

Louisiana State Bar Association Criminal Justice Committee Meeting Minutes

Tuesday, November 12, 2019
Baton Rouge, LA

Attendees

Hon. Jules D. Edwards III, 15th JDC
Jarrett Ambeau, Attorney at Law
Graham Bosworth, Attorney at Law, (Chair)
Richard Bourke, Louisiana Capital Assistance Center
Leslie Ricard Chambers, Governor's Office
Christopher Cox, Jefferson Parish District Attorney's Office
Jennifer Eagan, Louisiana Supreme Court
Jean Faria, Louisiana Public Defender Board
Paul Fleming, Attorney at Law
Meghan Garvey, Orleans Public Defender
Mithun Kamath, Jewish Federation of New Orleans
Loren Lampert, Louisiana District Attorneys Association
Charles Raymond, Forrest Cressy and James, LLC
Rachel Smith, Louisiana District Attorney Association
Henry Walker, Caddo Parish Juvenile Court

Guest

Kenn Barnes, Louisiana Supreme Court

LSBA Staff

Amy Duncan
Jordan Maier
Monte Mollere

- I. **Approval of Meeting Minutes** (Action Item) – adopted as amended to add Charles Raymond as “in attendance.”
- II. **Reporting Out:**
 - a. **Mental Health Subcommittee** (Jean Faria) – The subcommittee drafted a resolution that incorporates the participants' recommendations from the 2019 Criminal Justice Summit. The subcommittee is still in the process of reviewing the draft and determining the exact language of the recommendations. Graham will send out his edits for subcommittee review by Monday, Nov. 18. The subcommittee will then meet again to come to a conclusion before reporting out to the general body. The resolution is intended to go before the LSBA House of Delegates at Mid-Year Meeting in January (materials must be submitted to the HOD by Dec. 12).
 - b. **Community Courts/Community Service Subcommittee** (Jennifer Eagan) – The subcommittee met and decided to narrow its focus from standardizing community courts to standardizing post-adjudication community service. The subcommittee is planning to put together a standardized community service package (including forms, statutes, sentencing guidelines, etc.) that can be offered to municipalities. The entity

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administering the program could be the sheriff, mayor, or police, and/or the municipality would be responsible for case management. This would make it easier for courts to effectively apply community service and avoid giving jail time and exorbitant fines, further encouraging successful rehabilitation for low-level offenders. Jean Faria noted in particular that community service, when effectively administered, harnesses the positive impact of repeated connection to the community.

III. Open Discussion

- a. Supreme Court Mental Health Report, Kenn Barnes** – At the request of the Chief Justice, Supreme Court staff reviewed Mental Health Courts in Louisiana and other states. Kenn Barnes described the findings of the resulting report:
 - i.** There are currently six mental health courts in Louisiana. Defendants are directed there if they seem to have mental health issue, and receive reduced sentencing in exchange for agreeing to mental health treatment/medication.
 - ii.** Judge Steven Leifman runs a mental-health focused court in Miami-Dade. SOAR (SSI/SSDI Outreach, Access, and Recovery) helps people facing jail and suffering from mental illness and substance abuse to access support from Social Security funds, which they would otherwise be barred from due to their drug use. The program specifically taps into Social Security funds in order to circumvent Florida's lack of funding for Medicaid expansion. This program worked with the city to ensure local police also undergo Crisis Intervention Team (CIT) training on dealing with mentally ill. Finally, Miami created a community-based center where people needing care can be brought by police, family, etc. Diversion pre-arrest allowed them to close one jail facility, further saving money.
- b.** Jean Faria – mentioned that there will be a legal track for a mental health training in Baton Rouge in April. The Jean requested suggestions for topics that can useful to attorneys, judges, and mental health advocates at the training.
- c.** Jarrett Ambeau initiated a discussion of forensic science in the criminal justice system, noting that there is a gap in education for attorneys and judges, as well as a gap in access to laboratory personnel for defense attorneys (LA Crime Lab's policy is to refuse to work with defense attorneys). Jean suggested restarting the Criminal Law Section to review the law itself, including such issues in forensics.
- d.** Dr. Sarah Deland, who presented at the Criminal Justice Summit, and Blake LeBlanc with the Louisiana Department of Corrections will be giving a CLE on "Behavioral Health: Recognizing Issues and Referral Resources in Louisiana" at the Rural Courts Seminar this Friday in Natchitoches. This is good news, as one of the outcomes from the Summit was the identification of a need for more education for judges on working with mentally ill.

IV. Next Meeting – Tuesday, January 21, 2019 at Noon in New Orleans

V. Adjourn