

Louisiana State Bar Association Criminal Justice Committee Meeting

Monday, May 16, 2022
12:00 PM Central Time (US and Canada)

Committee Co-Chair Jean Faria, Attorney at Law
Committee Vice-Chair Norma Dubois, 24th J.D.C District Attorney's Office

Attendees:

- Jarrett Ambeau, The Ambeau Law Firm LLC (member)
- Richard Bourke, Louisiana Capital Assistance (member)
- Alix Deschamp, Baton Rouge Capital Conflict Office (member)
- Jennifer Eagan, Louisiana Supreme Court (member)
- Hon. Jules Edwards (ret.), 15th J.D.C. (member)
- Paul Fleming, Jefferson Parish Public Defender's Office (member)
- Bobby Freeman, Louisiana District Attorneys Association (member)
- Meghan Garvey, Orleans Public Defender Office (member)
- Mithun Kamath, Orleans Parish District Attorney Office (member)
- Simone Levine, Orleans Parish District Attorney Office (member)
- Janet Madison, Todd Clemons and Associates (member)
- Professor Katherine Mattes, Tulane Law School (member)
- Michael Mitchell, Louisiana Public Defender Board (member)
- Mercedes Montagnes, The Promise of Justice Initiative (member)
- Jared Nelson, Liskow & Lewis (member)
- Charles Raymond, Forrest Cressy and James, LLC (member)
- Vanessa Spinazola, Justice and Accountability Center (member)
- Angela Waltman, Waltman & Waltman LLC
- Francis Abbott, Louisiana Board of Pardons/Committee on Parole (guest)

LSBA Staff:

- Amy Duncan
- Mariarenee Contreras

MEETING MINUTES

I. Welcome and Introductions

Co-Chair Jean Faria and Vice-Chair Norma Dubois led the meeting.

II. Approval of Minutes from January 2022 Meeting

Minutes as amended were moved by Professor Katherine Mattes and Seconded by Jared Nelson and approved. (Amendment to Loren Lampert and Bobby Freeman organization corrected from "Office" to "Association").

III. Criminal Justice Mental Health Summit Presentation (attached)

Norma Dubois led this discussion. The Criminal Justice Summit's purpose was for criminal justice stakeholders and professionals to collaborate and address issues to help identify those needing mental help with the resources that are readily available – in addition to developing alternatives to incarceration and solutions to address these topics.

Different CLE sessions and workshops were held during a course of two days through Zoom. Attendance was made up of defense, prosecution, mental health professionals, law and clinical professors, state agencies, and the judiciary. A total of 120 attendees were counted on the first day and a total of 100 attendees on the second day.

There were a series of polling questions throughout the Summit. The first question discussed at the meeting was, "Have you received training on best practices with your profession for working with someone with a mental health condition?" 43 percent of the attendees who answered the poll responded, "Yes in my current position as an attorney, judge or court staff." 43 percent responded, "No, I have not." The second question discussed at the meeting was, "What are some of the mental health related resources in your area?" 26 percent identified Outpatient Treatment Centers. 25 percent identified In-patient Treatment Centers. 24 percent identified Behavioral Health or Assisted Out-Patient Treatment Courts. 20 percent responded that they did not know of any resources.

Overall, the summit received positive feedback for all its programming and many attendees shared that they hoped for more events and collaborations to happen in the future relating to the intersectionality of the criminal justice and mental health system.

The key takeaways of the summit were:

- More training and collaboration opportunities needed with mental health providers and criminal justice stakeholders.
- Increase access to resources for judges, prosecutors, and defense attorneys to provide supportive services for people suffering from mental illness.
- Need for more services (S-T/L-T mental health treatment centers and services and court programs) in rural areas throughout the state.
- Funding opportunities for behavioral health courts.

Jean recommended forming a new subcommittee with the Criminal Justice Committee dedicated to increasing knowledge and the development of trainings on the issues of mental health. Barksdale Hortenstine volunteered to help lead. The subcommittee would be open to a variety of stakeholders interested in being part of the work to address mental health issues.

A list of resources that included several links to materials was provided. The goal is to post this list on the Committee's LSBA webpage for members to easily access and share with others.

