

PAROLE  
IN  
LOUISIANA



Rules, Regulations, Procedures, Criteria,  
Policies, and Guidelines

of

THE LOUISIANA BOARD OF PAROLE

Adopted as Revised  
October 23, 1978

61404



# State of Louisiana

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## Board of Parole

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TO THOSE OF YOU INTERESTED IN PAROLE:

This booklet has been prepared to answer your questions and to give you a better understanding of the parole system in Louisiana.

The Parole Board was awarded a grant by the Law Enforcement Assistance Administration to buy the paper, so that one could be made available to every person arrested for a felony in Louisiana.

Copies of this booklet will also be given to attorneys and officials.

The Chairman of the Parole Board will continue the practice of answering all letters. However, it is hoped that this booklet will be consulted first by those who have questions about parole.

Even though this booklet contains complete information about parole violations, we sincerely hope no one will have the need to know much about this.

The Parole Board is grateful to Mr. Richard Crane, attorney for the Department of Corrections, and the Administrators and Supervisors of the Division of Probation and Parole for their assistance in preparing this booklet.

Sincerely,

LOUISIANA BOARD OF PAROLE

*Sybil Fullerton*  
Sybil Fullerton  
Chairman

SF

NCJRS

AUG 28 1979

ACQUISITIONS

P A R O L E  
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Policies, and Guidelines

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Policies, and Guidelines for the Louisiana Board of Parole

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RULES, REGULATIONS, PROCEDURES, CRITERIA, POLICIES, PROCEDURES AND

GUIDELINES OF THE  
LOUISIANA BOARD OF PAROLE

I. AUTHORITY OF THE PAROLE BOARD

The Board of Parole has the authority to release any person convicted of a felony and sentenced to confinement in a penal institution in Louisiana, who is eligible for parole under the law, and to detain or revoke any parolee for violation of parole conditions.

II. COMPOSITION OF THE PAROLE BOARD

The Board of Parole is composed of five (5) members appointed by the Governor. The law requires Parole Board members and Chairman to work full time and to have no outside employment. Four (4) members are appointed to staggered terms of six (6) years, and the fifth member, who acts as Chairman, is appointed to a four<sub>1</sub>(4) year term, which runs concurrent with the Governor.

III. PAROLE BOARD HEADQUARTERS

The domicile of the Board of Parole is in the Parish of East Baton Rouge, City of Baton Rouge, Louisiana, Post Office Box 44304, Capitol Station, Baton Rouge, Louisiana 70804.

IV. ADMINISTRATIVE RESPONSIBILITIES OF PAROLE BOARD

- A. The Board will keep a record of its acts and will inform each institution of its decisions.
- B. The Board will make an annual report to the Secretary of Corrections for inclusion in his/her report to the Governor, with respect to its activities during the fiscal year.
- C. The Board will adopt such rules, not inconsistent with law, as it deems necessary and proper, with respect to the eligibility of prisoners for parole, the conduct of parole hearings and the conditions imposed upon parolees.

1  
R.S. 15:574.2 Par "A"

- D. All information in the files of the Parole Board will be <sup>2</sup> handled in accordance with the Provisions of R. S. 15:574.12.

V. TYPES OF PAROLES

A. Regular Paroles (One-third of sentence)

No application for a parole hearing at one-third of sentence is necessary for those confined to the Department of Corrections. Those persons confined by the Department of Corrections and not excluded from parole by law, will be automatically docketed for a parole hearing at one-third of sentence. Hearings will be held during the month prior to the month of parole eligibility. No hearing will be held unless a pre-parole report has been received by the Parole Board from the Division of Probation and Parole prior to the scheduled hearing date. In addition to the pre-parole and presentence reports from the field, reports are also received from the prison. The file of inmate will contain any letters, in addition, of recommendations and objections from interested parties.

Good time credits have no effect on parole eligibility dates.

B. Special Parole

First offenders with a sentence of less than five (5) years who do not come under the exclusions in the law may be given a hearing at any regularly scheduled meeting.<sup>3</sup> Probation violators will not be granted a hearing for special parole.

The law requires that the sentencing judge must be notified by the Chairman of the Board of Parole,<sup>4</sup> at least ten (10) days prior to an early parole hearing date.

