

Minutes of the Louisiana Sentencing Commission
DPS&C Headquarters
504 Mayflower Street
Baton Rouge, LA 70802
1:00 p.m. November 17, 2011

- I. The meeting was called to order by the Honorable Ricky Wicker at 1:12 p.m. Judge Wicker was standing in for the Honorable Ricky Babin, Chairman. The following persons were in attendance:

Sentencing Commission Members:

Honorable Ricky Babin (proxy Carle Jackson)
Honorable Louis Ackal (proxy Bobby Gaston)
Honorable Mike Cazes
Honorable Lynda Van Davis (proxy Judge June Darensburg)
Jean Faria (proxy John DiGiulio)
Honorable Greg Guidry (proxy Judge Fredericka Wicker)
Chaney Joseph
James LeBlanc
Honorable Joseph Lopinto (proxy William Kline)
Mary Manheim
Honorable Michael McDonald
Robert Mehrtens
Honorable Charles Riddle

Committee Members and Guests

Tim Averill, Louisiana Supreme Court
Kim Barnette, DOC
Renee Brinkley, Lafourche Parish Sheriff's Office
Darryl Campbell, DOC
James Cazolot, Jr., LA CURE
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
Gerri Garon, DOC/P&P
Whalen Gibbs, DOC
Henry Goines, Retired DOC Classification Manager
Angela Griffin, DOC
Melanie Gueho, DOC
Greta Jones, Member, Louisiana Parole Board
Jerrie LeDoux, Member, Louisiana Parole Board
Barry Matheny, DOC/P&P
Peggy McGarry, Vera Institute (By Phone)
Linda Milligan, LA CURE
Albert Mims, Jr., Member, Louisiana Parole Board
Capt. Troy Mims, East Baton Rouge Parish Sheriff's Office
Rhonda Nichols, AIM
Robin O'Bannon, Assistant District Attorney, 23rd Judicial District
Genie Powers, DOC
Jonathan Ringo, Governor's office
Jan Rodrigue, DOC
Phyllis Sheridan, DOC
Gerald Starks, DOC/P&P
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

Judge Wicker announced that Judge Laurie White was offering tours of their re-entry program at Angola on Tuesday, November 22nd.

- II. Minutes of the previous meeting were approved.
Motion by Honorable Mike Cazes
Second by Honorable Charles Riddle

- III. 2011 legislative package: The purpose of this review is to identify those issues for development in the preparation of recommendations for the

2012 Regular Session. The review will be conducted on a Committee by Committee basis.

A. Statutory Revisions Committee: Workgroup 1- Front End

1. Crimes of Violence Package

Judge Wicker reported that the Front End committee has completed its work on Crimes of Violence package which was held for a year to give all of the contributing partners' time to review the information in more detail. All parties are satisfied with the Crimes of Violence package that has been developed. Motion to adopt the Crimes of Violence proposal as a draft recommendation:

Motion by Cazes

Second by DiGuilio

Approved

2. Minimum Mandatory Sentences and Benefit Restrictions

a. Motion to adopt the provisional list of offenses identified in the statute by statute review of minimum mandatory sentencing provisions and benefit restrictions in title 14 for further consideration.

Motion by Cazes

Second by Darensburg

Approved

b. Hinge Legislation for Title 14 and Title 40

Motion to develop a mechanism for limiting application or suspending minimum mandatory sentence and fine provisions, or benefit restrictions on a case by case basis for certain provisions of Title 14 (Criminal Code) and Title 40 (Controlled Dangerous Substances Law) for further consideration.

Motion by Darensburg

Second by Joseph

Approved

c. Title 40--2,000 Feet Drug Free Zone perimeter

Motion to consider the reduction of Drug Free Zones to the previous limit of 1,000 Feet for recommendation

Motion by Joseph

Second by Cazes

Approved

2. Registration and Reporting requirements for Homeless Sex Offenders

Issue: A request to consider the development of sex offender registration and reporting requirements in cases where the offender is homeless.

Upon review, the Louisiana Sheriffs' Association and the Louisiana District Attorneys' Association have requested that this issue be deferred for one year to permit adequate time to develop an appropriate strategy.

Motion to defer to the 2012-13 Term

Motion by Cazes

Second by Darensburg & Joseph

Approved

3. LA C.Cr.P Art 883 - Concurrent/Consecutive Sentences

Deferred.

Motion by Riddle

Second by Darensburg.

Approved

- B. Reentry and Evidenced Based Corrections

No recommendations requiring legislation to be drafted by this committee for 2012.

- C. Statutory Revisions Committee: Workgroup 2 - Release Mechanisms

1. Study the possibility of merging the Pardon Board and Parole Board in to a single Board

Motion by Joseph

Second by Cazes

Approved

2. Repeal Risk Review Panel

Motion by Darensburg

Second by Joseph

3. Eliminate Mandatory Minimum Fines for Title 14 and Title 40 (Replace with a range starting at \$0 up to a maximum based on the offense and the offenders ability to pay.) Judge Wicker

and Judge McDonald explained how imposing an uncollectable minimum mandatory fine on an offender who does not have the means or ability to pay the fine creates difficulties for the courts, sheriffs, and clerks of court because it creates the appearance of revenue (receivables) that will never be collected.

