

Minutes of the Louisiana Sentencing Commission
DOC Headquarters, Building 1
504 Mayflower, Baton Rouge, LA 70802
10:00 a.m. August 24, 2011

I. Called to Order and Welcome

The meeting was called to order at 10:10 a.m. by the Honorable Ricky Babin, Chairman. He thanked Representative Joe Lopinto, Judge Wicker and many others that insured that the bills presented by the Louisiana Sentencing Commission were successful in become new legislation. All LSC members, advisory members and guest were encouraged to complete the Contact Information Forms and return them to Sonya Lars to insure that the LSC has the most accurate contact data for notification of meetings.

II. Participants

A. Commission Members

Honorable Ricky Babin, Chairman

Michael Ranatza, LSA (Proxy for Sheriff Louis Ackal)

Mr. Robert Barkerding

Honorable Louis Daniel

Ms. Jean Faria, State Public Defender

Honorable Ricky Wicker, Judge 5th Circuit (Proxy for Honorable Greg Guidry)

Ms. Debbie Hudnall, Louisiana Clerks of Court Association

Mr. Cheney C. Joseph, Jr.

Secretary James LeBlanc

Representative Joseph P. Lopinto, III

Ms. Mary Manhein

Honorable Michael McDonald

Mr. Carle Jackson (Proxy for Robert Mehrrens)

Representative Helena Moreno (Proxy for Representative Ernest Wooton)

B. Advisory Members

1. Louisiana Association of Criminal Defense Lawyers

a. Jim Boren

b. George Steimel

2. Department of Corrections

a. Darryl Campbell

b. Rhett Covington, DOC/OAS

c. Tracy DiBenedetto, DOC

d. Whalen Gibbs, Jr., DOC

e. Angela Griffin, DOC/OAS

f. Susan Griffin, DOC

f. Melanie Gueho, Information Services, DOC

g. William L. Kline, DOC

h. Pam Laborde

- i. Barry Matheny
- j. Genie Powers, Deputy Secretary, DOC
- k. Jan Rodrigue, Probation and Parole, DOC
- l. Debbie Rutledge, Deputy General Counsel, DOC
- m. Phyllis Sheridan, Regional Director, P&P
- n. Angela WhittakerJeff Travis, DOC
- 2. Louisiana Sheriffs' Association
 - a. Bobby Gaston
- 3. Louisiana District Attorneys' Association
 - a. E. Pete Adams
 - b. Hugo Holland, Caddo Parish District Attorney's Office
- 5. State Public Defender's Office
 - a. John DiGiulio
 - b. Dr. Eric Stilling
 - c. Shaun Williams
- 6. Supreme Court of Louisiana
 - a. Frank DiFulco

C. Guests

- 1. James E. Cazalot, LA CURE
- 2. Shirley Cazalot, LA CURE
- 3. Teresa Cazalot, LA CURE
- 4. Cloyce Clark, Governor's Office
- 5. Cindy Chang, Times Picayune
- 6. Camille Conaway, SSA Consultants
- 7. Michelle Ducharme, Louisiana Senate
- 8. Linda Duscoe, CURE
- 9. Sheila M. Feigley, Crime Victim
- 10. Henry L. Goines, Classification Manager, DOC
- 11. Diane Hanley, LA CURE
- 12. Rhonda Nichols, AIM
- 13. Huey L. Perry, Southern University

D. Staff

- 1. Carle Jackson, Criminal Justice Policy Advisor, LCLE
- 2. Sandra Laborie, Fifth Circuit Court
- 3. Sonya Lars, SAC Director, LCLE

III. Approval of Minutes – The minutes were approved with the notation by Jean Faria that George Steimel should not be listed under attorney in the minutes.

Moved by Jean Faria

Second by Judge Wicker

IV. Debriefing on Sentencing Commission Recommendations

A. HB 106 (Act 168) Home Incarceration – Report by Representative Helena Moreno

(Submitted by Representatives Moreno, Lopinto and Gary Smith)

It passed without any opposition. The companies providing home incarceration monitoring service must register and report their activities to the court, Sheriff of the parish or chief law enforcement officer and to the DOC.

- B. HB 414 (Act 186) Goodtime – Report by Representative Joseph Lopinto

(Submitted by Representatives Lopinto and Moreno and Senator Jackson)

This bill was amended to retain the current rate at which goodtime is earned.

- C. HB 415 (Act 104) Administrative Sanctions - Report by Representative Joseph Lopinto
(Submitted by Representative Lopinto)

There were no changes or oppositions to this legislation. Genie Powers reported that the P&P had already started looking at writing the policies needed to implement Administrative Sanctions. Chairman Babin asked about the time line for implementation. Ms. Powers estimated 60-90 days to implementation. Debbie Hudnall asked if the Court Minutes need to reflect Administration sanctions. Judge Wicker advised the group that the judges will receive training on this in October. Ricky Babin asked that the rules be promulgated and disseminated to the DA's, Sheriffs, etc., so everyone will be on the same page from parish to parish. DOC is hoping to capture this data from CMIS (Supreme Court). Genie suggested that the Sentencing Commission send out a letter to all of the affected parties to educate them on the format of this report.

