

**Minutes of the Louisiana Sentencing Commission  
DPS&C Headquarters, Building 1  
504 Mayflower, Baton Rouge, LA 70802  
10:00 am December 8, 2010**

The Honorable James McDonald called the meeting to order at 10:20 a.m. Judge McDonald served as the chairman in place of the Honorable Ricky Babin. Commission members present were:

**Members**

Honorable Louis Daniel, Judge, 19<sup>th</sup> JDC

Mr. John DiGiulio, (Proxy for Ms. Jean Faria, State Public Defender)

Honorable Fredericka Wicker, Judge, 5<sup>th</sup> Circuit Court of Appeal (Proxy for Justice Guidry) (By Phone)

Mr. James LeBlanc, Secretary Department of Public Safety and Corrections

Honorable Joseph Lopinto III, Member of the House of Representatives

Ms. Mary Manhein, LSU Forensic Sciences

Honorable James McDonald, Judge, 1<sup>st</sup> Circuit Court of Appeals

Mr. Carle Jackson (Proxy for Mr. Robert Mehrtens, Louisiana Commission on Law Enforcement)

Mr. Jim Boren (Proxy for Mr. Joseph Montgomery)

Mr. William Kline (Proxy for Honorable Charles Riddle, District Attorney JDC)

Honorable Helena Moreno, Member of the House of Representatives (Proxy for the Honorable Ernest Wooten, Chairman, House Committee on the Administration of Criminal Justice)

- I. Welcome and Introductions
  - A. Carle Jackson conducted the roll call.
  - B. There was a quorum with 12 of 21 members present or represented by proxy.
  
- II. Report of the Statutory Revisions Committee: Workgroup 2 Release Mechanisms – Honorable Ricky Wicker
  - A. The committee has met three times since the last LSC meeting.
  - B. Five Teams were established to prepare recommendations relative to:
    1. Administrative Sanctions,
    2. Pardon and Parole, Infirm/Medical Parole,
    3. Home Incarceration/Deferred Sentences/Crimogenic Factors, and
    4. Good Time/
    5. Uniform Sentencing Order.The written report for the five teams is attached.
  - C. The next meeting of Workgroup 2 will be December 13, 201 at 1:00 at DOC Headquarters.
  
- III. Report of the Re-Entry and Evidence Based Corrections Committee – Honorable Charles Riddle
  - A. Report was given by Carle Jackson (Report Attached)

- B. The next meeting will be January 14, 2011 at 1:30 at the DOC Headquarters.
- IV. Report of the Research and Technology Committee – Mr. Robert Mehrtens
- A. Carle Jackson gave the report (Report Attached)
  - B. The committee reviewed all of the data requests that had been submitted by all committees. DOC and VERA staff have reviewed the requests and identified those that are viable with the data that are currently available.
  - C. The next meeting of the Research and Technology committee’s next meeting is scheduled for 12/13/10at 11:00 at the DOC Headquarters.
- V. Legislative Proposals: Submission Format, Deadline and Process – Carle Jackson
- A. Carle Jackson presented the group with a format for writing proposed legislation.
  - B. Representative Moreno gave the group an overview of the legislative bill process.
  - C. Each committee needs to discuss, write and submit their proposals prior to the next Louisiana Sentencing Commission Meeting. **The submission date is COB on January 18, 2011** electronically to [Carle.Jackson@lcle.la.gov](mailto:Carle.Jackson@lcle.la.gov). Vetting of the proposals with the major stakeholders will be conducted during February.
  - D. Peggy McGarry will provide illustrative information from other states relative to the general proposals outlined in the Memo from Chairman Babin to Cloyce Clark. Judge McDonald suggested that the point person for each committee needs to be in direct contact with VERA to get the studies prior to their drafting legislation.
  - E. DUE DATE JANUARY 18, 2011 BY 5:00 p.m.
- VI. Other Business
- A. Jim Boren suggested that the Louisiana State Bar Association - Board of Governors should be included in the proposal review process of the Sentencing Commission.
- VII. Time and Place of Next Meeting
- A. The suggested date of the next Sentencing Commission is January 26, 2011 at 10:00 a.m. at DOC Headquarters pending the agreement of Chairman Ricky Babin.
- VIII. Meeting Adjourned
- Motion – Honorable Michael McDonald
- Second – Mr. Jim Boren

**LOUISIANA SENTENCING COMMISSION  
STATUTORY REVISION COMMITTEE: WORKGROUP2  
RELEASE MECHANISMS**

**Report to full sentencing commission  
December 8, 2010**

**General:**

Since the Commission's last meeting the Release Mechanisms workgroup has met 3 times as a full body. This workgroup has been divided into 5 teams with the work divided between the teams, as will be described below. Each of those teams has met several times and progressed with the work assigned to that team. The teams have reported back to the full workgroup at the workgroup's meetings.