The goal of the new subcommittee is to continue developing trainings and networking opportunities that can help bridge the gap between both criminal justice and mental health stakeholders. Jean invited discussion amongst the Committee's members.

Professor Katherine Mattes suggested that consistent updates to the resources and materials provided will be necessary. Angela Waltman shared that she is willing to help with the subcommittee and help build the availability of resources and information in rural parts of the State. Richard Bourke shared that he is willing to help with the formation of the new subcommittee. Francis Abbott shared members should reach out to community partner, Pamela Metzger from Southern Methodist University in Dallas. Any other members interested in being part of the subcommittee please reach out to Amy Duncan or Jean Faria.

Other organizations are also looking at forming their own committees. Jennifer Eagan is working on formalizing a group of commissioners like what is being done in Texas. The group is not meant to duplicate any efforts, but to support the work of other entities already working to address mental health issues in the criminal justice system. Jennifer Eagan provided that there was a huge representation of Judges at the Summit. Judges are seeing more mental health issues amongst different cases and areas of the law and are seeking resources to help people coming into their courtrooms. Jennifer has been researching what other states are doing regarding their own mental health commissions. Based on her research, she has received the go ahead by our own judicial administrator to make a recommendation to the Louisiana Supreme Court Conference that a mental health/behavioral health commission be formed in Louisiana. Of the 18 states that have a similar commission, 9 of them at least are different in their formation. Some are housed with the legislature, but most are run by multi-governmental entities and include the three branches of government.

Jennifer suggested that the process of forming our State's commission may take some time, but the LSBA's potential subcommittee for mental health may be a good starting point to help build the Louisiana Supreme Court's future commission. There is a need for more related trainings, and the next request from our state's judges is for more trainings similar to the one we just did. Jennifer will continue working on developing the behavioral/mental health commission on her end, but she believes it will be similar process in starting the commission as it was for the Access to Justice Commission a few years ago with the Bar and the Benches efforts.

IV. Open Discussion

Jean Faria reminded members that the Committee is meant to help address other issues in the criminal practice area. If there are any ideas that members would like work on besides mental health issues to please share with the committee.

Ideas that were proposed:

- (Mercedes Montagnes) Uniform Court System or Initiatives to help promote unified procedures throughout Louisiana's state courts.
- (Charles Raymond) Developing policies (recommendations) that the Louisiana Supreme Court can adopt and propose to the state legislature if they choose to do so. The Committee could work on research and development of issues that the Committee has tried to develop in the past. Including resolving funding Issues that involve criminal/ city courts and indigent defendants.
- (Jarrett Ambeau) Improving forensic science services for the indigent community. In the criminal justice system, both private and public defendants face a tremendous burden of having to answer to forensic science evidence made against them by the state and federal government who has endless resources to provide the best experts. Public defender clients usually have no chance of providing or meeting the burden that is requested. Even the most knowledgeable defense attorney is not capable of assisting on these issues because attorneys are not equipped to understand the science behind forensics. More training and information on forensic science is needed in the criminal defense community. There are many innocent defendants that are going to jail because of bad forensic science sliding through the system due to untrained attorneys and lack of forensic scientists and related resources for public defenders and indigent defenders. A lot of these issues relate to the State's lack of funding and resources as well.

- Richard Bourke suggested creating a work product of “best practices” as a potential resolution or step to solving the issue.
- Francis Abbott brought up the issue of extensive services for folks at parole hearings. In the past 2 years, there have been about 40 revocations per year on average and it has been found that these individuals may qualify for either indigent representation, but often plead out or move forward with their procedures just to get things going because it takes time to recruit a lawyer that is available to visit and proceed with scheduling a hearing. The Board of Pardons and Committee of Parole would like to provide more information about opportunities to help get more attorneys to assist with these cases and to help create a steady flow of legal representation. Right now, the Board simply provides a request through the local parish where the indigent client’s charge originated from to attain a pro bono attorney to help with the case. However, these cases have long waits for legal representation. Larger jurisdictions occasionally will have their local public defender’s office take on the client and provide a re-entry plan for them. These cases proceed fairly well, but this is not typically the case in more rural areas where attorneys are stretched fairly thin.

