

COMMISSION ON ACCREDITATION FOR CORRECTIONS

STANDARDS COMPLIANCE INITIAL AUDIT

State of Louisiana
Louisiana Board of Pardons and Parole
Baton Rouge, Louisiana

April 2-3, 2018

VISITING COMMITTEE MEMBERS

David K. Taylor
Chairperson

Kenneth Valentine
Member

A. Introduction

The audit of the Louisiana Board of Pardons and Committee on Parole, Baton Rouge, Louisiana was conducted on April 2-3, 2018, by the following team: David K. Taylor, Chairperson; and Kenneth Valentine, Member. This audit was conducted under a Field Test version of the APA 2nd Edition standards.

B. Facility Demographics

Rated Capacity:

There is no rated capacity as this is not an audit of a residential facility.

Actual Population: 30,617 (FY 17)

Average Daily Population for the last 12 months: 30,617 (FY 17)

Average Length of Stay: 6 years

Security/Custody Level: 2,583 (Parole Supervision), 28,034 (Good Time Supervision)

Age Range of Offenders: Adult

Gender: Male and Female

Full-Time Staff: 10

10 Administrative, 3 Support (part-time), 7 Board / Committee Members.

The Board of Pardons and Committee on Parole does not perform the actual supervision of these offenders. Supervision is provided by the Community Corrections division of the Louisiana Department of Public Safety and Corrections.

C. Facility Description

The Board of Pardons was enshrined in the Louisiana Constitution in 1921, following the establishment of the Board of Parole in 1916. The original Board of Parole consisted of three members appointed by the Governor. In 1940 the Board of Parole was abolished with authority transferred to the Department of Welfare. In 1942 a new State Board of Parole was established to act in concert with Public Welfare, and in 1948 the Board of Parole assumed sole authority for paroling decisions.

The composition, terms, and tenure of Parole Board members changed over the years, and in 1982 the legislature mandated that all offenders released on their “good time date” be supervised, as if on parole, until their full-term date. This “good time parole supervision” is automatic, without input from the Board, but offenders are under Board control during this supervision. These offenders make up over 90% of offenders under the control of the Board.

In 2012, the state legislature abolished the Board of Parole and merged the parole function into the Board of Pardons. It created a Committee on Parole within this board, resulting in the current designation as the Board of Pardons and Committee on Parole.

The Board of Pardons consists of five members who are appointed by the Governor and are subject to confirmation by the Louisiana Senate.

The Committee on Parole consists of the five members of the Board of Pardons, and two at-large members appointed by the Governor. Additionally, there is an ex-officio member of the Committee who is not a voting member. This ex-officio member is typically the Warden of the facility where the inmate is housed.

Members of the Board must have five years of experience in the field of penology, corrections, law enforcement, sociology, law, education, social work, medicine, or a combination of those disciplines. Members complete a comprehensive orientation period within 90 days of their appointment and an additional eight hours of training annually.

The Board's offices are contained within Building 6 of a complex of buildings housing government agencies. The building also houses the Central Office of the Probation and Parole Division as well as the Probation and Parole Academy. Hearing rooms are contained in Building 1, which also houses the Office of the Secretary of the Department of Public Safety and Corrections. Funding for the Board is provided by the Department of Public Safety and Corrections. The Board is quasi-independent but is under the Department for administrative structure and support.

The Board meets on a regularly scheduled, publicly posted basis to consider applications for pardon, sentence commutation, and restoration of rights and privileges of citizenship. The Board has the sole right to grant parole. All recommendations for pardon / clemency are forward to the Governor for final action.

Inmates who are eligible for parole are afforded a public hearing within six months of their eligibility date. Prior to the hearing, a parole eligibility plan facilitates the completion of a comprehensive parole plan to assist the Board in this decision-making process. Parole hearings are open by law, and individuals such as family members and victims are permitted to attend and make a statement. If the Board decides to grant parole, conditions are set by the Board / Committee and the offender will be assigned to a Parole Officer for eventual supervision.

In addition to parole hearings, the Board is responsible for conducting Preliminary Hearings on alleged violations, and Revocation Hearings when warranted. The Board/Committee makes the final decision to revoke or continue supervision. Additionally, the Board is responsible for the issuance of warrants for the arrest of parolees who are alleged to have violated supervision. The Board maintains a Web site which is comprehensive, up to date, and provides publicly necessary documents and schedules.

