

**Minutes of the Louisiana Sentencing Commission
DOC Headquarters, Building 1
504 Mayflower, Baton Rouge, LA 70802
1:00 p.m. August 16, 2012**

The meeting was called to order Acting Chairman Honorable Ricky Wicker

Members Present

Honorable Ricky Wicker (Proxy for Chairman Ricky Babin)
Captain Ryan Turner (Proxy for Honorable Louis Ackal)
Mr. Franz Borghardt (Proxy for Honorable Louis Daniel)
Honorable Laurie White (Proxy for Honorable Lynda Van Davis)
Mr. John DiGiulio (Proxy for Ms. Jean Faria)
Honorable Fredericka Wicker (Proxy for Honorable Greg Guidry)
Ms. Debbie Hudnall (Proxy for Mr. Mark Graffeo)
Mr. Cheney C. Joseph, Jr.
Angela Whittaker (Proxy for Secretary James Leblanc)
Cecil Guin (Proxy for Ms. Mary Manhein)
Honorable Michael McDonald
Mr. Robert Mehrtens, Louisiana Commission on Law Enforcement)
Honorable Ricky Wicker (Proxy for Helena Moreno)
Honorable Ricky Wicker (Proxy for Honorable Charles A. Riddle)

Committee and Advisory Members

Darryl Campbell, DOC
Rhett Covington, DOC
Tracy DiBenedetto, DOC
Frank DiFulco, LASC
Melanie Gueho, DOC
Jan Rodrigue, DOC/P&P
Genie Powers, DOC/P&P HDQS
Whalen Gibbs

Guests

Debra Sheehan LA Cure
Cloyce Clark, Governor's Office
Linda Lala Duscoe, LA /Cure
Sheila Feigley, Private Citizen/Crime Victim
Camille Conaway, PEW Center

I. Roll Call

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

II. The minutes of the previous meeting were approved

- Motion by Cheney C. Joseph
Second by Debbie Hudnall

III. Re-entry

- a. Re-entry Courts: Honorable Laurie White

Judge Laurie White and Judge Hunter from Orleans Parish Criminal District Court have developed a Re-Entry program that starts the re-entry process from the beginning after an offender is charged but before a plea is taken. The defendant will be interviewed by the Judge for eligibility and if eligible and selected they will be sentenced to re-entry. The statutory authorization for the program was extended to East Baton Rouge and St. Tammany Parish during the last legislative session. After sentencing, all re-entry participants go directly to Louisiana State Penitentiary Angola. There is a video called Orleans Parish R-Entry Court @ Angola on YouTube that shows a part of the program where prisoners mentoring prisoners that you can view for additional information.

- b. Re-entry Programming: Rhett Covington

Re-entry is the rehabilitating and preparing of an inmate to successfully transition into society upon release from incarceration. It represents our greatest opportunity to improve public safety, public welfare, education, and family as well as community outcomes for offenders upon release. The goal of re-entry programming is to equip offenders with the "soft skills" necessary to improve life and provide specialized treatment (such as substance abuse) that meet specific offender needs so he can make a successful transition from incarceration to the community.

IV. Term Planning

- a. Governor's Office: Mr. Cloyce Clark

All committees and workgroups must bring their concepts and ideas at least in the month of September. September and October start drafting so legislation can have an idea of the details of what exactly is changing in the law and the committee should receive feedback from the legislation in the middle or end of November.

- b. Department of Corrections: Honorable Ricky Wicker

Secretary James LeBlanc will notify the Commission within the next 30 days regarding items he believes need our consideration for the 2013 Term. Warden Burl Cain of Louisiana State Penitentiary Angola has made suggestions to be reviewed as well.

- c. Members Issues: Honorable Ricky Wicker

There are continuing problems with members and assigned proxies who cannot attend committee meetings. Cloyce Clark and Carle Jackson plan to have one on one contact visits with members and ask to appoint a proxy who can attend when the member can't attend.

V. Assignment of Offenders to Prison Facilities: Honorable Ricky Wicker

- a. When offenders are sentenced by the judge they are not assigned to a facility that is addressing the needs of the offenders. At this time, the Court sentences a defendant to the custody of the Louisiana Department of Corrections and is not involved or often aware of the actual custodial arrangements. A workgroup needs to be established so offenders can be sent to an appropriate facility that will meet their needs.

