

Minutes of the Louisiana Sentencing Commission
DOC Headquarters, Building 1
504 Mayflower, Baton Rouge, LA 70802
1:00 p.m. September 20, 2012

The meeting was called to order Chairman Honorable Ricky Babin

Members Present

Honorable Ricky Babin
Captain Ryan Turner (Proxy for Honorable Louis Ackal)
Mr. Jesse H. Bankston (Proxy for Honorable Louis Daniel)
Mr. Whit Protsman (Proxy for Honorable Lynda Van Davis)
Mr. David Dugas
Mr. John DiGiulio (Proxy for Ms. Jean Faria)
Mr. Cheney C. Joseph, Jr.
Senator Robert Kostelka (Proxy Alden Clement)
Ms. Angela Whittaker (Proxy for Secretary James Leblanc)
Rep. Joseph P. Lopinto, III
Mr. Cecil Guin (Proxy for Ms. Mary Manhein)
Honorable Michael McDonald
Mr. Ruston Legendre (Proxy for Mr. Robert Mehrtens)
Rep. Helena Moreno)
Honorable Ricky Babin (Proxy for Honorable Charles A. Riddle)

Committee and Advisory Members

Darryl Campbell, DOC
Cloyce Clark, Governor's Office
Rhett Covington, DOC
Tracy DiBenedetto, DOC
Frank DiFulco, LASC
Melanie Gueho, DOC
Genie Powers, DOC/P&P HDQS
Whalen Gibbs
Opal West

Guests

Linda Lala Duscoe, LA/Cure
Sheila Feigley, Private Citizen/Crime Victim
Camille Conaway, PEW Center
Geraldine F. John-Louis, LA/CURE
Judge Douglas J. Saloom, Lafayette City Court
Checo W. Yancy, LA/CURE

I. Roll Call

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

II. The minutes of the previous meeting were approved

Motion by Mr. Cheney C. Joseph, Jr.

Second by Mr. David Dugas

III. Offender Education Programming: Ms. Kim Barnette

- a. FINS (Family In Need of Service) Funding: This is a program that is designed to help families (troubled teens and their parents) experiencing destructive behaviors by juveniles or other family members. The Offender Education team is trying to identify things that will prevent an offender from entering into a life of crime by making efforts to reach out to children and start addressing problems at an early age. This program needs expansion and funding.
- b. GEDs for Offenders: The committee discovered through research on offender recidivism rates, that educational programming is often not offered for inmates housed in local facilities, which is one reason these offenders have a higher recidivism rate than those who are participating in educational programs at the state institutions. The committee is recommending, based on this research that all facilities, not just state owned, have an educational programming in place for inmates. The committee also noted that providing education is not costly.
- c. GED Exams: Currently the GED exam is given to offenders at the state level and a few at local facilities at a cost of about \$35 (pencil/paper version) per inmate paid through the Inmate Welfare Fund. In 2014 the GED testing service will no longer be provided by a non-profit organization and it will cost \$120 (computerized) per GED exam. The funds Secretary Leblanc allotted for GED programs are \$60,000 which provides 1,700 for exams at \$35; with the rate increase in 2014 this amount will cover 500 (computer) exams. The fee of \$120 is only for taking the test. If they don't pass the test they have to re-take it and it will cost another \$120. This could quickly become a financial crisis.
- d. Alternative to the GED: The Committee looked into the GED Academy and found that it is GED Preparation software and does not result in a GED. The individual would still have to take the GED exam at \$125/test. Therefore, the committee determined that the GED Academy is not a solution to the present problem.
- e. 2012 HCR 95: This resolution, passed during the 2012 Regular Session, urges the Louisiana Board of Elementary and Secondary Education in conjunction with the Board of Supervisors of the Community and Technical Colleges system to develop a Louisiana High School Diploma for Adult Education. This would effectively replace the GED.
- f. Increase Educational programming available to offenders held in local facilities: The Committee is exploring several funding sources to support educational programming at the local correctional facilities. The first set of suggestions applies to school age local offenders (persons under the age of 21)
 - Funding Sources Available Through Local School Systems include:
 - State Minimum Foundation
 - No Child Behind (Title I)

- Special Education Funding (for those offenders who qualified for services while enrolled in Elementary & Secondary School)
- Local schools system serve school-aged local offenders through homebound students

IV. Term Planning: Honorable Ricky Babin, Chairman
No new issues were presented.

V. Committee Reports: Honorable Ricky Babin, Chairman
A. Front End Committee: Honorable Douglas J. Saloom

There are eight Teams:

Team 1: Fines, Fees and Court Cost team are focusing on the identification and organization of various state statutes specifying fines and fees for criminal process; they will examine the relationship between fees to the criminal justice system; and understanding the relationship between successful/unsuccessful collection efforts and completion of probation and parole sentences.

