

**Minutes of the Louisiana Sentencing Commission  
Department of Corrections Headquarters, Building 1  
504 Mayflower, Baton Rouge, LA 70802  
November 19, 2015  
1:00 p.m.**

The meeting was called to order by Mr. Tyler Downing at 1:15 p.m.

**Members Present**

Honorable Charles Ballay (by phone) (proxy for Ricky Babin, Chairman)  
Honorable Charles Ballay (by phone)  
Honorable Jules Edwards (proxy for Honorable Jay McCallum)  
Mr. Robert Barkerding (by phone)  
Mr. Richard Pittman (proxy for Honorable James T. Dixon)  
Honorable Hans Lilgeberg (proxy for Honorable Greg Guidry)  
Mr. John DiGiulio (proxy for David Dugas)  
Secretary James LeBlanc  
Honorable Robert Kostelka (by phone)  
Honorable Louis Daniel (proxy for Honorable Michael McDonald)

**Committee and Advisory Members**

Rhett Covington, DPS&C  
Frank Difulco, LASC  
Tyler Downing, LCLE  
Jennifer Eagan, LASC  
Angelic Keller, OJJ  
Maggie Patterson, LCLE  
Angela Whittaker, DOC  
Sheryl Ranatza, DOC  
Opal West, LCLE  
Norm Gobert, LASC

**Guests**

Linda Lala Duscoe

I. Welcome and Introductions

*Mr. Tyler Downing*

Mr. Tyler Downing welcomed members and introduced Ms. Maggie Patterson as the commission's new LCLE advisory member. Tyler took a moment to recognize Mr. Cheney Joseph and the hard work he has done for this commission over the years. Mr. Joseph is engaged in a tough battle with cancer, and he and his family are in the thoughts and prayers of the commission.

II. Approval of Minutes

*Mr. Tyler Downing*

Motion by Honorable Mike Cazes was seconded by Honorable Jules Edwards without objection.

III. Reports of Committees

*Mr. Tyler Downing*

A. Release Mechanisms and Re-Entry Committee

*Mr. Rhett Covington, Ms. Jennifer Eagan, and Tyler Downing*

The committee is compiling a best practices continuum for substance abuse treatment. Some of the questions the committee hopes to answer are how to evaluate persons that are picked up and may need intensive treatment and how to then get treatment to those persons. The committee is developing a framework of where providers are, especially in rural areas, and of what mental health services persons seem need most.

The committee has asked Sheriff Cazes and Rob Ray of Lafayette to help compile a list of best practices for transitional work or work release programs. One of the best practices that the committee is looking at is one that Sheriff Cazes utilizes where the person is assessed at booking to determine if he is working. If so, it is then determined if there are ways to allow that person to keep his job in a work release setting. The idea is to allow a person who is gainfully employed to keep his job while complying with legislation. The commission may want to look at legislation that may facilitate this and similar efforts.

There is movement to expand reentry courts into new jurisdictions. Currently, the 14<sup>th</sup> JDC is seeking to establish a reentry court this coming year. The Supreme Court is developing a uniform model for reentry court to be used across all jurisdictions. LASC has asked Honorable Rusty Knight, of the 22<sup>nd</sup> JDC, to come off his bench starting the week after Thanksgiving to study reentry courts. The idea is to eventually have reentry courts come under the umbrella of LASC, much like drug courts do currently. With this in mind, it is possible that LASC will be seeking legislation with a special appropriation for reentry work.

The committee had a good discussion about mental health issues and mentally ill in the criminal justice system and how these numbers continue to rise as the prison systems are becoming the default provider for mentally ill. This is not just a trend for Louisiana, but is a national one. The committee is looking at ways to help persons post release with continuing care options. The committee may be asking DHH if it could use the same model of post release aftercare and group home placements as they do for people in the hospital population. Right now DHH only has funding for people in their population, so extra funding may be required; however, DHH seems to be picking up post release treatment, so it might be logical that they would engage in post release housing as well. Recidivism of persons who do not stay on their medication is very high so this is a serious issue for the committee. DOC has a grant with Second Chance to look at continuity of care and develop best practices, but will welcome in suggestions from the commission may have on the issue.

Secretary James Leblanc requested the PowerPoint the Release Reentry Committee had this morning on mental health.

