

LOUISIANA BOARD OF PARDONS & PAROLE

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PAROLE IN LOUISIANA

Parole in Louisiana provides for an offender to serve the latter portion of his or her sentence within the community, but under direct supervision of the Department of Public Safety and Corrections, Division of Probation and Parole. The offender must follow certain conditions to be afforded with this privilege, and any deviation from the restrictions could result in immediate re-imprisonment.

The Louisiana Committee on Parole is responsible for granting parole to an offender. After an offender is committed to the custody of the Department of Public Safety and Corrections, his sentence is calculated and, if eligible for parole consideration, he is provided with a parole eligibility date. The Louisiana Committee on Parole will generally meet with the offender within six months of his or her parole eligibility date to conduct a public hearing at which a decision will be rendered on the offender's opportunity for parole.

Just because an offender is considered for parole does not mean that parole privileges will be granted. Eligibility means that the offender has met all the requirements to obtain a hearing. Only the Committee may determine if the offender is sufficiently ready for supervised release.

Planning for Parole

Regardless, offenders should begin planning for their tentative parole date the moment they are confined. A keen introspective eye is one thing that the Committee may focus on when considering an offender for parole. The offender should consider his or her strengths and weaknesses, focusing on the strengths and striving to correct the weaknesses. By working through identified issues (such as a bad temper or an addiction) through therapy, rehabilitation and hard work while incarcerated, an offender will improve his or her chances of impressing the Committee as a low risk to society when it is time for parole consideration.

Aside from personal inventories, offenders should also consider educational and vocational training opportunities. Gainful employment when released will improve an offender's successful completion of the parole supervision period. Many offenders acquire their GEDs or other education while confined which helps them in obtaining such employment. The offender should also consider where he or she will live once released (a residence plan), be it his or her prior home, a new residence, the home of friends or family, or possibly a halfway house or residential facility. Developing a solid release plan for oneself is an example of an offender's readiness for community supervision.

Louisiana Committee on Parole

The Louisiana Committee on Parole, a committee within the Louisiana Board of Pardons, is the sole authority for granting parole. The Committee consists of seven members. Members of the Committee are selected by the Governor of Louisiana and are approved by the Senate.

The Parole Process

All calculations for parole eligibility are computed by the Department of Public Safety & Corrections. Each month, an initial parole eligibility list is sent to the Committee on Parole office. These offenders, along with any offender offered reconsideration by the Committee, are scheduled for a public hearing unless the offender has been deemed ineligible for parole consideration. Cases are usually reviewed at least 6 months prior to the initial eligibility date.

Parole Plan

Prior to his parole hearing, the offender is responsible for the development of a parole plan to be presented to the Committee. Prison staff and Parole Officers assist and facilitate the completion of the parole plan. A comprehensive parole plan must be prepared by each offender for consideration by the Committee on Parole. Each plan shall include a suitable living situation, gainful employment, or training or a school program. All release plans will be approved by the local Probation & Parole staff prior to an offender being released on parole.

Pre-Parole Investigation

Before the Committee on Parole interviews an offender for parole consideration, it requests detailed reports and information from the Department of Public Safety & Corrections, Board staff, and, if a case warrants, from professional staff such as physicians or psychologists. Sources of information include arrest and court records, pre-sentence investigations, existing psychological evaluations and reports from any treatment programs an offender may have attended. Other prison records that include work and conduct records, educational and rehabilitative efforts are also included. Community response to an offender's early release is also considered. This response includes, but is not limited to sentencing judge, other judicial and law enforcement officials, as well as victims of the crime. The Committee views this information contained in the pre-parole investigation as advancing a penological interest and will only release such information as provided by state law.

Parole Hearing

The Committee only has authority to parole an offender. If the offender has disputes about his or her term, it must be decided in the courts. Misrepresented pre-confinement (jail) credits must be recalculated by the Department of Corrections. The Committee works with the information it is provided.

When the Committee on Parole meets, much evidence is gathered and taken into consideration. The meetings, or parole panel hearings, are open meetings in accordance with Louisiana's open meetings laws. As such, other people are permitted to attend the parole hearing, including the victim, along with his or her family. Louisiana does take the victim's statement into consideration.

