



**LOUISIANA BOARD OF PARDONS
AND COMMITTEE ON PAROLE**

**Number: 03-301-POL
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BOARD POLICY

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 inmate is eligible for parole consideration

AUTHORITY: LAC Title 22, Part XI, Chapter 3; La. R.S. 15:574.2, et seq

REFERENCE: ACA Standard 2-1089; Board Policy 05-509-POL, "Victim Notification and Participation in Hearings," 05-511-POL, "Public Hearings/Videoconferencing," 05-511-A-POL, "Special Needs," and 07-701-POL, "Parole Decisions"

DEFINITIONS:

Permanently disabled inmate – Any inmate who is unable to engage in any substantial gainful activity due to any physical impairment which can be expected to result in death or which is or can be expected to be permanently irreversible.

Terminally ill inmate – Any inmate who has been diagnosed with a terminal illness, and death is expected within one year. The medical condition of a terminally ill inmate is usually permanent in nature and carries a poor prognosis.

Limited mobility inmate – Any inmate who, due to an underlying condition, is unable to perform activities of daily living without help or is totally confined to a bed or chair, including but not limited to prolonged coma and medical ventilation.

POLICY:

The Committee on Parole (Committee) has no authority in determining when an inmate is eligible for parole. The Department of Public Safety & Corrections (DPS&C) calculates parole eligibility dates for all inmates. 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. The authority for determining parole eligibility dates, inmate class, good time release dates, and full term dates will be the official master prison record computed by the DPS&C. No inmate may be paroled while there is any pending indictment or information against him for any crime suspected of having been committed by him while incarcerated.

B. TYPES OF PAROLE

1. Regular Parole

- a. An inmate's eligibility for parole is specified by Louisiana law. Not all inmates are eligible for parole consideration. Parole eligibility is determined and calculated by the DPS&C.
- b. Prior to an inmate's parole hearing, all pertinent information will be compiled concerning the inmate's case, including but not limited to the guidelines set forth in Board Policy 07-701-POL, "Parole Decisions."
- c. If appropriate, a public hearing shall be scheduled to consider the inmate's suitability or release on parole supervision.
- d. The Committee will generally not schedule a parole hearing or rehearing when there are 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. However, if the pre-parole investigation report is received by the Committee on Parole and it is noted that the inmate'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.
- e. In the event an inmate chooses to withdraw from parole consideration, he may later reapply for a hearing in accordance with Board Policy 07-705-POL, "Application for Parole Rehearing."
- f. No inmate 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 inmate's release if the inmate 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 inmate determined by the DPS&C to be a permanently disabled inmate or terminally ill inmate may be eligible for medical parole consideration. Upon referral by the DPS&C, the Committee may schedule the inmate for a hearing for medical parole consideration.
- b. Inmates 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.
- c. Medical parole consideration shall be in addition to any other parole for which an inmate may be eligible. An inmate who is eligible for both medical parole and traditional parole under the provisions of La. R.S. 15:574.4 shall be first considered for traditional parole.

- d. Public hearings for medical parole consideration will be held at a location convenient to the Committee and the inmate and shall be conducted in accordance with Board Policies, 05-511-POL, "Public Hearings/Videoconferencing" and 05-511-A-POL, "Special Needs." The Committee may request that additional medical information be provided or that further medical examinations be conducted.
- e. The Committee on Parole shall determine the risk to public safety and shall grant medical parole only after determining that the inmate does not pose a threat to public safety and only after the inmate, as a condition of the medical parole, waives his right to medical confidentiality and privacy.

3. **Medical Treatment Furlough**

- a. An inmate determined by the Secretary of the DPS&C to be a limited-mobility inmate may be considered by the Committee on Parole for medical treatment furlough release to an off-site facility appropriate to the inmate's medical treatment needs.
- b. A medical treatment furlough shall not be available to any inmate serving a sentence for a conviction of first degree murder (R.S. 14:30) or an inmate who is awaiting execution.
- c. Public hearings for medical treatment furlough consideration will be held at a location convenient to the Committee and the inmate and shall be conducted in accordance with Board Policies 05-511-POL, "Public Hearings/Videoconferencing" and 05-511- A-POL, "Special Needs". The Committee may request that additional medical information be provided or that further medical examinations be conducted.
- d. The Committee on Parole shall determine the risk to public safety and shall grant medical treatment furlough only after determining that the inmate does not pose a threat to public safety, and only after the inmate, as a condition of the medical treatment furlough, waives his right to medical confidentiality and privacy.

C. PAROLE AUTHORITY

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

1. Regular parole shall be considered within guidelines set forth in Board Policy 07-701-POL, "Parole Decisions."
2. The Committee shall determine the risk to public safety and shall grant medical parole or medical treatment furlough only after determining that the inmate does not pose a high risk to public safety. In the assessment of risk, emphasis shall be given to the inmate's medical condition and how this relates to his overall risk to society.
3. Generally, medical parole or medical treatment furlough consideration shall not be given to an inmate when the inmate's medical condition was present at the time of sentencing unless the inmate's overall condition has significantly deteriorated since that time.

4. 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 inmate's physical condition and to assure that the inmate is not a danger to himself and society.

D. TERM OF MEDICAL PAROLE OR MEDICAL TREATMENT FURLOUGH

The parole term of an inmate released on medical parole or medical treatment furlough shall be for the remainder of the inmate's sentence. Supervision of an inmate 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.

E. REVOCATION OF MEDICAL PAROLE OR MEDICAL TREATMENT FURLOUGH

1. An inmate released on medical parole or medical treatment furlough may have his parole revoked for violating the conditions of parole if the committee determines the violation is serious enough to warrant re-incarceration.
2. An inmate 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.
3. If the inmate'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 La. R.S. 15:574.4.
4. Medical parole or medical treatment furlough may also be revoked for violation of any condition of parole as established by the Committee.

F. COMPLIANCE MONITORING – MEDICAL PAROLE OR MEDICAL TREATMENT FURLOUGH

The Division of Probation and Parole (P&P) shall monitor inmates who have been granted medical parole until the inmate'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 inmate's P&P officer, date and time of death if indicated, and any other information deemed to be appropriate

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This policy replaces and supersedes Board Policy 03-301-POL, "Parole Eligibility and Types of Parole," dated August 7, 2023.