

Resolution 9



Louisiana
State Bar
Association

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December 15, 2016

Alainna R. Mire, Secretary
Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130

Re: Louisiana Criminal Justice Committee
LSBA House of Delegates Resolution

Dear Ms. Mire,

The Louisiana Criminal Justice Committee wishes to submit the attached resolution signed by co-chair, Ms. Mercedes Montagnes, Esq. for consideration at the LSBA's House of Delegates meeting on January 21, 2017.

Should you have any questions, or need additional information, please let me know. Thank you for your consideration.

Sincerely,

Amy E. Duncan
Access to Justice Projects and Training Counsel
Louisiana Criminal Justice Committee, Staff Liaison

Attachment

cc: Hon. Graham Bosworth, co-chair
Mercedes Montagnes, co-chair
Monte Mollere, Access To Justice Director

RESOLUTION IN SUPPORT OF JUSTICE REINVESTMENT PRINCIPLES
PROPOSED BY
THE CRIMINAL JUSTICE COMMITTEE
OF THE LOUISIANA STATE BAR ASSOCIATION

WHEREAS, the mission of the Louisiana State Bar Association’s Criminal Justice Committee in part is “to recognize and address issues affecting the Louisiana criminal justice system . . . and to work with stakeholders to develop programs and solutions for fair and effective administration of justice;” and

WHEREAS, Louisiana has the highest incarceration rate per capita in the world and spends nearly \$20,000 annually for each person behind bars – more than \$600 million per year – with insufficient results in recidivism and workforce employability, ultimately affecting Louisiana’s communities and economy; and

WHEREAS, the Louisiana state legislature passed House Concurrent Resolution No. 82 creating the Justice Reinvestment Task Force, a bipartisan, inter-branch group of stakeholders, to analyze the drivers of Louisiana prison population, work to reduce prison population, and reinvest savings into strategies shown to decrease recidivism and improve reentry outcomes; and

WHEREAS, the Louisiana State Bar Association (LSBA) House of Delegates has taken positions on several issues affecting the administration of criminal justice that the Justice Reinvestment Task Force may examine, specifically:

- On January 23, 2010, the LSBA House of Delegates adopted a Resolution in **support of the reclassification of certain nonviolent offenses** and the continued funding of all components of the criminal justice system; and
- On January 22, 2011, the LSBA House of Delegates adopted a Resolution **calling for the uniform application of the fee in criminal convictions** as required under Louisiana law and that the LSBA support the development and implementation of a statewide court cost fee schedule; and
- On June 6, 2013, the LSBA House of Delegates adopted a Resolution to **support the study of criminal justice funding in effort to identify alternative funding structures and innovative funding strategies** that will lead to a more effective and efficient criminal justice system for the State of Louisiana; and
- On June 11, 2015, the LSBA House of Delegates adopted a Resolution urging the Louisiana Legislature to **authorize sufficient funding to meet the State’s constitutional obligation to provide effective assistance of counsel for indigent defendants** in state criminal proceedings; and

WHEREAS, the LSBA Criminal Justice Committee convenes an annual statewide Summit to identify issues of shared concern for the criminal justice system and support actionable solutions that lead to reduced incarceration rates, such as validated risk and needs screening assessment tools evidenced to reduce recidivism; and

WHEREAS, the LSBA has an obligation to ensure the criminal justice system is fair and effective and, to the extent necessary, develop and implement the changes that optimize public safety resources and make strategic investments across our criminal justice system; and

WHEREAS, the LSBA recognizes support and consensus for reform is evident from a broad spectrum of agencies, organizations, and industries, including: the Chamber of Commerce, the Louisiana District Judges Association, and the Department of Public Safety and Corrections; and

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana State Bar Association support state efforts to adopt sentencing and correction policies that reflect evidence based and data driven solutions to reducing incarceration rates; and

BE IT FURTHER RESOLVED, that the LSBA supports policies that will reinvest savings from reductions in incarceration into the criminal justice system to:

- Adequately fund indigent defense,
- Create access to quality mental health and addiction services,
- Assure validated risk needs assessment,
- Improve community supervision,
- Provide for job placement services,
- Develop prison alternative programs that better protect the public,
- Reduce Collateral Consequences to incarceration; and

BE IT FURTHER RESOLVED, that the LSBA urges the judiciary, district attorneys, public defenders, sheriffs, and all stakeholders in the criminal justice system to support the implementation of the policy recommendations made by the Justice Reinvestment Task Force, that are in accordance with the outlined recommendations herein.

Respectfully Submitted,
LSBA Criminal Justice Committee
December 15, 2016

Mercedes Montagnes

Ms. Mercedes Montagnes, Esq.
Criminal Justice Committee Co-Chair