Team 2: Monetary and Drug Thresholds team will be updating (through the most recent Session) and summarizing the LA drug code in a "grid" consisting of threshold amounts, sentence structure, and benefit restrictions.

Team 3: Mandatory Minimums and Benefit Restrictions team is in the process of reviewing the crimes for which most offenders are incarcerated to determine which crimes should be considered for modification to the minimum sentencing and/or parole restrictions.

Team 4: The OWI Statutes team is in the process of proposing edits to the OWI statutes to become more legible and more understanding the District Attorney, Courts, Sheriff's Office, etc.

Team 5: The Simple Escape Statue team is drafting changes to the simple escape statue to address the concerns of the sheriff's and district judges. In the last amendment to the statue simple escape from work-release was added which carried a mandatory jail sentence.

Team 6: Sentence Workbook team is updating the title 14 and title 40 sentence grids which have been prepared annually.

Team 7: Bail Bonds and Pre-Trial Assessment Process team has created two subcommittees. These committees will address the pre-trial decision making process including the possible use of a risk assessment tool, the restrictions on judicial discretion, and expanded use of ROR bonds. They will also address bail bonds specifically and will look at a number of items including expanded use of cash bonds, the complexity of property bonds and the barriers to bond forfeitures.

Team 8: Risk/Needs Assessment Tool team is planning to prepare a report and presentation for the front end group and the commission on what other states, which are using risk needs assessment, have done; the process utilized in creating a tool; testing the tool and introducing the tool for use. Also arrive at a process for this group based upon what they have learned.

B. Release Mechanisms Committee: Genie Powers/Dr. Robert Singh

1. SOAP Team: The assignment of the revision of Sex Offenders Assessment Panel to legislation had revisions made to the draft and it will be presented to the commission on next month.

2. Infirm and Medical Parole team presented a video of the medical infirm conditions with concerns of how to continue to provide good cost efficient onsite quality care for inmates. As of now taxpayers pay 100% of the cost so the team is trying to find additional sources to tap into and they are looking into federal funds.
- C. Re-Entry and Evidence Based Corrections: Rhett Covington
1. The workgroup is trying to expand its scope to all offenders who will be released and they are working administratively with Dept. of Corrections using the resources that are available. The workgroup is preparing for the next committee meeting to update on which task has been completed or outstanding.
 2. Substance Abuse team is mapping the resources that Dept. of Health and Hospital and private sector has as far as substance abuse treatment alternatives in the community and inpatient and outpatient incarceration.
 3. Housing Workgroup is designed to help prevent people from having lack of affordable housing now that landlords are requiring criminal background checks on applicants.
 4. Social Support workgroup is working on trying to find the best practices for mentoring programs and other social support they can engage in when problems occur.
- D. Research and Technology Committee: Mr. Frank DiFulco and Melanie Gueho
1. A draft of the charge code has been sent for review and the team expects to get feedback from the committee within two weeks. The team also met with the DA Association last week and chose the complicated statues, such as, DWI and theft and put it into the modeling and made necessary changes.
 2. The team is trying to develop some business rules on how to identify a felony or misdemeanor so when a sentence is imposed so it is clear which charge it is for all agencies with the code and the documents. Circulated a draft of criminal events in the criminal justice process where the charge code would possibly be used and ask committee members to review it within the next two weeks to make sure everything is correct. Reviewing the chart the team also discovered that an offender can have two State Identification Numbers, one from juvenile records and the other is an adult record. It will become a problem for other agencies who are trying retrieving information on the offender because the one of the SID numbers may come back as "No Record Found" because it's a juvenile record which are not accessible. The team also discussed that a statue needs to be changed concern SID numbers so law enforcement agencies can have access to an offender's priors as juvenile and the DA can file the appropriate motion for disclosure
 3. The team is looking at Article 892, which are the documents that come to DOC, such as sentencing minutes, uniform commitment order and cleaning some of that legislation up that was passed a year or two ago. Also working on contacting the Judiciary Administrative Office, Court and District Judge Association to get the group back together so they can revisit how they want to use that document.
- E. Report of the Justice Reinvestment Oversight Committee: Angela Whittaker
The team has sent out letters (letters of support) that are still outstanding at this time.

VI. Update on HCR 113 – Home incarceration: In process of planning a meeting with Representative Harrison.

VII. Other Business –

1. The October meeting of the Louisiana Sentencing Commission meeting will be at Louisiana State Penitentiary Angola, October 18, 2012. There will be a tour of the facility at 9:00 a.m. and the Commission meeting will be at 1:00 p.m.
2. 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.
3. The December meeting of the Louisiana Sentencing Commission meeting has been changed to 2nd Thursday of the month. December

A motion was made for adjournment of the meeting by Helena Moreno and second by Cheney C. Joseph. The Honorable Ricky Babin, Chairman, adjourned the meeting at 3:30pm.