The Mission of the Board of Pardons is:

To serve the citizens of Louisiana through informed decision-making, thereby promoting public safety, addressing the needs of crime victims, and to facilitate successful reentry for offenders who have appropriately prepared for community supervision.

D. Pre-Audit Meeting

The team met on April 1, 2018 in Baton Rouge, to discuss the information provided by the Association staff and the officials from Board of Pardons and Committee on Parole.

The chairperson divided standards into the following groups:

Standards #2-1001 – 2-1059 to David Taylor

Standards #2-1060 – 2-1132 to Ken Valentine

E. The Audit Process

1. Transportation

The team was escorted to the facility by Lea Wroten, Executive Office Manager.

2. Entrance Interview

The audit team proceeded to the office of Mary Fuentes, Executive Director. The team expressed the appreciation of the Association for the opportunity to be involved with the Louisiana Board of Pardons and Committee on Parole in the accreditation process. The audit team briefly discussed the format of the Entrance Interview and a preliminary audit schedule.

Mary Fuentes escorted the team to the conference room where the formal entry meeting was held.

The following persons were in attendance:

Sheryl Ranatza, Board Chair

Mary Fuentes, Executive Director

Lea Wroten, Executive Management Officer

John Poche', Administrative Program Manager

Jennifer Bush, Probation and Parole Program Manager, HQ

It was explained that the goal of the visiting team was to be as helpful and non-intrusive as possible during the conduct of the audit. The chairperson emphasized the goals of accreditation toward the efficiency and effectiveness of correctional systems throughout the United States. The audit schedule was also discussed at this time.

3. Facility Tour

The team toured the entire facility from 8:20 a.m. to 9:00 a.m. The following persons accompanied the team on the tour and responded to the team's questions concerning facility operations:

Mary Fuentes, Executive Director and Lea Wroten, Executive Office Manager

Audit notices were posted on the entrance door and throughout the office area.

4. Quality of Life

Since this agency does not house or supervise offenders, Quality of Life observations are based solely on their effect on staff employed by this agency.

Security:

All visitors entering the office area are screened for weapons. Security is provided by a DOC employee.

Environmental Conditions:

Offices were comfortable for temperature.

Sanitation:

Office areas were clean. Regular and ongoing cleaning is provided by a DOC inmate work crew.

Fire Safety:

Evacuation notices were posted and exits clearly marked. No fire hazards were noted.

Food Service:

Employees have a food service location available on campus, and vending machines are available throughout the area.

F. Examination of Records

Following the facility tour, the team proceeded to the conference room to review the accreditation files and evaluate compliance levels of the policies and procedures. The facility has no notices of non-compliance with local, state, or federal laws or regulations.

The team found the following standards to be in non-compliance:

Standard 2-1009

The parole authority has no statutory authority to grant discharge from parole. Parole discharge is legislatively determined.

Standard 2-1015

Since the last audit, the Board has experienced a significant increase in workload. As an example, the Legislature changed the criteria for parole eligibility making an additional 4,000 inmates eligible for parole. Each of these cases requires an investigation and the timely scheduling of a parole hearing. Through observation and interviews with staff, the team determined that the Board does not have sufficient staff to perform their duties efficiently.

Additional staff are needed to ensure that the Board members have the information necessary to make critical decisions, and that inmates are provided with a thoughtful and timely hearing.

Standard 2-1040

Louisiana statute does not address the removal of a board member or provide for a hearing.

Standard 2-1041

Terms for members are not staggered by statute. Terms mirror the term of the Governor.

Standard 2-1042

Parole board salaries are not within 20% of the salaries for judges.

1. Litigation

Over the last three years, the facility had NO consent decrees, class action lawsuits or adverse judgments.

2. Significant Incidents/Outcome Measures

This section is not applicable as this was not a residential audit.

3. Departmental Visits

Team members revisited the following departments to review conditions relating to departmental policy and operations:

The entire agency is located within one office area. The team was able to visit with and interview all staff members who were present during the audit.

Additionally, the team observed three parole board hearings which were conducted remotely from correctional facilities.

It was clear that a great deal of preparation went into these hearings, both by agency staff and facility staff. The Board members questioned each inmate, listened to statements from family members, and reflected on comments previously submitted by victims and the law enforcement community. Decisions were thoughtful and communicated clearly to the inmates. It was apparent that Board members and staff understand the critical role that they have in both rehabilitation and public safety.

