

# Louisiana State Bar Association Criminal Justice Committee Meeting

Thursday, December 7, 2017 - 10:00 AM – 11:30 AM  
Jones Walker, 201 St. Charles Ave., New Orleans, LA 70170

## Minutes

### Participants:

Jonathan Rhodes (Honorary Chair), Louisiana Civil Justice Center  
Hon. Jules Edwards III, 15<sup>th</sup> Judicial District Court  
Hon. Scott Schlegel, 24th Judicial District Court  
E. Pete Adams, Louisiana District Attorneys Association  
Jarrett Ambeau, Public Defender at 23rd JDC and Criminal Defense Counsel  
Veronica Bard, Court Watch NOLA  
Derwyn Bunton, Orleans Public Defenders Office  
Andrew Casanave, Public Defender's Office Calcasieu Parish  
Christopher Cox, Jefferson Parish District Attorney's Office  
Adam Crepelle, Right on Crime and Pelican Institute  
Meghan Garvey, Orleans Public Defenders Office  
Jon Wool, Vera Institute  
Jennifer Eagan, Louisiana Supreme Court  
Paul Fleming, Jefferson Parish Public Defenders Office  
Paul Hurd, Attorney at Law  
Mithun Kamath, Orleans DAs Office  
Simone Levine, Court Watch NOLA  
Michael Morales, St. Bernard Parish District Attorney's Office  
Jee Park, The Innocence Project  
Melissa Threadgill, Community Resource for Justice  
Jonathan Varnado, Vera Institute  
Adrienne Wheeler, Justice and Accountability Center of Louisiana  
Sharonda Williams, Fishman Haygood Phelps Walmsley Willis & Swanson, LLP

### LSBA Staff:

Monte Mollere  
Amy Duncan

- I. Welcome and Introductions
- II. Minutes Approved
- III. 2017-2018 Initiative Voting Results and Presentations
  - a. Jonathan Rhodes provided a recap from the last meeting in which five members of the committee presented initiative proposals for the committee to focus on this bar year. After that meeting, we took a vote electronically, from which two initiatives were chosen: draft bail report and monitor justice reinvestment. After the vote was

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taken, these initiatives were presented and approved by the executive committee of the Board of Governors. For the bail system proposal, the Board expects to receive a report. Both Jon and Jonathan, the members who recommended these initiatives, will give presentations today with a goal to in mind to leave here with action plans for each initiative.

- i. Jon Wool, Jonathan Varnado, and Meghan Garvey discussed the bail report proposal. Premise is that people are being held in jail just because they cannot afford to make bail. The **report will explain the issues and identify drivers of pretrial detention, what are the laws guiding this, and what are possible solutions.** Also, what are some strategies used in other jurisdictions to address the issue. Jon reviewed the proposed bail report outline. Jon discussed using pretrial detention numbers by parish that Vera Institute main office has collected. Adrienne asked if there were any issues with that data as each parish information collection varies. Jon said that is a challenge because how people define pretrial population varies. Because this is self-reported data, Adrienne recommended a comment be included in the report that states the possibilities for variations in reporting across the state. Amy and Jon asked for feedback from the group on what direction they would like this report to go in and what comments they have about the outline. Simone Levine mentioned that Court Watch Nola published a report on pretrial and bail in magistrate court in Orleans Parish. Adrienne recommended looking at the links between predatory lending and bail. Simone suggested looking at when bail amounts set do not increase public safety. High risk defendant versus low risk setting amounts. Jee asked whether the report is focused on pretrial detention for all crimes or breaking it up between misdemeanors and violent felonies. Simone suggest including information on risk levels and volunteered to research it. A subcommittee was formed to work on this report.
- ii. Melissa Threadgill, who works at the Crime and Justice Institute at the Community Resources for Justice, discussed monitoring JRI initiative. CJI is a nonprofit that provides nonpartisan policy analysis and implementation technical assistance to state and local governments across the country that are seeking better outcomes from their criminal and juvenile justice systems. CJI is working on the JRI roll out. There are two phases to the rollout: the legislative phase and the implementation phase (when results are measured). The technical assistance from CJI provides a team approach for data collection, analysis and project management. They assist with setting up a framework for performance measurements and outcomes as well as rewrite internal policies and procedures to allow for implementation. Although they work with the DOC they do not speak for DOC. Act 261 requires the DOC to work with LCLEA to create reporting metrics and present a report to the joint legislative committee. The first report is due on June 30 and then annually thereafter. They are developing specific performance measures and calculating baselines. Then they will analyze the data and put it into a report. For the reinvestment portion, Act 261 lays out

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a general process for reinvestment. At the end of the year, the DOC will calculate how much is saved and then will direct savings into varying pools. In the first year, there are three pools of money, two administered by DOC (internal investments and community groups) and one by LCLE for victim services. CJI will help DOC set up community grant process. They are working on the RFP process with DOC. Paul asked about probation capacity to supervise those released from jail. Paul suggests that the whole point of the justice reinvestment act is to reinvest into the system and this may be something the Committee should monitor. Paul asked if other states enacted legislation that Louisiana might have missed. Melissa said that each state is different and the legislation enacted will be made to fit local circumstances and desires. One difference that sticks out is the lack of upfront investment from the legislature. In many states, the legislature will front money from when the bill is passed so programs can start running the first year. However, Louisiana is one of few states that put the reinvestment allocations and numbers into statute. Other states go through this process every year as part of their budgeting process.

- iii. The group discussed the role the Committee can play in the roll out of the JRI laws. Meghan Garvey suggested the Committee collaborate with Louisianans for Prison Alternatives. The group has developed a statewide network of supporters for reform and Meg suggests the LSBA can support their efforts. Jonathan Rhodes suggests the Committee focus on the following:
  - 1. Review the data collected to make an independent analysis
  - 2. Identify and review the grant process
  - 3. Keep an eye for legislative changes that need to be made in the coming years
- iv. Melissa's recommendations for the group are to:
  - 1. Pay attention to the data and ask questions
  - 2. Share information on how things are going with sentencing and probation revocation after the new laws are enacted.
- v. Jon Wool suggests collaborating with other groups. Simone suggests tracking the reinvestment dollars. Jonathan agrees and thinks accountability and impact for the organizations that receive funding should be tracked.
- vi. In summary, the following focus areas for the CJC will be:
  - 1. Collaborate with groups working on Justice Reinvestment to learn what they want to see from the new laws
  - 2. Follow process for reinvestment, specifically on the grant process
  - 3. Review the data when available and look at trends along the way
  - 4. Advocate for changes based on the data and outcomes
- vii. Next steps will be to regroup with a smaller group and move forward with some of these items.

IV. Adjourn