

Minutes of the Louisiana Sentencing Commission
DPS&C Headquarters
504 Mayflower Street
Baton Rouge, LA 70802
1:00 p.m. December 15, 2011

- I. The meeting was called to order by the Honorable Ricky Babin. The following persons were in attendance:

Sentencing Commission Members:

Honorable Ricky Babin
Proxy of Honorable Sheriff Louis Ackal ~ Honorable Craig Webre
Honorable Mike Cazes
Honorable Louis Daniel
Mr. David Dugas
Proxy of Ms. Jean Faria ~ Ms. Julie Kilborn
Proxy of Honorable Greg Guidry ~ Honorable Fredericka Wicker
Mr. Cheney Joseph
Secretary James LeBlanc
Representative Joseph Lopinto
Proxy of Honorable Jay B. McCallum ~ Honorable Jules Edwards
Proxy of Honorable Michael McDonald ~ Honorable E. "Jimmy" Gaidry
Proxy of Mr. Robert Mehrtens ~ Carle Jackson, LCLE

Proxy of Honorable Charles Riddle ~ Ms. Genie Powers

Committee Members and Guests

Ethan Ashley, Juvenile Justice Project of Louisiana
Fabian Blache, Louisiana Association of Chiefs of Police
Darryl Campbell, DOC
Cindy Chang, Times Picayune
Camille Conaway, SSA Consultants
Rhett Covington, DOC
Tracy DiBenedetto, DOC
Frank DiFulco, LASC
Linda Duscoe, CURE
Sheila Feigley, Private Citizen/Crime Victim

Kelly Fogleman
Whalen Gibbs, DOC
Henry Goines, Retired DOC Classification Manager
Angela Griffin, DOC
Melanie Gueho, DOC
Dianne Hanley, LIC Criminal Justice Committee
Dana Kaplan, Juvenile Justice Project of Louisiana
William Kline, DOC
Pam Laborde, DOC
Peggy McGarry, Vera Institute (By Phone)
Capt. Troy Mims, East Baton Rouge Parish Sheriff's Office
Rhonda Nichols, AIM
Greg Riley, House of Representatives
Jan Rodrigue, DOC
Phyllis Sheridan, DOC
Dr. Ramah Singh, DOC
Gerald Starks, DOC/P&P
George Steimel, LACDL
Angela Whittaker, DOC
Checo Yancy, LA CURE/ Re-entry

STAFF:

Kathleen Hardin, Intern La Fifth Circuit Court of Appeal
Sandra Laborie, La. Fifth Circuit Court of Appeal
Sonya Lars, LCLE

II. Minutes of the previous meeting were approved.

Motion by Wicker

Second by Lopinto

III. 2012

A. Statutory Revisions: Workgroup 1 - Front End Committee and
Workgroup 2 Release Mechanisms - Honorable Ricky Wicker

1. Art. 890.1 Crimes of Violence Hinge with the District Attorney
Association to discuss the batteries, assaults and aggravated

crimes be moved to the variable list. The language was simplified and removed the word variable and non-variable.

Ricky Babin suggested that the revised Art 890.1 be sent out again for vetting.

Motion by Lopinto
Second by Cazes
Approved

2. Art 890.1.1 - Mandatory Minimum and Benefit Restriction Discretion Hinge – Honorable Ricky Wicker
The additions make it clear that the changes to mandatory minimums and benefit restrictions will not take it below the parole eligibility for inmates as outlined in RS15:574.4 or for a life sentence.

Ricky Babin suggested that the revised Art 890.1. be sent out for a second round of vetting.

Motion by Cheney
Second by Cazes
Approved

3. Eliminate Mandatory Minimums on Fines - Honorable Jimmy Gaidry
This allows the judge to review on a case by case basis the offenders ability to pay fines. The mandatory imposition of a fine causes the courts and other agencies that receive the funds to show an inaccurate accounts receivable when offenders do not have the ability to pay.
(No motion was made on this since it is included in 890.1.1)

4. Drug Free Zones, Reduced from 2,000 feet to 1,000 feet

Motion by Chaney
Second by Cazes
Approved

- B. Statutory Revisions Workgroup 2 Release Mechanisms – Honorable Fredericka Wicker
1. Administrative Sanctions added to the DOC Performance Grid used by Probation and Parole Officers. The grid aids the officers in taking the appropriate actions based on the offenders behaviors.
 - a. A systematic approach needs to be developed to assist DOC with this process.
 - b. The judges will receive training on Administrative Sanctions during the summer training session for judge.
 - c. Level 4 violation on the grid are not included in Administrative Sanctions due to the nature of the criminal conduct. Judge Jules Edwards is working on additional language for legislative additions to Art. 803 which will be paragraph v. Their admission cannot be used against them in prosecuting the new criminal activity.
 - d. Can the admission be seen as double jeopardy for the offender. No. However the members agreed that the initial sanction can be included in subsequent criminal activity since it points to continuing poor conduct which violated their probation.
 2. Pardon and Parole Board Merger – Genie Powers
 - a. Revising the Conditions of Parole to include the current best practices. This will be submitted as part of the DOC package.
 - b. There were no changes to the language to merge the Pardon and Parole Boards so it is still out for vetting.
 3. Medical Parole – Representative Joe Lopinto
 - a. There are no changes in this area.
 4. Home Incarceration and Specialty Courts – Darryl Campbell and Rhonda Nichols

- a. The Survey to home incarceration providers has been mailed out.
 - b. The letter has been approved to be sent to the judges to inform them of what is happening with home incarceration providers reporting to DOC.

5. Expansion of the Re-Entry Court Program
The Release Mechanisms Committee approved the submission of additional areas (19th and 22nd JDCs) to be added to the RE-Entry Court Program.
Motion by Joseph
Second by Lopinto
Approved

6. Repeal Risk Review Panel
The Release Mechanisms Committee approved the elimination of the Risk Review Panel due to the high cost of operation compared to the small percentage of offenders processed.
Motion by Lopinto
Second by Joseph
Approved

7. Good Time – Billie Kline
The change in wording is for clarification but does not change the amount of Good Time earned. The new language will be sent out for vetting. This does not include the habitual offenders.
It was moved that the new language of Good Time be forwarded for vetting.
Motion by Dugas
Second by Joseph
Approve

8. Resolution on Expungement Study – Cheney Joseph
Representative Lopinto will draft a resolution to the Law Institute to conduct an Expungement Study.

IV. Non-Legislative Work for 2012

A. The Six Topics for the Transitional Work Program - Whalen Gibbs

1. Look into to making TWP an option during sentencing.
2. Improving the location of TWP worksites to the offenders home base to assist with continuation of employment upon release from prison. This include matching the skills of the offenders with the available jobs.
3. Coordinating the TWP with the job training programs by using the Technical College programs.
4. Examining best practices of the Transitional Work Programs in other states and how it can apply in Louisiana.
5. Reviewing the results of the programs to make sure it provides a good outcome.
6. Determining ways to expand the program.

B. Substance Abuse – Rhett Covington

1. The Education Team has met twice and continues to discuss ways that partner agencies will be able to assist in this area.

C. Research and Technology – Melanie Gueho

1. This group continues to work toward developing a common charge code table. This will make the offense codes/data standardized by using this table as a reference for Louisiana agencies.

V. Other Business

A. Graham vs. Florida – Cheney Joseph

This issue is under review by the Law Institute.

VII. Adjorn

The meeting was adjourned at 2:49 p.m. by unanimous consensus.