4. Shifts

Staff of this agency work normal business hours. There are no shifts due to the nature of this agency.

5. Status of Previously Non-compliant Standards/Plans of Action

The team reviewed the status of standards previously found non-compliant, for which a waiver was not granted, and found the following:

Standard # 2-1042 – The agency has been unsuccessful in their attempt to secure increased salaries for board members from the Legislature.

G. Interviews

During the course of the audit, team members met with both staff and offenders to verify observations and/or to clarify questions concerning facility operations.

1. Offender Interviews

Not applicable as no offenders are supervised by this agency.

2. Staff Interviews

The audit team interviewed nine employees. Due to the nature of this audit, all employees who were present during the audit were interviewed. Employees spoke well of the agency and the management team. Employees came from a variety of backgrounds, but most saw corrections as their career. They care about what they do but feel overwhelmed with their workload.

The audit team observed the volume of files and paperwork on their desks which support their feeling. One employee described his job as “an air traffic controller – trying to keep the planes from crashing”. In spite of the workload, the team heard almost universally positive comments about the agency. They appreciate the critical nature of what they do and want to perform their duties in the best manner possible.

H. Exit Discussion

The exit interview was held at noon in Conference Room A with the Board Chair and the Executive Director and 16 staff in attendance.

The chairperson explained the procedures that would follow the audit. The team discussed the compliance levels of the mandatory and non-mandatory standards and reviewed their individual findings with the group.

The chairperson expressed appreciation for the cooperation of everyone concerned and congratulated the facility team for the progress made and encouraged them to continue to strive toward even further professionalism within the correctional field.

COMMISSION ON ACCREDITATION FOR CORRECTIONS

State of Louisiana
Louisiana Board of Pardons and Parole
Baton Rouge, Louisiana

April 2-3, 2018

Visiting Committee Findings

Non-Mandatory Standards

Non-Compliance

Standard #2-1009

WHILE THE EXISTENCE OF A STATUTORY LIMIT MAY PREVENT DISCHARGE PRIOR TO TWO YEARS OF PAROLE, THE PAROLE AUTHORITY HAS THE STATUTORY POWER TO DISCHARGE FROM PAROLE IN ALL CASES SUBSEQUENT TO THIS LIMITATION. (ESSENTIAL)

FINDINGS:

The parole authority has no statutory authority to grant discharge from parole. Discharge is established by the legislature.

AGENCY RESPONSE:

Waiver Request

There is a clear policy in place at a higher level that is contrary to the requirements of this standard. Prior to November 1, 2017, Louisiana law required that a parolee remain under the jurisdiction of the Committee on Parole until the offender has reached his full term date. The offender discharged from parole at the expiration of his sentence, provided that no warrant for arrest has been issued by the paroling authority, no detainer has been issued by the parole officer, and no indictment or bill of information is pending for any felony offense. On November 1, 2017, a new provision of law became effective that provides that the Department of Public Safety & Corrections discharge an offender from the parole term with credit for compliance with the terms. Waiver request continued: and conditions of parole. Under this new provision of law, the discharge is made by the Department of Public Safety & Corrections without order of the Committee on Parole. Non-compliance does not adversely affect the constitutional operation of the paroling authority.

AUDITOR'S RESPONSE:

The auditor agrees with the waiver request.

Standard #2-1015

THE PAROLE AUTHORITY HAS SUFFICIENT STAFF TO PERFORM ITS RESPONSIBILITIES EFFICIENTLY AND WITHOUT ACCUMULATING WORK BACKLOG. (ESSENTIAL)

FINDINGS:

The agency has had significant workload increase in the past several years. After interviews with staff, it became apparent that the agency does not have sufficient staff to perform their duties efficiently.

AGENCY RESPONSE:

Plan of Action

Task

- a. Initiate request for additional Investigative Specialist current year
- b. Request 3 new full time positions FY 2019
- c. If b. above is unsuccessful, re-submit request for new positions

Responsible Agency

- a. Board of Pardons
- b. Board of Pardons in collaboration with Department of Public Safety & Corrections
- c. Board of Pardons in collaboration with Department of Public Safety & Corrections

Assigned Staff

- a. Board Chair
- b. Board Chair and Executive Director
- c. Board Chair and Executive Director

Anticipated Completion Date

- a. Hire date May, 2018 (1 temporary Investigative Specialist position)
- b. July 1, 2019
- c. July 1, 2020

AUDITOR'S RESPONSE:

The auditor agrees with the plan of action.