Mr. Tyler Downing was tasked with researching model legislation on certificates of rehabilitation. The problems with the legislation in most other states was that the process of obtaining a certificate was either too complicated and/or the time frame to apply was delayed too long for the certificates to effectively remove barriers to employment upon release and in turn reduce recidivism. The Illinois model essentially grants rights, privileges and lifts barriers to employment automatically upon release. All convicted persons shall receive a certificate of relief upon a motion by the defense, prosecution, or on the courts own motion once released from prison. Illinois legislation does not allow licensing agencies to withhold a license unless the agency can prove there is a direct relationship/conflict with the crime and the employment or if there is a threat to public safety. To assist agencies in making this determination, the legislation clearly lays out a factor test to follow. Retaining some control over the scope of the laws affects, Illinois's legislation enumerates a limited list of specific licensing agencies that are exempt from adhering to this segment of the law.

In his research, Mr. Tyler Downing noticed that Louisiana already has laws on the books that essentially provide what Illinois's legislation does. The big difference is that Louisiana does not currently offer a physical certificate of relief and that Louisiana legislation does not provide a clear factor test for licensing agencies to adhere to when determining if there is a direct relationship between the crime and the employment sought. Rather Louisiana law merely states that licensing agencies are to put their reasons for determining a direct relationship in writing upon denying a license because of that conviction either in whole or in part. As with Illinois, Louisiana enumerates a list of agencies in which this legislation does not apply. Mr. Downing suggests the Sentencing Commission and the Release and Reentry Committee look into Louisiana Constitutional Article I, Section 20 and Revised Statute 37:2950 to determine if tweaking is necessary – particularly (1) if Louisiana would like to include a physical certificate to persons upon release as Illinois does, (2) if Louisiana would like to establish clear guidelines in the form of a factor test to guide licensing agencies in making their decisions, and (3) if Louisiana would like to reduce or expand the list of licensing agencies that are exempt from the statute. The commission may also want to consider whether a communication and education strategy regarding this law is required to ensure it is adhered to faithfully in the criminal justice system and by licensing agencies.

B. Research and Technology  
*Mr. Frank DiFulco*

LASC is continuing their disposition collection effort and is in process of finalizing an MOU with DOC to do a onetime data dump with a commitment to continue data sharing for disposition and protective orders data so that this data can be used by DOC for a reentry mechanism review tool they are developing with LSU.

Year to Date Disposition Data Collected from District Courts:

Felony Convictions: 32,290  
Misdemeanor Crimes of Domestic Violence: 2,854  
Not Guilty by Reason of Insanity: 97  
Incompetent to Stand Trial: 446  
- Protective Orders -  
Criminal Protective Orders: 6,000 (big increase from last year)  
Civil Protective Orders: 12,263  
Civil Orders of Judicial Commitments: 770

Mr. Frank DiFulco introduced Norm Gobert who will be taking over Frank's position after his retirement from LASC on December 31, 2015. The commission will need to draft a letter of request to the Supreme Court to have Norm Gobert continue to assist the commission in obtaining and analyzing data.

IV. Other Business

Secretary James LeBlanc reminded the commission of House Concurrent Resolution 82, which sets up the Louisiana Justice Reinvestment Task Force. The secretary of DOC is the chair of the task force, and the chair of the Sentencing Commission sits on this task force as well. The work of this task force is in line with that of the commission, and there will inevitably be some partnering between the two bodies. The first meeting may not take place until March 2016.

Secretary James LeBlanc stated that Louisiana's prison population is continuing to decrease 37,000 down.

Secretary James LeBlanc mentioned a poll was conducted among 500 likely voters in Louisiana to determine the amount of support voters have towards continuing justice reform.

82% support justice reform  
27% believe in a complete overhaul  
29% believe in major reform  
79% of Republicans support justice reform  
86% of Democrats support justice reform  
88% of Independents support justice reform

To view more comprehensive poll results go to [www.justiceactionnetwork.org](http://www.justiceactionnetwork.org) and pull it up on that website.

Ms. Maggie Patterson reminded the commission about the bi-annual report that is due on March 1, 2016. Secretary LeBlanc had completed DOC's transition document and offered it as a document that might help with that report.

VII. Next Meeting

The next meeting of the Louisiana Sentencing Commission will be Thursday, February 18th, 2016.

VIII. Adjourn

Honorable Mike Cazes motioned to adjourn, which was seconded by Mr. Richard Pittman. There were no objections. The meeting was adjourned at 1:45 p.m.