



**LOUISIANA
COMMITTEE ON PAROLE

COMMITTEE POLICY**

**Number: 03-301-POL
Date: December 20, 2018
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SUBJECT: PAROLE ELIGIBILITY AND TYPES OF PAROLE

PURPOSE: To establish that the Board of Pardons, Committee on Parole has no authority in determining when an offender is eligible for parole consideration.

AUTHORITY: LAC Title XX, Part XI, Chapter 3; La. R.S. 15:574.2, et seq, Act 280 of the 2017 Regular Legislative Session

REFERENCES: ACA Standard 2-1089, Board policies 05-509, "Parole Eligibility and Types of of Parole", 05- 0511, "Public Hearings/Videoconferencing" and 05-511-A, "Special Needs", 07- 701, "Parole Decisions".

DEFINITIONS:

Permanently disabled offender means any offender who is unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which is or can be expected to be permanently irreversible.

Terminally ill offender means any offender who, because of an existing medical condition, is irreversibly terminally ill. For the purposes of this policy, "terminally ill" is defined as having a life expectancy of less than one year due to an underlying medical condition.

Limited-mobility offender, for the purpose of medical treatment furlough, means any offender who is unable to perform activities of daily living without help or is bed bound, including but not limited to prolonged coma and medical ventilation.

POLICY:

The Committee on Parole (Committee) has no authority in determining when an offender is eligible for parole. The Department of Public Safety & Corrections (DPS&C) calculates parole eligibility dates for all offenders, except those on death row or in other specific cases. The percentage of a sentence that must be served to reach eligibility varies according to the nature of the offense and as specified by statute.

PROCEDURES:

A. GENERAL

The authority for determining parole eligibility dates, offender class, good time release dates and full term dates will be the official master prison record computed by the DPS&C. The Committee will accept changes in the offender class and parole eligibility dates when recommended by the

Division of Probation and Parole and verified by the records custodian. No offender may be paroled while there is pending against him any indictment or bill of information for any crimes suspected of having been committed by him while a prisoner.

B. TYPES OF PAROLE

1) Regular Parole

- a. An offender's eligibility for parole is specified by Louisiana law. Parole eligibility is generally based on the nature of the offense, offender class, and length of time served. Not all offenders are eligible for parole consideration. Parole eligibility is determined and calculated by the DPS&C.
- b. Generally within nine months prior to an offender's parole eligibility date, all pertinent information will be compiled concerning the offender's case, including but not limited to the guidelines set forth in Board Policy 07-701, "Parole Decisions".
- c. If appropriate, a public hearing shall be scheduled to consider the offender's suitability or release on parole supervision.
- d. The Committee will generally not schedule a parole hearing or rehearing when there is less than 90 days between the parole eligibility date and the diminution of sentence/parole supervision release date (good time date). A hearing will not be held if the pre-parole investigation report has not been received from the Division of Probation and Parole or if the victim has not been timely notified prior to the scheduled public hearing.
 - i. However, if the pre-parole investigation report is received by the Committee on Parole and it is noted that the offender's dates have changed because of earned good time credits, the parole hearing may be scheduled even though the parole eligibility date is less than 90 days from the good time release date. Staff responsible for scheduling and docketing shall exercise good judgment in making this determination.
- j. In the event an offender chooses to withdraw from parole consideration, he may reapply for a hearing in accordance with Board Policy, "07-705, "Application for Parole Rehearing."
- k. Parole hearings may be held at any time during the nine months prior to the parole eligibility date.
- l. No offender who is the parent, stepparent, or has legal and physical custody of a child who is the victim, shall be released on parole unless the victim has received psychological counseling prior to the offender's release if the offender is returning to the residence or community in which the child resides. [See R.S. 15:574.4(H)(5)]

