-Entry and Evidence Based Corrections, and Research and Technology
 - Pass Legislation with ACT 160: Allow for mandatory minimum waivers; ACT 158: Clarifies administrative sanctions law; ACT 110: Revises of good time and earned credit and ACT 123: Repeals Risk Review Panels; ACT 159: Revises parole eligibility criteria; ACT 714: Consolidates Board of Pardons and Board of Parole; ACT 399: Expands re-entry courts; HCR 3: Requests expungement study.
 2. JRI PHASE II
 - Implement new policies by modifying rules, regulations and policies; train staff; educate stakeholders; inform offenders/probationers, et al.; and complete system upgrades/modifications.
 - Measure outcomes by identifying relevant data elements; create data collection tool and report on outcomes
 - Reinvest savings by agreeing on reinvestment strategy; reach consensus on reallocation of savings and calculate reinvestment formula
- VERA will assist with Application and assessment; Implementation planning; Performance measures; Seed funding; and Reporting.

IV. Use of *Cy Pres* funds by Commission: Honorable Ricky Wicker

Cy Pres Funds are funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees and other court approved disbursements to implement the relief granted. *Cy Press* funds potentially arise in class action cases. The Supreme Court Rule XLIII specifically authorizes a trial court judge to award "Cy Pres Funds" to one or more non-profit or governmental entities which support projects that will benefit the class or similarly situated person consistent with the objectives and purposes of the underlying causes of action on which relief was based, including and programs that promote direct access to the justice system. This is a potential source of financial assistance and it may be appropriate for the Sentencing Commission to seek these funds from the trial judge class action filed in Louisiana. It could help fund research and other work of the Commission.

V. Term Planning: No new items.

VI. Items for Vetting Process: Honorable Ricky Babin, Chairman

A. OUI revisions (R.S. 14:98): Honorable Douglas J. Saloom

Reviewed the statutory language, compared with the language of other southern state statutes and rewrote the statutes to simplify them and render more intelligible. The proposed changes to the OWI statutes make them more understandable and useful to the District Attorney, Courts, and Law Enforcement.

B. Simple Escape Revisions (R.S. 14:110): Mr. Billy Kline

The recommended modifications to the simple escape statute are intended to address concerns raised by sheriffs and judges with the mandatory consecutive sentence language. For the purpose of the amendment, a person shall be deemed to be in the lawful custody of a law enforcement officer or of the Dept. of Public Safety and Corrections and legally confined when he is in a rehabilitation unit, a work release program, or any other program under the control of a law enforcement agency or the Department of Corrections. The provisions shall be applicable to all penal, correctional, rehabilitation, and work release centers and any and all prison facilities under the control of the sheriffs of the respective parishes of the state of Louisiana. The prison facilities shall include but are not limited to parish jails, correctional centers, home incarceration, work release centers, and rehabilitation centers, hospitals, clinics, and any and all facilities.

C. Sex Offender Assessment Panel Law:

The Louisiana Sexual Offender Panel is hereby created within the Dept. of Public Safety and Corrections. The secretary of the Dept. of Public Safety and Corrections may create one, but not more than three, sex offender assessment panels for purpose of implementing the provisions of this Chapter. The panel shall consist of three members. The secretary shall select the makeup of the panel based upon the feasibility, practicability, and effectiveness of each panel as determined by the secretary and established by rules adopted pursuant to the provisions of the administrative Procedure Act R.S. 49:950. This recommendation, if adopted, would replace the current Legislative Act 15:560, et seq., Chapter 3-D.

D. Cleansing Period for Parole Eligibility (C.Cr.P.57434):

Currently, a person's parole eligibility is generally governed by the statute of conviction (eligibility) and the number of prior felony convictions (length of time to first hearing). This recommendation creates a cleansing period ten years after the completion of the maximum term of sentence for the previous conviction.

VII. Committee Reports: Honorable Ricky Babin, Chairman

A. Front End Committee: Honorable Ricky Wicker

Bail Bond Presentation by Sara Tirrell presented the work of the pretrial team. The on-going work includes: a study of the efficacy of using a risk/needs assessment tool to assist in setting a bail bond; study the appropriate use of recognizance bonds for those for whom risk of both recidivism and absconding is low; prepare a document to be used with personal sureties so that the persons posting surety understands that they are responsible for the offender's appearance for every court date and who is responsible to follow up and ensure appearance; and what is the financial impact of any proposal. Rewrite the bond forfeiture statute: the current statute is both complex and arcane. The statute is difficult to apply and enforce. It has been suggested that there are problems using the property bond statute as recently amended. Research the problems with the current statute through the clerks association, compare with other state statutes and suggest amendments needed, if any.

B. Release Mechanisms Committee: Dr. Robert Singh presented a presentation on Infirm and Medical Parole of the medical infirm conditions with concerns of how to continue to provide good cost efficient onsite quality care for inmates. As of now state taxpayers cover 100% of the cost so the team is trying to find additional resources, including but not limited to federal funding mechanisms.

C. Re-Entry and Evidence Based Corrections: Rhett Covington

1. The workgroup is trying encourage workforce agencies to implement strategies that take the needs of ex-offenders into accounts relative to job placement; encourage employers to offer appropriate employment opportunities that could be filled by ex-offenders; unless it is relevant to the available position, discourage employers, including municipal and state governments, from asking for arrest and conviction information the employment application.

2. Substance Abuse team is planning to look at Texas and North Carolina laws when they considered reevaluating codes for drug charges.

3. Housing Workgroup will examine federal, state, and local laws and other restrictions with regard to housing ex-offenders offering best solutions where possible based on what other states and localities have done to address this issue.; examine existing housing funding through HUD, LHFA, and other sources to identify ways of creating or sustaining housing options for returning offenders.

4. Social Support workgroup: This is an area that the Chaplains Associations and other Faith and community-based organizations should be called upon to assist with expanding mentoring opportunities. The workgroup is planning to engage with community organizations and faith-based groups by asking them to provide space and facilitation of such groups rather than pairing mentors with mentees. Mentoring can then become a natural outgrowth of these groups.

D. Research and Technology Committee: Mr. Frank DiFulco and Melanie Gueho

The committee reviewed Article 892, previous documents that have been provided on the development of the Charge code table. The Louisiana Charge Code System is in production and has been populated with some sample data for viewing. This is an important step in preparation for the start of the Charge Code Encoding process.

VIII. Update on HCR 113 – Nothing new. A meeting is planned for Tuesday, October 23 to meet with Representative Harrison to review the bill.

IX. Other Business –

1. Carle Jackson spoke on the mental health court project that is focusing on designing and implementing a mental health court to improve the response to people with mental illnesses who become involved in, or are at risk of involvement in the criminal justice system. The mental health court specific goals are to increase public safety, increase treatment engagement, and improve quality of life.
2. At the November meeting, members are encouraged to invite those who are interested in home incarceration to actually see what the data shows relative to the effectiveness of home incarceration.
3. The December meeting of the Louisiana Sentencing Commission meeting has been changed to 2nd Thursday of the month. December

A motion was made for adjournment of the meeting by Honorable Ricky Wicker and second by Carle Jackson. The Honorable Ricky Babin, Chairman, adjourned the meeting at 3:30pm.