Jean provided that if anyone is interested in working on this issue, Jean, Francis, and a couple of others will be meeting later in June to discuss potential solutions for the lack of representation at parole hearings.

- (Angela Waltman) Advocating for more re-entry services for people being released. There is a lack of services in rural areas, including the northwest region of Louisiana. People are simply released without any help or resources to help prevent a person from going back into the system and be successful. Francis Abbott shared with Angela Waltman that he can share some resources and contacts that may be able to help re-entry folks in her area. Jean added that maybe the Committee could start a list of resources and organizations for attorneys who assist with re-entry folks to have on hand as a step to resolving the lack of resources or knowledge about resources that are available.

V. Next Meeting

The next meeting date is to be determined but will be held early in the Fall. Any members that are interested in continuing with the Committee, please contact Amy Duncan as soon as possible. Amy Duncan thanked the 2021-22 committee leadership and members for a wonderful and successful bar year.



LSBA Criminal Justice Committee

Criminal Justice Summit

Discussion

Purpose and Agenda

Attendance and Participation

Polls and Evaluation

Key Takeaways

Mental Health and the Criminal Justice System

Purpose: To explore ways criminal justice stakeholders and mental health professionals can work together to identify people suffering from mental illness in the criminal justice system, find resources and programs that present alternatives to incarceration, and develop solutions to address the topics explored.

The event CLE sessions on competency and NGRI, innovative crisis responses programs, and presentations from diverse perspectives including defense, prosecution, mental health professionals and the judiciary. Both days included interactive workshops for attendees to share their insight and ideas.

**LSBA
Criminal
Justice
Summit
2022**

March 10th Agenda (Day I)

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|-------------------------|--|
| 12:00 – 12:45 PM | Welcome Remarks by Jean Faria and Keynote Presentation
<i>by Dr. Xavier Amador, LEAP Institute</i> |
| 1:00 – 2:00 PM | Introduction to Competency and NGRI by Dr. Sarah DeLand and Prof. Katherine Mattes |
| 2:10 – 3:10 PM | Innovative Mental Health Treatment & Crisis Intervention Programs |
| 3:20 – 4:20 PM | 2 Working Group Session Breakouts led by presenters |
| 4:20-4:30 PM | Reporting Out |

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March 11th Agenda

(Day 2)

8:30 – 9:10 AM

Hope, Help, and Healing by Tonja Myles

9:20 – 10:20 AM

**Prosecuting, Defending, and Mental Health Advocacy:
A Multi-Agency Perspective on Addressing Mental
Illness in the Criminal Justice System**

10:30 – 11:30 AM

**Removing Barriers & Addressing Mental Illness in the
Courts**

11:30 – 12:30 PM

2 Working Group Session Breakouts led by presenters

12:30 PM

Reporting Out

Attendance and Participation

March 10 – 120 Attendees

March 11 – 100 Attendees

Participation:

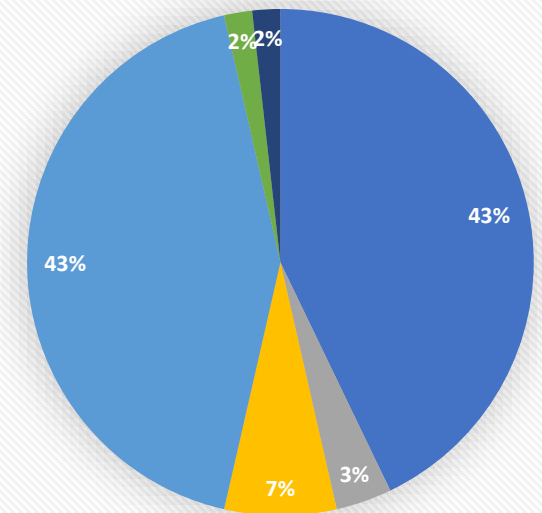
- Judges and Court Staff Members
- Mental Health Service Providers and Advocacy Programs
- State Agencies and NGOs
- Prosecutors, Defenders, and Private Attorneys
- Universities and Law School Clinical Professors and Staff

