



**LOUISIANA
BOARD OF PARDONS & PAROLE**

**Number: 08-801-POL
Date: October 26, 2020
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BOARD POLICY

SUBJECT: AMELIORATIVE PENALTY CONSIDERATION

AUTHORITY: LAC Title 22, Part V and Part XI, Act 340 of the 2014 Regular Legislative Session, La. R.S. 15:308, La. R.S. 15:574.2, et seq

REFERENCES: ACA Standard 2-1082, Board Policy, 07-701-POL, "Parole Decisions"

POLICY:

An offender may apply for ameliorative penalty consideration by the Committee on Parole as provided by La. R.S. 15:308 (C), in accordance with rules promulgated by the Department of Public Safety and Corrections (DPS&C).

PROCEDURES:

A. Committee Evaluation

- 1) Upon receipt of a qualifying application from the DPS&C, the case shall be set for administrative review by a parole panel.
- 2) The panel shall evaluate the record of any offender whose application is submitted by the Department, taking into consideration the risk of danger the applicant would pose to society if released from confinement. Such evaluation may be conducted by record review, telephone or video conference, or other meeting technology at the discretion of the panel.
- 3) The criteria for such evaluation includes, but is not limited to, the guidelines listed in Board Policy, 07-701-POL, "Parole Decisions."
- 4) In addition, an offender may be considered inappropriate for recommendation to the Board of Pardons for ameliorative penalty consideration for one or any combination of the following:
 - a. Poor conduct and/or disciplinary record, including habitual and compulsive violent behavior, lack of cooperation or good faith effort and/or other undesirable behavior;

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- b. Maximum custody status, except those offenders assigned to maximum custody based solely upon classification criteria other than disciplinary reasons;
- c. Low level of program activity and/or completion when compared to program opportunity and availability;
- d. Extensive habitual and/or violent criminal history;
- e. Extensive supervision revocation history.

B. Victim and District Attorney Notification

The victim shall be invited to provide written input into the process. The Committee shall ensure victims registered with the Crime Victims Services Bureau of the DPS&C receive written notification of the date and time an offender is docketed for review by a parole panel. A copy of the letter to the victim shall also be sent to the prosecuting District Attorney. Such notice to the victim and District Attorney shall be made no less than 30 days prior to the scheduled docket date for the administrative review.

C. Parole Panel Decision/Recommendation

- 1) All members of the panel will vote individually to grant or deny (with or without instructions) the offender's application. Any recommendation of the panel shall not be binding on the Board.
 - a. If the offender's application is granted, the application and packet shall be forwarded to the Board of Pardons with a recommendation for reduction in sentence pursuant to R.S. 15:308.
- 2) The panel may also recommend new, additional, and/or require completion of programming, within the Department, such as substance abuse treatment, educational or vocational training, etc.
- 3) The committee shall notify each offender in writing of the panel's decision in his/her case with instructions, if applicable. A copy of all decisions shall be disseminated to the warden of the facility where the offender is housed, the offender's master prison record, and the offender's case record.
- 4) In the event the offender is instructed to re-apply to the Committee on Parole, re-application frequency shall be a minimum of twelve months.

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- 5) The decision of the parole panel is final and shall not be appealed through the Administrative Remedy Procedure.

D. Consideration By The Board Of Pardons

- 1) Upon receipt of a recommendation for ameliorative review consideration from the Committee on Parole, the Board of Pardons shall notify the offender in writing of the requirement to place advertisement in the official journal of the parish where the offense occurred. The ad must state:

"I (applicant's name), (DOC number), have applied for ameliorative penalty consideration for my conviction of (crime). If you have any comments, contact the Board of Pardons (225) 342-5421."

- 2) The applicant shall provide the Board office with proof of advertisement within 60 days from the date of notice that a hearing has been granted.
- 3) After receipt of the clemency investigation from the appropriate probation and parole district and any other documents requested by the Board, the Board shall set the matter for public hearing.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This Policy replaces and supersedes Board Policy 08-801-POL, "Ameliorative Penalty Procedure" dated July 20, 2020. (Technical revisions only)