**Key issue:**

Greg Riley has asked that each team begin to draft whatever legislation may be necessary to foster the group's work.

**The five teams and the areas they are assigned to study and report upon:**

**Team one: Administrative Sanctions**

Judge Jules Edwards chair

**Assignment for Team 1:**

- °Mechanism for Administrative Sanctions (Revocations)
- °Limit the number of times a parolee can be re-released on parole after parole is revoked

**Team two: Team #2 Parole and Pardon:**

Sheryl Ranatza chair

**Assignment for Team 2:**

- °Look at parole board nomination process: qualifications and terms as well as structured decision making (Continuity and insulation)
- °Look at Risk Review Panel: are the tools it uses valid; should the weight the parole board is required to give to its findings be strengthened; should it apply to a broader array of crimes;
- °Look at eligibility for parole: after service of ¼ (first), ½ (second), and 1/3 (third) of term excluding sex offenders and maybe violent offenders;

- Pardon Board- should the warden be an ex officio member.

### **Team three: Infirm/Medical Parole**

Rep. Joseph Lopinto chair

#### **Assignment for Team 3:**

- supervised geriatric release for the old and chronically infirm excluding sex offenders;
- consider some type of release eligibility for those sentenced to life in prison where Medicare/Medicaid eligible and can be released on intensive supervision to a state nursing home; transfer to Villa; civil commitment to afford use of Medicare/Medicaid funds in lieu of DOC funds.
- parole eligibility for those who are 60 and over and who have served 15 years (excluding sex offenders);
- broaden compassionate relief statute;
- separate aging and medical

### **Team 4: Home Incarceration/Deferred Sentences/Crimogenic Factors**

Rhett Covington Chair

#### **Assignment for Team 4:**

- review home incarceration statute and deferred sentence statute to determine whether the statutes cover all those defendants for whom application of the statutes is in the public's best interest;
- the use of home incarceration as a release mechanism or in lieu of revocation;
- mandatory reentry supervision at the end of a sentence;
- what works?

### **Team 5; Good time/Uniform Sentencing Order**

Billy Kline, Chair

#### **Assignment for Team 5**

- review good time statute to attempt to simplify it;
- problems for those who are upon sentencing eligible for immediate release but are held because of slow down in paper work getting to DOC;
- write a uniform commitment or standard sentencing order to simplify calculation of time at DOC;
- look at things like education as credit for good time;
- review 14:2 can violent offenses be divided into more than one group for Release purposes

## **Work performed thus far by the 5 Teams**

### **Team one:**

1. Team one has met and arrived at a concept whereby probation officers would be empowered to administer immediate sanctions for technical violations when agreed upon by the defendant at time of sentencing. This would ensure an immediate cause and effect for technical violations in the hope of addressing issues in the short run to prevent recidivism in the long run.
  - a. Team one has requested research and data to investigate the potential effectiveness of this proposal
2. Team one has also requested research to address the number of defendants who are reincarcerated after parole for technical violations repetitively in order to understand the scope of this issue.
3. After receiving the requested research and data team one will draft legislation is supported by the data.

### **Team 2.**

Team 2 first met on November 29<sup>th</sup>.

Team 2 has requested research regarding:  
the Parole Board statutes of other states;  
how other states have used a risk review panel concept;  
the use made of the risk review data provided in this state over the years based upon Parole Board actions over the years;  
the picture of offenders currently incarcerated, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> offenders by sentence imposed and time served.

Regarding the Risk Review Panel and its data and recommendations, Team 2 is recommending either that use made of the Risk Review Panel data and recommendations be enhanced by broadening the offenses to which it applies and ensuring the weight the panel data and recommendations is to be given by the parole board or doing away with the panel as currently the parole board gives little weight to the panel data and recommendations.

Team 2 has drafted proposed legislation adding the warden in which an offender is incarcerated as an ex officio member of the pardon board.

### **Team 3**

Team 3 has met and explored the issue of medical paroles, prisoner disability and aging. Team 3 is considering proposing legislation which would move prisoners, based upon some criteria, from the prison system to assisted living facilities.

The team has requested data and will draft upon receipt of the data.

### **Teams 4 and 5**

These two teams have met multiple times and focused on simplifying the good time statutes. They have begun to draft legislation and are several drafts into the process.

These teams have also spent a significant amount of time addressing the deferred sentence, home incarceration conundrum. The team is considering legislation requiring notification to DOC of all individuals placed on a deferred sentence and home incarceration and a requirement of DOC approval of any private entity engaged in electronic monitoring.

### **Team 4**

Team 4 is also attempting to address the root causes of revocations. By that we mean, not the stated reason for a revocation, rather what is actually going on which caused the probate/parolee to fail.

### **Team 5**

Team 5 is also primarily addressing the uniform sentencing order which will address inaccuracies in what is reported to DOC upon sentencing.