Poll Questions and Responses

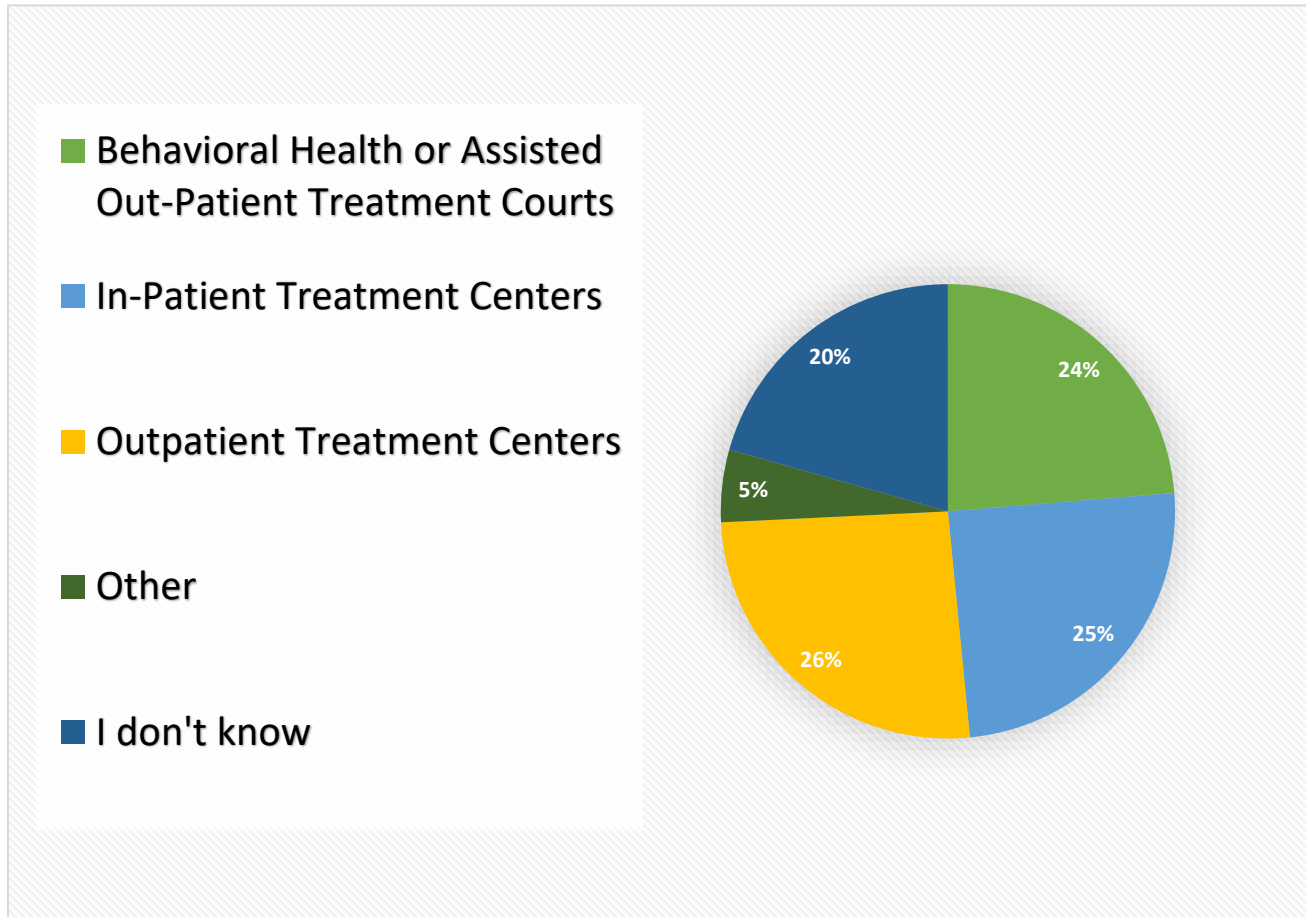
Have you received training on best practices with your profession for working with someone with a mental health condition?

- 43% - Yes in my current positions as an attorney, judge or court staff
- 43% No, I have not

- Yes, in my current position as an attorney, judge, or court staff.
- Yes, in my position as a mental health professional.
- Yes, in my current employment not listed above.
- Yes, prior to my current position.
- No, I have not.
- I do not know.
- Other forms of training.