Motion to consider the elimination of all minimum mandatory fines, and set all minimum fines to \$0, leaving the Court free to set a collectable fine appropriate to the offense and circumstances on a case by case basis

Motion by Cazes

Second by Joseph

Approved

4. Expansion of Reentry Courts

Currently Reentry Courts are limited by statute to a single Judicial District. Secretary LeBlanc explained that the expansion for this program is not sustainable statewide due to limited resources and available housing through the DOC. Therefore, a limited expansion into the areas of greatest need and interest is recommended.

Motion to consider the expansion of the statutory authorization for Reentry Court programs to include the 19th and 22nd Judicial District Courts

Motion by Cazes

Second by Darensburg

Approved

5. Good Time 15:571.3, 15:571.4, 15:828 and 15:537 (report given by Billy Kline) (No changes to the amount of time, just the explanation of how the time is calculated.) The language used in these four statutes was changed to make the language consistent throughout. DOC will give the offender a parole release date, Good Time supervision release date and parole eligibility date based on the applicable law.

Motion to consider simplification of the language regarding time computations for incarcerated offenders without modifying the length of time served under incarceration

Motion by Kline
Second by Manheim
Approved

6. Expungement

Motion to recommend a resolution to submit a request to the Louisiana Law Institute to study the existing law relative to the expungement of criminal records

Motion by Riddle
Second by Joseph
Approved

D. Research & Technology

There is no pending legislation from this committee.

E. Judge Wicker said that during the next 30 days the committees must develop all draft recommendations for the 2012 Regular Session so as to allow sufficient time for their vetting by our criminal justice partners.

IV. Status of Non-Legislative Work for 2011-2012

A. Statutory Revisions: Workgroup 1 - Front End Committee

Carle Jackson gave a report of the work of the committee. Judge Jimmy Gaidry will be Deputy Chairman of this committee with Judge McDonald serving as the Chairperson.

B. Re-entry and Evidenced Based Committee

Carle Jackson presented a report on behalf of Chairman Riddle. The Committee has been divided into four teams, with each team assigned a block of related issues on which to develop recommendations. An orientation for the teams was held earlier today. The teams picked team leaders and created a timeline for their work. The teams are:

Transitional Work Programs – This allows the inmates to continue to work while being incarcerated. Sheriff Cazes has 20 inmates that are in TWP in West Baton Rouge Parish that work during the day and remain in custody at night. Sheriff Cazes commented the TWP will work better if the inmate is sentenced near his hometown so the work opportunity can continue to their employment once the inmate is paroled.

Substance Abuse—State inmates housed in local facilities have similar needs relative to substance abuse and require similar programming to that offered in state institutions in order to facilitate successful re-entry. The team is exploring ways in which this can be accomplished without placing additional burdens on already overburdened local correctional resources.

Conditions of Supervision—The team is examining the current conditions of supervision to identify which conditions of supervision most effectively support successful reentry and which hinder that effort with a view toward making specific recommendations in the 2012-13 term.

Education and Criminality—The team is examining the relationship between education and the reduction of future criminality at both the adult and juvenile justice level. The goal is to identify a range of programming that provides the greatest cost-benefit and is sustainable in both the institutional and community setting.

- C. Statutory Revisions: Workgroup 2 - Release Mechanisms
Judge Wicker gave a summary of the projects that the teams of this committee are continuing to work on. The teams are:
- Team 1- Administrative Sanctions – Genie Powers
Training for the judges on the new administrative sanctions policies and procedures will take place in June 2012.
 - Team 2- Parole and Pardons report – Genie Powers
This committee will review the Conditions of Parole and how they relate to the risk of recidivism.
 - Team 3- Medical Parole- no report -
 - Team 4- Home Incarceration, Deferred sentences, Specialty Courts and Crimogenic Factors - Darryl Campbell
Home Incarceration
 - a. A new regulation has been written.
 - b. Inform the Clerks of Court that the minutes need to be forwarded to the Deputy Secretary at DOC.

- c. The vendors will be responsible for contacting DOC with their contact information and the number of clients that they are monitoring.
- d. Rhonda Nichols has created a survey that will be sent to all of the judges to obtain home incarceration company information.

Team 5- Good Time and Uniform Sentencing - Billy Kline
reported in previous section.

- D. Research and Technology - Melanie Gueho
 - 1. The Research and Technology Committee continue their work on the creation of a charge code tables to support the future exchange of information among criminal justice agencies as well as continuing to produce the reports required by the Sentencing Commission and its Committees.
 - 2. The Front End Committee requested data on Title 14 statutes involving minimum mandatory sentences.

V. Other Business

- A. Judge Wicker thanked the members of the Parole Board for attending the meeting and introducing themselves.

VI. New Business

- A. LCLE is to do a report of the active/inactive commission members and report their attendance records.
- B. Judge Wicker asked that a draft of the Sentencing Commission minutes be issued as soon as possible to guide the work of all of the groups between meetings.

VII. The meeting was adjourned at 2:00 p.m. by unanimous consent.