

Louisiana State Bar Association Criminal Justice Committee Meeting Minutes

Wednesday, January 30, 2019 – Noon

Attendees:

Veronica Bard, Court Watch NOLA
Ken Barnes, Louisiana Supreme Court
Stephanie Beaugh, Louisiana Appleseed
Graham Bosworth, Chair, Attorney at Law
Richard Bourke, Louisiana Capital Assistance Center
Andrew Casanave, Calcasieu Parish Public Defender's Office
Sheriff Greg Champagne, St. Charles Parish Sheriff's Office
Christopher Cox, Jefferson Parish District Attorney's Office
Jennifer Eagan, Louisiana Supreme Court
Hon. Jules D. Edwards, 15th JDC
Mithun Kamath, Jewish Federation
Sheral Watters, The Appellate Project
Sharonda Williams, Attorney at Law
Jon Wool, Vera Institute

LSBA Staff:

Monte Mollere
Amy Duncan

- I. **Approval of Meeting Minutes** (Graham Bosworth) – Minutes were approved as written.
- II. **2019 LSBA Criminal Justice Summit** (Jean Faria and subcommittee) – The Committee formed a Summit Planning Subcommittee to organize the upcoming summit, tentatively scheduled for Friday, April 26, 2019 in Baton Rouge at the Renaissance. Jean Faria agreed serve as chair of this subcommittee. Members include Jean Faria, Barksdale Hortenstine, OPD, Pete Adams LDAA, Loren Lampert, LDAA, Veronica Bard, CourtWatch Nola, Adam Crepelle SULC, Kerry Lentini, Adam Swensek, and Kenn Barnes with the Supreme Court, and Richard Bourke, LCAC.

The subcommittee decided that this year's summit would focus on addressing mental health needs in the criminal justice system. The participants discussed the need to understand mental health from a broad perspective (including judges, law enforcement, custodians, coroners, sheriffs) and to find solutions without funding. They also discussed designing a summit that is not just theoretical but offers practical information that attendees can immediately take back to their jurisdiction. With this in mind, the subcommittee offered the draft agenda below for review by the full Committee for feedback.

Tentative Agenda: 4 plenary sessions, 2 breakout sessions, and a lunch session

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- Session 1: Ways to better identify and communicate with those who have mental health needs.
- Session 2: Innovative ways to address mental health needs with and without funding.
- Breakout session on sessions 1 and 2
- Lunch presentation from persons experiencing mental illness, courtesy of NAMI
- Session 3: Problems facing law enforcement in engaging with persons experiencing mental illness.
- Session 4: Landscape for mental health services – what resources are available.
- Breakout session on sessions 3 and 4

Several spoke to the need for judges to be champions of this issue. Previously, Kerry Lentini has provided a list of judges running mental health courts across the state. Jennifer Eagan noted that some judges are resistant to specialty courts because they require much more work to operate.

Kenn Barnes reported on his survey of courts in Louisiana and the SOAR/CIT/mental health docket in Miami. The SOAR program covers the gap in mental health coverage for people who have substance abuse issues.

Sheriff Champagne spoke to the escalating cycle of incarceration experienced by the mentally ill in the criminal justice system. He identified the need for mental health resources to reach people before they are incarcerated and can potentially deteriorate. Sheriff Champagne supported the bipartisan Mental Health Act passed in 2016, but changes have been slow to materialize. Sheriff Champagne agreed to join the Summit planning subcommittee.

The Committee approved the general direction of the agenda. The final agenda will be sent via email for final Committee vote. Amy requested that committee members share any existing digital resources, such as the judges' bench book.

III. Update on Bail Resolution (Graham Bosworth) – Graham Bosworth reported on his presentation of the Committee's resolution on bail and pretrial detention to the House of Delegates on Saturday, January 19, 2019. Prior to the presentation opposition was expressed. The House of Delegates chose to table the resolution.

Jon Wool noted that the Vera Institute was not the originator of the report and requested that this fact be clarified both to the committee and the House of Delegates.

Graham Bosworth and Richard Bourke acknowledged that the Committee is sometimes split in its opinion, as evidenced by members on the Criminal Justice Committee. Richard suggested developing a formal process for creating and including minority/dissenting reports. Graham requested that the Committee's current body of

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rules be disseminated and agreed that the Committee address suggestions for their amendment at the meeting following the Summit.

- IV. Mission Statement** (Amy Duncan) – A new mission statement reflecting the Committee’s expanded work and membership was agreed upon by the members in 2016. However, the change in the mission statement did not go through the formal process of approval by the House of Delegates. The following mission statement will now go before the HOD at their next meeting in June:

The committee develops programs and methods which allow the Bar to work with the courts, other branches of government and the public to ensure that the constitutionally mandated right to counsel is afforded to all who appear before the courts.

- V. Open Discussion** (all members) – Committee members will be invited to discuss topics relevant to the Criminal Justice Committee members.

Summit invitations will go out by February 26 once the agenda is finalized. In the meantime, Committee members should send their recommendations to Amy. No cost is associated, which limits attendance.

Richard encouraged members to review the Louisiana Public Defender Board’s agenda for their upcoming meeting. He noted that many districts have returned to restricted services and 11 capital defendants statewide are currently waiting for capitally certified counsel, and suggested that the Committee and the Bar might be able to consider solutions.

Graham reiterated that the discussion is truly open – Committee members are not always expected to agree and should not be afraid to broach controversial issues.

- VI. Next meeting** – The next full meeting of the Committee will be the Summit on Friday, April 26, 2019. The Summit planning subcommittee will meet via teleconference on Friday, February 8 at 3 pm. Anyone interested in joining the planning subcommittee should email Amy for the conference call information.

- VII. Adjourn**