



**LOUISIANA
BOARD OF PARDONS & PAROLE**

**Number: 07-701-POL
Date: October 26, 2020
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BOARD POLICY

SUBJECT: PAROLE DECISIONS

PURPOSE: To establish guidelines to assist in the selection of suitable candidates for parole release.

AUTHORITY: LAC Title 22, Part XI, Chapter 9; La. R.S. 15:574.2, Acts 258 and 280 of the 2017 Regular Legislative Session

REFERENCE: Board Policies, 03-301-POL, "Parole Eligibility and Types of Parole", 05- 509-POL, "Victim Notification and Participation in Hearings", 07-705-POL, "Application for Rehearing; Request for Reconsideration of Decision", ACA Standards 2-1074 and 2-1082, DPS&C Regulation, IS-B-7, "Louisiana Risk Need Assessments"

POLICY:

It shall be the policy of the Board of Pardons, Committee on Parole (Committee) to give every eligible offender meaningful consideration for parole. The Committee will exercise its discretionary releasing authority based upon consideration of the unique factors and variables of each individual case. The Committee shall determine release suitability of eligible offenders through decisions that promote fairness, objectivity, and public safety and are responsive to the concerns of victims, members of the community, and other persons within the criminal justice system.

PROCEDURES:

- A. The Committee shall consider all pertinent information (at a minimum to include, but not limited to, a pre-parole investigation and institutional record) six to nine months prior to the offender's parole eligibility date. The information shall be a part of the offender's consolidated summary record. No case may be considered for parole release without a pre-parole investigation.
- B. The Committee shall apply the following guidelines as a basis, but not as the exclusive criteria, upon which parole panels should base parole release decisions.

1) Nature and Circumstances of the Crime

- a. The Committee will evaluate and consider the circumstances of the crime based upon the official version of the offense, as well as the victim's and offender's versions of the offense, to determine, if possible, whether the particular conditions that contributed to the commission of the crime are likely to reoccur.
- b. The Committee shall also consider the seriousness of the offense, the offender's role in the offense and the degree of his involvement, whether the offender was the instigator of the crime, and whether the crime was premeditated.
- c. Particular consideration will be given to those cases which involved the use of a weapon and/or caused injury to the victim; where the offender committed one or more violent acts indicating a conscious disregard for the lives, safety, or property of others; or the instant offense has elements of brutality, violence, or conscious selection of victim's vulnerability such that the offender poses a continuing threat to public safety.

2) Prior Criminal Record

- a. The Committee must evaluate and consider any available prior adult and/or juvenile records and the number and seriousness of prior convictions including the length of time between any prior convictions and the commitment of the instant offense to determine the seriousness of the offender's prior criminal history.
- b. A pattern of repeated criminal episodes or a pattern of similar offenses may indicate a predisposition to commit criminal acts upon release and the likelihood that the offender will not succeed on parole.
- c. The Committee may also consider whether the instant offense was committed while the offender was on probation or parole, and the offender's response to prior community supervision, if any.

3) Character, Social Background, and Emotional and Physical Condition

- a. The Committee will evaluate and consider information pertaining to the offender's work record, level of education, occupational skills, and evidence of emotional stability.
- b. A history of chronic drug and alcohol abuse may increase the likelihood that the offender will not succeed on parole.

4) Institutional Adjustment

- a. The Committee will evaluate and consider information concerning the offender's attitude while incarcerated, including the offender's participation in available programs and his overall compliance with institutional regulations.
- b. Obedience to institutional rules may evidence that the offender will comply with parole conditions, while a disciplinary record consisting of major and/or minor infractions may be viewed negatively.
- c. A decidedly poor disciplinary record will weigh heavily against the offender.
- d. Offenders with one or more major rule infractions in the twelve months prior to screening for parole eligibility, would generally not be considered a good risk for early release and will, therefore, not be given parole consideration until such time as the offender has been disciplinary report free for twelve consecutive months. Offenders may be removed from a parole docket if they receive a Schedule B Disciplinary Report during the investigation period prior to the parole hearing.
 - 1. The offender may request reconsideration of this decision in writing in accordance with the process outlined in Board Policy, 07-705-POL, "Application for Rehearing; Request for Reconsideration of Decision". Such request must include any mitigating factors that the offender wishes be considered during the review process.
 - 2. The offender will be notified if they are not considered for placement on or removed from a docket.
 - 3. The offender is responsible for notifying the Board in writing when they are disciplinary report free for twelve consecutive months to be reconsidered for scheduling for a parole hearing.
- e. Offenders assigned to cellblock areas for disciplinary reasons/lockdown would generally not be considered a good risk for early release and will, therefore, be ineligible for parole consideration until such time as the offender has not been in lockdown status for a period of six consecutive months.

5) Police, Judicial and Community Attitudes toward the Offender

- a. The Committee will evaluate and consider information concerning the offender from the community and public officials who are acquainted with the case.
- b. This factor is given greater weight, because the probability that an offender will succeed on parole is greatly diminished if he will return to a community which has expressed hostility toward him and is lacking support for him.

- c. Effective August 1, 2018, victims of any offender who appears before the Committee on Parole for a parole hearing may provide the parole panel a reentry statement to request proximity or contact restrictions, if that offender is granted parole. Victims must submit the re-entry statement to the Committee on Parole at least 60 days prior to the offender's scheduled parole hearing. The Committee will consider the re-entry statement only for the purpose of determining the inmate's parole conditions and not for the purpose of determining whether to order the release of the inmate on parole. The re-entry statement is not binding on the Committee on Parole, but shall be considered in concert with other information when determining conditions of parole.
- d. Evidence of official and/or community support may increase the likelihood of parole.

6) Parole Plan

- a. The Committee will evaluate and consider the strength of the offender's social ties, including whether he has a supportive family, resources available to him in the community, and employment opportunities.
- b. The Committee will place emphasis on the appropriateness of the parole plan; therefore, it is important for the offender to have secure employment plans and a stable living arrangement available upon parole.
- c. Lack of an acceptable parole plan may decrease the likelihood of parole.

7) Program Participation - The Committee will evaluate and consider an offender's participation in vocational training, adult education, or reading programs as well any treatment or rehabilitation program that has been certified by the Department of Public Safety & Corrections (DPS&C). Such participation is considered beneficial.

8) Risk Assessment - The Committee will consider the risk assessment instrument provided by the DPS&C. The instrument validated for Louisiana's offender population is detailed in Department Regulation, IS-B-7, "Louisiana Risk Need Assessments".

C. No offender may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner.

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- D. The use of these guidelines does not imply the creation of any parole release formula, or a right or expectation by an offender to parole based upon the guidelines. The guidelines are not to be construed so as to mandate either a favorable or unfavorable parole decision. The parole guidelines serve as an aid in the parole decision process and the parole decision shall be at the discretion of the voting parole panel.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This Policy replaces and supersedes Board Policy 07-701-POL, "Parole Decisions", dated July 20, 2020. (Technical revisions only)