Aside from the offender's own release plan, the Committee will also carefully consider the offender's case record. This file will contain the number of misconducts reported (disciplinary reports) while the offender was behind bars, the offender's prison work history, as well as the offender's criminal history. The Committee will pay close attention to rehabilitative and educational programs or counseling sessions that the offender participated in while

incarcerated. These programs can show a desire and willingness to change and improve. The Committee also carefully considers the offender's risk assessment score.

Misconduct While Incarcerated - A Large Detriment

Offenders should be aware that misconduct is a large detriment to Louisiana parole. The Committee looks at continued misconduct as a pattern of behavior that is not conducive to seamless integration back into society. The general thought is that a prisoner who misbehaves in rigid supervisory situations will not likely behave in times of little or no supervision. If an offender is convicted of a violent crime, for example, and continues to have violent misconducts while confined, the likelihood of the offender offending again if released is quite high. The Committee strives to keep the public safe by making integration smooth and only granting parole to those who are not likely to re-offend through criminal activity. Many times, offenders have a difficult time adjusting to the prison life and accrue many misconducts at the very beginning of the sentence. For this reason, the Committee will take into consideration the time and frequency of misconduct. Each case is reviewed individually, and concerted efforts to modify undesirable behavior in the latter half of a sentence may outweigh failure at the beginning.

Offender - Personal Appearance

The offender appears before a parole panel, at which time oral testimony is taken from the offender and other interested parties. In most cases, a written disposition is rendered immediately following the offender's hearing.

Victim Participation

If a victim/witness wants to present testimony to the Committee members considering an offender's case, they are encouraged to do so. All attempts are made to inform known and/or registered victims of an offender's impending parole hearing.

Rescission

Parole may be withdrawn prior to release as a result of improper conduct or new evidence and information that was not available for the hearing at which parole was granted. In such cases, the Committee may rescind the offender's parole and the offender will be provided a subsequent hearing before a parole panel.

Parole Supervision

An offender's parole is subject to all rules and conditions set by the Committee and violations thereof subject the parolee to revocation and return to custody for the remainder of the sentence. Rules and conditions are stated in writing and are part of an agreement signed by the parolee. A parolee also must pay a supervisory fee for each month under supervision. The Committee may reduce or waive the fee or suspend the monthly payment if payment would cause the parolee significant financial hardship. The Committee may order additional special conditions. Any special condition imposed must be approved by the Committee. Special conditions must not be unrealistic or vague and must be reasonably related to the offender's crime, public safety, or the circumstances and rehabilitation of the offender.

Following a granted parole request, the parolee will be assigned a parole officer and will be given the list of requirements and restrictions as set forth by the Committee. If these stipulations are violated, the parolee will likely be returned to prison. To be successful on parole, an offender must maintain open communication with the parole officer. It is especially important to be honest and to let the parole officer know about problems that may exist so that a referral to an appropriate service provider may be made before a violation of the conditions of supervision occurs.

Some mistakes that may lead to re-imprisonment (parole revocation) include drug or alcohol use, using a weapon, failing to make regular contact with the parole officer, involvement in criminal activity, and failure to pay victim restitution. Essentially, the parolee must follow all of the mandates set before him or her by the Committee until the sentence is terminated.

Warrant for Arrest (for alleged violations of conditions of supervision)

When an offender who is subject to supervision has allegedly violated a condition of his release, the Committee on Parole may issue a warrant for the parolee's arrest.

Preliminary Hearing

In most circumstances, an arrested parolee is afforded a preliminary hearing within a reasonable time at or near the place of the alleged violation. A parole officer and a hearing officer conduct this hearing. The purpose of the hearing is to determine whether there is probable cause to believe the parolee violated one or more parole conditions or whether the offender should be held in custody pending the Committee's decision on revocation. If probable cause is found, the Committee will schedule a formal revocation hearing. The parolee may waive the right to the final revocation hearing by the Committee but by doing so, the offender admits to the violations as outlined in the report of violation.

Revocation Hearing

A parolee may request a continuance of a formal revocation hearing for substantial reason. The parolee may be represented by counsel and have witnesses with testimony relating only to the charges of violation. The purpose of the full hearing is to make final decision on whether there is a violation of parole conditions and whether the violation warrants a return to custody (revocation of parole). If a parolee admits to the violation, the parolee can waive the right to a hearing before the Committee on Parole. In doing so, a parole panel will make a final decision based on the record.

Please direct questions or inquiries to:

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