



**LOUISIANA
BOARD OF PARDONS & PAROLE**

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BOARD POLICY

**SUBJECT: APPLICATION FOR REHEARING; REQUEST FOR
RECONSIDERATION OF DECISION**

AUTHORITY: LAC Title 22, Part XI; La. R.S. 15:574.2

REFERENCES: ACA Standards and 2-1083, 1086, 1096, 1122, and 1125

PURPOSE:
To establish procedures for requests for parole rehearing when an offender has previously been denied parole, revoked, or whose request for ameliorative penalty consideration has been denied.

POLICY:
If an offender is denied parole at his initial parole hearing, revoked, or whose request for ameliorative penalty consideration by the Committee on Parole, the offender may reapply for a rehearing in accordance with this policy. An offender may also request reconsideration of the a parole decision within 21 days of the parole hearing date in accordance with this policy.

PROCEDURE:

I. REHEARING

- A.** If denied at the initial parole hearing, an offender must apply in writing for a subsequent parole hearing, referred to as a "parole rehearing". The written request must contain the following information (at a minimum):
1. Name/DOC#;
 2. Current housing location
 - a. name of facility
 - b. custody status
 - c. whether or not offender is currently in disciplinary lockdown
 3. Date of last parole hearing
 4. Conduct reports
 - a. Total reports
 - b. Date of last report

5. Self Help program participation, including educational or other programs
6. Physical or psychological problems and treatment received, if any
7. Job plan/Residence plan
8. Final comments (any other comments the offender wishes the ~~board~~-parole panel to consider when reviewing the request for rehearing)

B. The written request for rehearing may be submitted by the offender and/or his attorney.

C. Application for a parole rehearing will be allowed only under the following conditions.

1. The offender must not have had a major (Schedule B) disciplinary misconduct report in the six months prior to the reapplication request;
2. The offender must not have been in disciplinary lockdown status for a period of six months prior to the reapplication request.
3. If both criteria in B and C above are met, an offender may apply to the board for a rehearing at the following intervals:

Type of Crime	Initial Request for Rehearing	Subsequent request for Rehearing ¹
Nonviolent, except as otherwise restricted	6 mos after original date of denial	6 mos after date of initial reapplication
Crime of Violence enumerated in R.S. 14:2(B)	1 yr after original date of denial	Every 2 yrs after date of initial reapplication
Crime Against Person enumerated in R.S. 14:29-47	1 yr after original date of denial	Every 2 yrs after date of initial reapplication
Sex Offense as defined in La. Revised Statutes	2 yrs after original date of denial	Every 2 yrs after date of initial reapplication
Murder, 1st or 2nd degree	2 yrs after original date of denial	Every 2 yrs after date of initial reapplication
Manslaughter	2 yrs after original date of denial	Every 2 yrs after date of initial reapplication

¹Subsequent request for Rehearing may be submitted if initial request for rehearing was denied.

II. PAROLE VIOLATORS/REVOCATIONS

Parole violators whose parole has been revoked may request a rehearing one year from the date of revocation. If the request for a rehearing is denied on the initial request, the offender may re-apply at the following intervals:

Type of Crime	Subsequent Request for Rehearing
Crime of Violence enumerated in R.S. 14:2(B)	Every 2 yrs after the date of initial reapplication
Sex Offense as defined in Louisiana law	Every 2 years after the date of initial reapplication
Nonviolent, except as otherwise restricted	Every 2 years after the date of initial reapplication

III. AMELIORATIVE PENALTY CONSIDERATION

If an offender is notified by the Committee on Parole that their request for ameliorative penalty consideration has been denied, the offender may re-apply to the Committee on Parole twelve months from the date of the notice of denial.

IV. RECONSIDERATION

- A.** An offender may request that the Committee reconsider its decision to deny parole as outlined herein. However, this process does not establish a formal appeal process as parole is an administrative discretionary decision that is not subject to appeal.
 - 1. A parole panel may reconsider a decision of any parole panel at the request of the Board Chairman.
 - 2. An offender whose parole is denied or rescinded, or whose parole supervision is revoked may request consideration by the Committee.
 - a. The request for reconsideration shall be made in writing by the offender (or the offender's authorized legal representative) and shall be postmarked no later than twenty-one (21) calendar days from the date of hearing during which parole panel action was taken.
 - b. If the request for reconsideration is not postmarked within twenty-one (21) calendar days, it shall be denied.
 - c. Reconsideration review shall be at the discretion of the Committee, and shall not be available except for the following reasons:
 - 1. If there is an allegation of misconduct by a Committee member that is substantiated by the record;
 - 2. If there is a significant procedural error by a Committee member; or
 - 3. If there is significant new evidence that was not available when the hearing was conducted. A request based on the availability of new evidence or information shall be accompanied by adequate documentation.
 - d. A request based on an allegation of misconduct or significant procedural error shall clearly indicate the specific misconduct or procedural error being alleged.
 - e. A written request for reconsideration postmarked within the time period set forth in Subsection B.2.a. of this policy shall be screened by the Board Chairman or designee to determine whether the request for reconsideration raises substantial grounds to believe that one or more of the reasons for reconsideration set forth in Subsection B.2.c. of this policy may be present. The request for reconsideration shall be denied by the Chairman or designee, if in his or her discretion, it is determined that the request does not raise adequate grounds to believe that one or more of the reasons for reconsideration set forth in Subsection B.2.c. of this policy are present.

3. If the Chairman or designee determines upon screening that a request for reconsideration raises adequate grounds to believe that one or more of the reasons for reconsideration set forth in B.2.c. of this policy may be present:
 - a. The request for reconsideration shall be placed on the docket for the next available panel hearing.
 - b. If a majority of the panel members vote in favor of granting reconsideration, the case shall be set for a parole hearing at the next available parole panel hearing date.
4. If a majority of the parole panel votes to grant full reconsideration pursuant to Subsections B.1 or B.2 of this policy, the following procedures shall apply:
 - a. The case shall be set for review at the next available parole panel hearing date. The review shall be conducted from the record of the first hearing. The appearance of the offender shall not be necessary.
 - b. If a Committee member wishes to have additional testimony, an appearance hearing may be conducted.
 - c. The panel shall vote after reviewing the initial taped interview and the record.
 - d. A decision to change the result of the hearing that is the subject of the reconsideration review shall require a unanimous vote of the parole panel conducting the reconsideration review.
 - e. The panel's decision to change the result of the hearing under full reconsideration review or to let the result stand shall be final.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

Replaces and supersedes Board Policy 07.705 dated July 24, 2013