Standard #2-1040

TENURE ON THE PAROLE AUTHORITY IS NO LESS THAN FIVE YEARS.

LEGAL PROVISION ALLOWS FOR THE REMOVAL OF PAROLE AUTHORITY MEMBERS FOR GOOD AND DEMONSTRATED CAUSE ONLY AFTER A FULL AND OPEN HEARING WHEN ONE HAS BEEN REQUESTED BY THE MEMBER. (IMPORTANT)

FINDINGS:

Louisiana statute does not address the removal of a board member or provide for a hearing.

AGENCY RESPONSE:

Waiver Request

There is a clear policy in place at a higher level that is contrary to the requirements of this standard. The Louisiana State Constitution states that "each member of the board shall serve a term concurrent with that of the governor appointment them." (Article IV, Section 5(E)(2). The Board has no control over, nor the authority to change, the Louisiana State Constitution. The term of office for a Louisiana governor is four years and is limited to two terms. The board works in conjunction with a full time staff, which provides continuity, training and support, for new appointees. During the audit period, there has not been the removal of a parole authority member. As such, the nature of membership appointments does not adversely affect, in a significant manner, the life, health, and safety of staff or offenders or to the constitutional operation of the board.

AUDITOR'S RESPONSE:

The auditor agrees with the waiver request.

Standard #2-1041

IF A FIXED TERM OF OFFICE IS USED IN THE APPOINTMENT OF PAROLE AUTHORITY MEMBERS, THE TERMS OF THE MEMBERS ARE STAGGERED. (ESSENTIAL)

FINDINGS:

Terms are not staggered by statute. Terms match the term of the Governor.

AGENCY RESPONSE:

Waiver Request

Indicate why the requirement for the submission of a Plan of Action should be waived. The Louisiana Constitution, Article IV, Section 5(E)(2) states that "Each member of the board shall serve a term concurrent with that of the governor appointing him." The Board has no control over, nor the authority to change, the Louisiana State Constitution with regard to the term of office for members of the board. The Board works in conjunction with a full time staff, which provides for institutional memory, which can be drawn upon at any time.

The nature of membership appointments does not adversely affect, in a significant manner, the life, health, and safety of staff or inmates/residents/offenders/clients or, to any degree, the constitutional operation of the facility or program.

AUDITOR'S RESPONSE:

The auditor agrees with the waiver request.

Standard #2-1042

SALARIES OF PAROLE AUTHORITY MEMBERS ARE WITHIN TWENTY PERCENT OF THE SALARY PAID TO JUDGES OF COURTS HAVING TRIAL JURISDICTION OVER FELONY CASES. (ESSENTIAL)

FINDINGS:

Parole board salaries are not within 20% of salaries for judges.

AGENCY RESPONSE:

Plan of Action

Please explain completely the corrective action that will be taken to comply.

In the order of anticipated completion dates, list the tasks necessary to achieve compliance, the responsible agency (including parent agency), and assigned staff member.

Task

- a. During 2109 fiscal legislative session, seek a salary increase for board members.

Responsible Agency

- a. Board of Pardons & Parole

Assigned Staff

- a. Board Executive Director

Anticipated Completion Date

- a. August 15, 2019

Agency Comments: The salary of board members is set by state law. Using the State Courts Judicial Salary Tracker (January 1, 2018), to meet this standard would require a \$217,000 increase in salary appropriation by the Louisiana legislature.

AUDITOR'S RESPONSE:

The auditor agrees with the plan of action.

COMMISSION ON ACCREDITATION FOR CORRECTIONS

State of Louisiana
Louisiana Board of Pardons and Parole
Baton Rouge, Louisiana

January 12-13, 2015

Visiting Committee Findings

Non-Mandatory Standards

Not Applicable

Standard #2-1024

AT LEAST ONE MEMBER OF THE PAROLE AUTHORITY MEETS AT LEAST SEMIANNUALLY WITH THE DIRECTORS OF INSTITUTIONS FROM WHICH PAROLES ARE GRANTED AND/OR WITH THE HEAD OF THE JURISDICTION'S CORRECTIONAL AGENCY TO DEVELOP MEANS OF COORDINATING PROGRAMS, TO UNDERTAKE JOINT PLANNING, AND TO AGREE ON MEANS OF IMPLEMENTING AND EVALUATING SUCH PLANS. IN STATES IN WHICH THE AUTHORITY PAROLES FROM LOCAL JURISDICTIONS, AN AUTHORITY STAFF MEMBER MEETS AT LEAST ANNUALLY WITH HEAD OF LOCAL CORRECTIONAL AGENCIES. (ESSENTIAL)

FINDINGS:

The agency is administered as part of the Louisiana Department of Public Safety and Corrections.