Poll Questions and Responses



- What are some of the mental health related resources in your area?
 - 26% - Outpatient Treatment Centers
 - 25% - In-Patient Treatment Centers
 - 24% Behavioral Health or Assisted Out-patient Treatment Courts
 - 20% I Don't Know

Evaluations

- Received very positive feedback for all programming including the session presenters, content, and materials
- Reported that this was a much-needed discussion and attendees were impressed with the range of expertise by the speakers and attendees
- Respondents requested future trainings, like this, occurring on a regular basis with multiple disciplines invited to attend



Key Takeaways

- More training and collaboration opportunities needed with mental health providers and criminal justice stakeholders
 - Increase access to resources for judges, prosecutors and defense attorneys to provide supportive services for people suffering from mental illness
 - Need for more services (S-T/L-T mental health treatment centers and services and court programs) in rural areas throughout the state
 - Funding opportunities for behavioral health courts
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**LSBA
Criminal
Justice
Summit**

2022

Thank you to the
**Criminal Justice Summit
Planning Committee**



Barksdale Hortenstine
Orleans Public Defenders
Criminal Justice Committee Co-
Chair



Norma Dubois
Jefferson Parish District Attorney's
Office
Criminal Justice Committee Vice Chair



Jean Faria
LA Mental Health Association Board
Criminal Justice Committee Co-Chair



Professor Katherine Mattes
Tulane Law Criminal Justice
Clinic



Jennifer Eagan
Louisiana Supreme
Court

LSBA's CRIMINAL JUSTICE COMMITTEE

MARCH 10TH-11TH, 2022

MENTAL HEALTH SUMMIT REFERENCE INDEX

• **Judiciary Centered Resources:**

- *Leading Change: Improving the Court and Community's Response to Mental Health and Co-Occurring Disorders:*
https://www.ncsc.org/_data/assets/pdf_file/0015/14523/leading-change-guide.pdf

• **Resources Centered for the Legal Community:**

- *NAMI: Divert to What? Community Services That Enhance Diversion*
<https://www.nami.org/Support-Education/Publications-Reports/Public-Policy-Reports/Divert-to-What-Community-Services-that-Enhance-Diversion/DiverttoWhat.pdf>
- *JLAP – Compassion Fatigue:* <https://louisianajlap.com/issues-concerns/compassion-fatigue/>
- *Louisiana Public Defender Board Performance Standards for Criminal Defense Representation in Indigent Capital Cases (LAC 22:XVChapter19)*
<http://lpdb.la.gov/Supporting%20Practitioners/Capital%20Defense/txtfiles/pdf/LPDB%20Capital%20Performance%20Standards.pdf>

§§ 1903 F.12 p. 9, G.3bii; 1905 B.7eiv p.15; 1907 C.5, p. 20, 11 p. 21, 14aai & bi p.22, D.1c p. 23; 1913 B. 1-22 pp. 38-40; C.2 pp. 40-41; 1915 11c p. 58; 1919 A.1b p. 61; 1921 A.1b p. 66; B.51 p.
- *Louisiana Public Defender Board Trial Court Performance Standards (LAC22:XVChapter7)*
<http://lpdb.la.gov/Supporting%20Practitioners/Standards/txtfiles/pdfs/LPDB%20Trial%20Court%20Performance%20Standards.pdf>

§§ 711 B2f, p 11 and C, p. 12

• **Law Enforcement Centered Resources:**

- *After the Crisis: A Co-Response Model for Follow-up*
<https://www.policechiefmagazine.org/after-the-crisis/?ref=ac48aee00c4bc0ba9ea8a57bb30450a0>