VI. Committee Reports: Honorable Ricky Wicker, Acting Chairman

A. Front End Committee: Honorable Ricky Wicker

There are eight Teams:

Team 1: Fines, Fees and Court Cost are looking to the funding of criminal and non-criminal local justice system on parish by parish basis.

Team 2: Monetary and Drug Thresholds will address various aspects of the Louisiana statute which will carry thresholds for sentence level such as theft and drug statutes

Team 3: Mandatory Minimums and Benefit Restrictions team will review all statutes to reduce mandatory minimums and benefit restrictions that will for, non-violent and non-sex offenders the court, the DA, and the defense attorney may agree to depart downward from any mandatory minimums sentence or from any restrictions.

Team 4: The DWI Statutes team is comparing with other southern statutes the language, sentences and success rates. The team will recommend sentence changes, if any, and statutory revision based on the research.

Team 5: The Simple Escape Statue team is presently reviewing the statute. Currently the statute requires a mandatory consecutive six month sentence. It is recommended by the judges and sheriff that the Commission considers elimination of the mandatory consecutive provision to permit the judge to make the sentence concurrent with the underlying offense when it is appropriate to do so.

Team 6: Sentence Workbook team will create an easy reference for judges to use in the sentencing process and also explain terms such as home incarceration, and describe drug treatment and other programming available in the area as well as articles that will discuss factors the judges may consider when sentencing.

Team 7: Bail Bonds team will study the issues of bail bonds, the efficacy of using a risk and needs assessment tools to assist in setting a bail bond, prepare a suggested tool and suggest amendments if needed.

Team 8: Risk/Needs Assessment Tool, currently Louisiana judges sentence without a defined sentencing goal and typically without the benefit of organized information about the offender. This team will conduct research to see what other states are doing and examine successful outcome factors for consideration as well as what are the risk and needs. This team is not completely manned and is looking for additional members.

B. Release Mechanisms Committee:

1. Nothing new to report. The administrative sanctions team needs to provide more educational opportunities for those involved in the administrative sanctions process and they are working on scheduling a meeting to help judges become more familiar with administrative sanctions.

2. The Pardon Board and the Parole Board members have received cross training recently to better equip them for when the legislation merging the two boards is implemented in January.

3. Infirm and medical parole team still needs a district attorney to assist with reviewing the Texas statute that has been recommended for consideration.

4. Home Incarceration team has met with several new providers. A suggestion has been made to send all district judges a letter request them not to use providers who are not complying with the state law and not reporting the required data on regular basis.

5. Goodtime and Sentencing Order revisions are being used by the District Courts with no problems reported. The department is implementing new department regulations and policy pursuant to changes in law relative to the goodtime rate. The department has also made changes to simplify the calculation process.
 6. Sex Offender Assessment Panel is researching how much the State of Louisiana would pay to review offenders who are considered predators.
- C. Re-Entry and Evidence Based Corrections: Rhett Covington
There is nothing new to report. The Committee has added additional workgroups for housing and social support. The group will conduct research on programs from other states to determine what works the best. If promising programs are found they may need to be added to the current statutory provisions if necessary for implementation.
- D. Research and Technology Committee: Mr. Frank DiFulco
A draft of the charge code standards will be e-mailed w/documents for feedback. The team is trying to develop a database that will ensure compatibility among law enforcement and criminal justice agencies.
- E. Report of the Justice Reinvestment Oversight Committee: Honorable Ricky Wicker
A letter has been sent requesting for federal funding and is now waiting for letters of support.

VII. Update on HCR 113 – Subject discussed with home incarceration

VIII. Other Business –

1. The next meeting of the Louisiana Sentencing Commission will be on September 20, 2012 at 1:00pm at the Louisiana Department of Corrections Headquarters Building.
2. The October meeting of the Louisiana Sentencing Commission meeting will be at Louisiana State Penitentiary Angola, October 18, 2012.
3. 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.

A motion was made for adjournment of the meeting by Honorable Laurie White and second by Debbie Hudnall. The Honorable Ricky Wicker, acting Chairman, adjourned the meeting at 3:30pm.