Standard #2-1025

EACH MEMBER OF THE PAROLE AUTHORITY VISITS ONE OR MORE INSTITUTIONS AND A REPRESENTATIVE SAMPLE OF THE COMMUNITY FACILITIES IN THE JURISDICTION AT LEAST ANNUALLY, SPECIFICALLY FOR THE PURPOSE OF MEETING WITH STAFF AND INMATES TO EXCHANGE INFORMATION ABOUT PROGRAMS, INSTITUTIONAL OPERATIONS, AND PAROLE POLICIES AND PROCEDURES. (ESSENTIAL)

FINDINGS:

The agency is administered as part of the Louisiana Department of Public Safety and Corrections.

Standard #2-1026

A MEMBER OF THE PAROLE AUTHORITY MEETS AT LEAST SEMIANNUALLY WITH THE ADMINISTRATIVE STAFF OF THE PAROLE INVESTIGATION AND SUPERVISION AGENCY TO DEVELOP MEANS OF COORDINATING EFFORTS, TO UNDERTAKE JOINT PLANNING, AND TO AGREE ON MEANS OF IMPLEMENTING AND EVALUATING SUCH PLANS. (ESSENTIAL)

FINDINGS:

The agency is administered as part of the Louisiana Department of Public Safety and Corrections.

Standard #2-1031

THE PAROLE AUTHORITY CHAIRPERSON IS RESPONSIBLE FOR A DETAILED BUDGET REQUEST AND JUSTIFICATION WHICH IS PREPARED AND PRESENTED ON BEHALF OF THE AGENCY AT TIMES DESIGNATED BY LAW. (ESSENTIAL)

FINDINGS:

The agency is administered as part of the Louisiana Department of Public Safety and Corrections.

Standard #2-1054

WRITTEN POLICY AND PROCEDURE DESIGNATE THAT THE CHAIRPERSON IS RESPONSIBLE FOR ORIENTATION AND IN-SERVICE STAFF TRAINING PROGRAMS. (ESSENTIAL)

FINDINGS:

The agency is administered as part of the Louisiana Department of Public Safety and Corrections

Standard #2-1121

IN JURISDICTIONS WHERE THE PAROLE AUTHORITY HAS DISCRETION TO AWARD OR FORFEIT GOOD CONDUCT DEDUCTIONS FOR TIME SERVED ON PAROLE IN THE COMMUNITY, THERE ARE WRITTEN GUIDELINES FOR THE AWARD OR FORFEITURE OF SUCH DEDUCTIONS. (ESSENTIAL)

FINDINGS:

The Board has no statutory authority to grant, award, or forfeit good time while the offender is on parole in the community.

Significant Incident Summary

This report is required for all **residential** accreditation programs.

This summary is required to be provided to the Chair of your visiting team upon their arrival for an accreditation audit and included in the facility's Annual Report. The information contained on this form will also be summarized in the narrative portion of the visiting committee report and will be incorporated into the final report. Please type the data. If you have questions on how to complete the form, please contact your Accreditation Specialist.

This report is for Adult Correctional Institutions, Adult Local Detention Facilities, Core Jail Facilities, Boot Camps, Therapeutic Communities, Juvenile Correctional Facilities, Juvenile Detention Facilities, Adult Community Residential Services, and Small Juvenile Detention Facilities.

Facility Name: Reporting Period:

Incident Type	Months →																			Total for Reporting Period	
	Escapes																				
Escapes																					
Disturbances*																					
Sexual Violence																					
Homicide*	Offender Victim																				
	Staff Victim																				
	Other Victim																				
Assaults	Offender/Offender																				
	Offender/Staff																				
Suicide																					
Non-Compliance with a Mandatory Standard*																					
Fire*																					
Natural Disaster*																					
Unnatural Death																					
Other*																					

**May require reporting to ACA using the Critical Incident Report as soon as possible within the context of the incident itself.*