- *Successful Trauma Informed Victim Interviewing*
<https://www.theiacp.org/sites/default/files/2020-06/Final%20Design%20Successful%20Trauma%20Informed%20Victim%20Interviewing.pdf>
- *Trauma Informed Sexual Assault Investigation Training Curriculum:*
<https://www.theiacp.org/sites/default/files/2021-05/Introduction%20Trauma%20Informed%20Sexual%20Assault%20Investigation%20Training%20Curriculum.pdf>
- *International Association of Chiefs of Police Sexual Assault Response Policy and Training Content Guidelines*
[IACP Sexual Assault Response Policy and Training Content Guidelines.2017.3.23.pdf \(theiacp.org\)](https://www.theiacp.org/sites/default/files/all/s/SexualAssaultGuidelines.2017.3.23.pdf)
- *International Association of Chiefs of Police: Sexual Assault Incident Reports – Investigative Strategies*
<https://www.theiacp.org/sites/default/files/all/s/SexualAssaultGuidelines.pdf>
- **Interdisciplinary and Mental Health Centered Resources:**
 - *National Institute of Mental Health Statistics*
<https://www.nimh.nih.gov/health/statistics/mental-illness>
 - *ABA Criminal Justice Standards on Mental Health:*
https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standard_s/mental_health_standards_2016.authcheckdam.pdf
 - *The State of Mental Health in America*
<https://mhanational.org/sites/default/files/2022%20State%20of%20Mental%20Health%20in%20America.pdf?eType=ActivityDefinitionInstance&eId=a7a571c8-7fac-4660-b06d-ff88af5c2bec>
 - *Assisted Outpatient Treatment [AOT] Statewide Implementation Training – Healing Minds Nola – Website Resource Page*
[Assisted Outpatient Treatment - Healing Minds NOLA](https://www.healingmindsnola.org/assisted-outpatient-treatment-healing-minds-nola)
 - *LDH/OBH Coordinated Crisis System – Implementation Plan: [PowerPoint Presentation \(la.gov\)](#)*
 - *Behavioral Health – My Choice Louisiana: [My Choice Louisiana | La Dept. of Health](#)*
 - *Behavioral Health – Louisiana Crisis Response System: [Crisis System of Care | La Dept. of Health](#)*

- *Anosognosia and the Criminal Justice System – Video Recording with Dr. Xavier Amador and Judge Kazen from San Antonio, Texas:* <https://vimeo.com/437321933>
- *Substance Abuse and Mental Health Services Administration:* [SAMHSA - Substance Abuse and Mental Health Services Administration](#)
- **General Articles:**
 - *Mental Health Epidemic?*
<https://www.axios.com/mental-health-pandemic-shadow-epidemic-51f98123-ae6b-429f-8d40-4c2c8270e7de.html>
 - *Why Judges, Lawyers and Court Employees Need More Mental Health Support.*
<https://www.forbes.com/sites/onemind/2021/03/23/why-judges-lawyers-and-court-employees-need-more-mental-health-support/?sh=59e36dda430b>
 - *NAMI: Criminal Justice Reform Means Reforming the Mental Health System*
<https://www.nami.org/Blogs/NAMI-Blog/March-2021/Criminal-Justice-Reform-Means-Reforming-the-Mental-Health-System>
 - *Reforming the Portuguese Mental Health System: An Incentive-Based Approach:*
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5975562/>
- **2022 Summit Resource Materials:**
 - Day 1 Materials – March 10, 2022:
 - Session 1: Keynote Address by Dr. Xavier Amador with the Leap Institute:
<https://www.dropbox.com/s/jgsam1wf4r5ocmh/I%20am%20Not%20Sick%20book%20Chapter%203%20Anosognosia%202020.pdf?dl=0>
 - Session 2: Introduction to Competency and NGRI:
https://www.dropbox.com/sh/gaam1ksxw08uees/AADVGes3tXSeuIntzz_J7H30a?dl=0
 - Session 3: Innovative Mental Health Collaborative Program:
<https://www.dropbox.com/sh/ewwkgodzshq9xi3/AADuXjn-tkkZSeDUKJAixvKua?dl=0>
 - Day 2 Materials – March 11, 2022:

- Session 2: Prosecuting, Defending, & Mental Health Advocacy:
<https://www.dropbox.com/sh/bkkd27k75qv30mr/AACAORsUHIDt184sN3QoncZa?dl=0>
- Session 3: Removing Barriers and Addressing Mental Illness in the Courts:
<https://www.dropbox.com/sh/sp0bmpsxfwvyx41/AACzE6xwXub90fzIEPSus0Uka?dl=0>