- D. HB 416 (Act 285) Parole Eligibility Report by Representative Joseph Lopinto
(Submitted by Representative Lopinto)

This bill was amended to remove the second offense from the wording of the bill. The decision to allow it to go forward without including second offenders to insure passage of the bill was made by Representative Lopinto. He suggested revisiting this matter in the future after the work of the Sentencing Commission has become more widely recognized.

- E. SB 202 (Act 153) Parole Board Operations/Pardon Board Membership – Report by Representative Joseph Lopinto (Submitted by Senator Guillory)

This bill had no opposition.

- F. Uniform Written Sentencing Order—Work on the Uniform Written Sentencing is nearing completion. Debbie Hudnall commented that the Uniform Commitment Order (UCO) is still being completed prior to being distributed to the Clerks of Court. Submitting the form within the 36 hours as is currently required may be an issue in multi-parish jurisdictions. It is not in statute but included on the draft version of the UCO.

- V. Pew and Vera did not receive notification of the meetings early enough to make arrangements to attend the meeting.

VI. Direction for the 2012 Regular Session

- A. Orientation to 2012

Cloyce Clark advised the group that the 2012 Legislative Session will begin two weeks earlier than normal. Any legislation that the LSC wishes to make needs to be submitted by February 2012.

- B. Items held from 2011

1. Crimes of Violence

Carle Jackson reminded the group that this was placed on the back burner because they impact so many other laws (as many as 57 other laws). Those laws are all over the statutes so this will take some in-depth study to identify how a change may impact some other statute.

2. Policy Impact Statements—The Commission does not have the informational resources necessary to undertake the preparation of Policy Impact Statements at this time. This matter should be held for future consideration.

C. Items of Interest to the Department of Corrections

1. Secretary LeBlanc suggested that our proposed legislation be drafted by October 2011 to allow time for vetting with all involved parties.

2. Copies of the documentary Angola Hospice: Servicing Life have been provided to show the costs involved in caring for aging inmates.

3. New guidelines for the Basic Jail Standards are underway which assist more of the local jails in achieving accreditation by the American Correctional Association.

4. P&P must be reorganized to reduce the current 170 caseload per officer to a lower number.

5. DOC is moving from the Mapper System to a Dashboard System by using some FEMA funds to move away from CAJUN. This will allow DOC to track an inmate from the front of the system to the back end as well as reentry and reincarceration.

6. A handout was provided with the expectations of DOC with the actions of the LSC for 2012 for items such as mandatory minimums, risk assessment, reviewing recidivism rates, pre-trial housing with matters of sanity or competency that the local jails could not safely manage, etc.

7. Secretary LeBlanc suggested merging the Research and Technology Committee with the Financial Sanctions Committee. Judge Wicker asked if this would be a means of providing all stakeholders on the financial implications of any legislation that the Sentencing Commission submits in the future. Ricky Babin added that the combining of the two would be a more effective use of time. Judge Wicker suggested finding persons that are more computer oriented to head up the combined committee. Jean Faria also mentioned that Erik Stilling from the Public Defender's Office should be added to this committee.

8. Performance Indicators need to be reviewed to see if our current programs are working as they were originally intended. Southern University supplied an analysis of some of the DOC's current policies.

9. The Evidenced Based Committee should have much more data to work with after our first year of operations.

10. Conditions of Supervision as they are written are very cumbersome and need to be rewritten in statute.

11. The Re-Entry Courts (2 of them) are very narrowly focused but successful where the results for the IMPACT program are not as fruitful although the judges like the program.

D. Member Recommendations

1. Ricky Babin mentioned the problem of the persons held because they are incompetent to stand trial as an issue for consideration by the Commission.
2. Judge Wicker brought up the issue of inactive Commission members or their proxies. Cloyce Clark commented that the Governor is aware that there are three empty slots that need to be filled. Judge Wicker suggested that we submit the names of persons that have been active in an advisory role that may be added as replacements for inactive Commission members.

VII. Committee Assignments

- A. The committee assignments will stand as they are with the removal of Conn Regan and Joey Montgomery. Judge Jules Edwards should be added to Release Mechanisms since he serves as the proxy for Judge Jay McCallum.
- B. Judge Wicker suggested Melanie Gueho and Frank DiFulco as co-chairs of the Research and Technology/Financial Sanctions Committee.
- C. Secretary LeBlanc reminded the group that the DOC facilities are always available for any Committee meetings.
- D. Judge Wicker suggested requesting a grant for future computer design from LCLE, but Carle Jackson informed the group that the money flowing from Washington DC is not as abundant as it was previously.

VIII. Future Meetings: Long Term Schedule

- A. The Sentencing Commission will meet at 1:00 p.m. on the third Thursday of each month beginning on September 15, 2011. The meetings will continue to be held at the DOC headquarters.
- B. Committee chairpersons were urged to schedule meetings with their groups as soon as possible to begin looking at legislation for the 2012 legislative session.

IX. Adjourn

The meeting ended at 11:30.