2) Medical Parole

- a. An offender determined by the DPS&C to be a *permanently disabled offender* or *terminally ill offender* may be eligible for medical parole consideration.
 - i. Upon referral by the DPS&C, the Committee may schedule the offender for a hearing for medical parole consideration.
 - ii. Offenders who are serving a sentence for conviction of first degree murder (R.S. 14:30), or who are sentenced to death are not eligible for medical parole consideration.
 - iii. Medical parole consideration shall be in addition to any other parole for which an offender may be eligible. An offender eligible for both medical parole and traditional parole under the provisions of R.S. 15:574.4 shall be first considered for traditional parole.
- b. Public hearings for medical parole consideration will be held at a location convenient to the Committee and the offender and shall be conducted in accordance with board policies, 05- 0511, "Public Hearings/Videoconferencing" and 05-511-A, "Special Needs". The Committee may request that additional medical information be provided or that further medical examinations be conducted.
- c. Due to the nature of medical parole, an exception to Board Policy, 05-509, "Victim Notification and Participation in Hearings" shall be made regarding the notice to victims, requiring the notice to be at least 60 days in advance of the scheduled hearing date.
- d. The committee on parole shall determine the risk to public safety and shall grant medical parole only after determining that the offender does not pose a threat to public safety, and only after the offender, as a condition of the medical parole, waives his right to medical confidentiality and privacy.

3) Medical Treatment Furlough

- a. An offender determined by the Secretary of the DPS&C to be a limited-mobility offender may be considered by the Committee on Parole for medical treatment furlough release to an off-site facility appropriate to the offender's medical treatment needs.
 - i. A medical treatment furlough shall not be available to any offender serving a sentence for a conviction of first degree murder (R.S. 14:30) or an offender who is awaiting execution.
- b. Public hearings for medical treatment furlough consideration will be held at a location convenient to the Committee and the offender and shall be conducted in accordance with board policies, 05-0511, "Public Hearings/Videoconferencing" and 05-511-A, "Special Needs". The Committee may request that additional medical information be provided or that further medical examinations be conducted.

- c. Due to the nature of medical parole cases, an exception to Board Policy, 05-509, "Victim Notification and Participation in Hearings" shall be made regarding the notice to victims, requiring the notice to be at least 60 days in advance of the scheduled hearing date.
- d. The committee on parole shall determine the risk to public safety and shall grant medical treatment furlough only after determining that the offender does not pose a threat to public safety, and only after the offender, as a condition of the medical treatment furlough, waives his right to medical confidentiality and privacy.

B. PAROLE AUTHORITY

The authority to grant regular parole, medical parole, or medical treatment furlough shall rest solely with the Committee.

- a. Regular parole shall be considered within guidelines set forth in board policy, 07-701, "Parole Decisions".
- b. The Committee shall determine the risk to public safety and shall grant medical parole or medical treatment furlough only after determining that the offender does not pose a high risk to public safety. In the assessment of risk, emphasis shall be given to the offender's medical condition and how this relates to his overall risk to society.
- c. Generally, medical parole or medical treatment furlough consideration shall not be given to an offender when the offender's medical condition was present at the time of sentencing, unless the offender's overall condition has significantly deteriorated since that time.
- d. The Committee, if it grants medical parole or medical treatment furlough, may establish any additional conditions of medical parole as it may deem necessary to monitor the offender's physical condition and to assure that the offender is not a danger to himself and society.

C. TERM OF MEDICAL PAROLE OR MEDICAL TREATMENT FURLOUGH

The parole term of an offender released on medical parole or medical treatment furlough shall be for the remainder of the offender's sentence. Supervision of an offender released on medical parole or medical treatment furlough shall consist of periodic medical evaluations at intervals to be determined by the Committee at the time of release.

D. REVOCATION

- a. An offender released on medical parole may have his parole revoked for violating the conditions of parole if the committee determines the violation is serious enough to warrant re-incarceration.
- b. An offender released on medical parole or medical treatment furlough may have his parole or furlough revoked if his medical condition improves to such a degree that he is no longer eligible for medical parole or medical treatment furlough.
- c. If the offender's medical parole or medical treatment furlough is revoked due to an improvement in his condition, and he would be otherwise eligible for parole, he may then be considered for parole under the provisions of R.S. 15:574.4

- d. Medical parole or medical treatment furlough may also be revoked for violation of any condition of parole as established by the Committee.

E. COMPLIANCE MONITORING-MEDICAL PAROLE OR MEDICAL TREATMENT FURLOUGH

The Division of Probation and Parole (P&P) shall monitor offenders that have been granted medical parole until the offender's death or the expiration of their sentence. P&P shall submit a monthly report of all medical paroles to the Board Chair by the 10th of each month. The report must include the latest narrative report from the offender's P&P officer, date and time of death if indicated, and any other information deemed to be appropriate.

SHERYL M. RANATZA, BOARD CHAIR

**Signature on File*

This policy rescinds and supersedes Board Policy 03-301 dated March 2018.