The Parole Board will request comments from the judge and District Attorney of the parish of conviction concerning any proposed early parole applications.

The Parole Board will review the files of those eligible for special parole as soon as the file is made by the Department of Corrections and the necessary reports are received. This is done as a routine by the Parole Board and does not require application. Eligible inmates are notified once a decision is made. If the decision is to grant a parole hearing, the inmate is docketed and the judge is given the ten (10) days notice required by law. The District Attorney is also informed.

The authority for determining the applicant's offender class and maximum sentence will be the official prison record computed

<sup>2</sup>  
R.S. 15:574.12

<sup>3</sup>  
R.S. 15:574.4 Par "A"

<sup>4</sup>  
R.S. 15:574 Par "A"

by the Custodian of Records for the Louisiana Department of Corrections.

The Board will accept changes in the offender class and parole eligibility date when checked by the Division of Probation and Parole and verified by the Record Custodian.

C. Parish Jails or Prisons Parole

Those sentenced for felonies to parish jails and prisons for relative felonies must apply for a parole hearing. For applicants for parole incarcerated in parish jails and prisons, an official copy of the judgment and sentences handed down by the Court is required. Also, a letter by the Warden or Jailer attesting to applicant's conduct must be attached. These must be sent with a letter requesting a parole hearing to the Chairman of the Parole Board.

D. Parole Work Release

A work release parole hearing may be given to an inmate when he is recommended to the Parole Board for work release by the Department of Corrections six (6) months prior to parole eligibility date. If the Parole Board votes to recommend an inmate for parole work release, the final decision for parole will be made by a vote of the Parole Board, with or without a final hearing, at or near the conclusion of the work release program. If work release is violated, the inmate will be docketed for a hearing when one-third of sentence is served, and is usually denied parole. The application for work release must be made to the Department of Corrections, Adult Services. Inmate should consult with his classification officer concerning application for parole work release.

VI. CATEGORIES INELIGIBLE FOR PAROLE CONSIDERATION<sup>5</sup>

A. Rules Effecting Eligibility

1. The Parole Board will not give a hearing to those who are in lockdown for disciplinary purposes.
2. Also, those who have a history of mental problems or who have been diagnosed as suffering such problems since incarceration will not be given a hearing until a psychiatric evaluation specifies that such persons could be safely released with out-patient mental health treatment.

B. No parole shall be granted to any prisoner serving a life sentence unless such sentence is commuted to a fixed number

5

R.S. 15:574.4 Par "B"



of years and the inmate has served one-third of his sentence.

Exception: When the statute under which the prisoner was sentenced specifically provides that the life sentence was without benefit of parole, the commutation (gold seal) has to specifically state that parole eligibility is restored or the prisoner is not eligible for parole on the commuted sentence.

There are five statutes that provide for a life sentence without parole:

| STATUTE       | CRIME   | EFFECTIVE DATE***                |
|---------------|---|----------------------------------|
| R.S. 14:30    | First Degree Murder   | October 1, 1976                  |
| R.S. 14:30.1  | Second Degree Murder<br>(20 yrs. without parole)*   | July 2, 1973 to<br>July 16, 1975 |
| R.S. 14:30.1  | Second Degree Murder<br>(40 years without parole)**   | July 17, 1975                    |
| R.S. 15:529.1 | H.F.C. (When sentenced to<br>Life)  | September 8, 1978                |
| R.S. 40:981   | Distribution or Possession<br>W/Intent to Distribute any<br>Schedule I or Schedule II<br>Narcotic (when sentenced to<br>Life) | July 26, 1972                    |

\*If/when the life sentence is commuted to any number of years, the prisoner is not eligible for parole for at least 20 years unless the commutation (gold seal) specifically states that parole eligibility is restored.

\*\*If/when the life sentence is commuted to any number of years, the prisoner is not eligible for parole for at least 40 years unless the commutation (gold seal) specifically states that parole eligibility is restored.

\*\*\*Effective date means that a person must have committed the offense listed on or after the date shown. If two dates are shown, the offense must have been committed between the two dates, inclusive.

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

D. Persons sentenced under the below statutes are not eligible for parole. Please pay careful attention to the notes in this section.

| STATUTE      | CRIME  | EFFECTIVE DATE    |
|--------------|--|-------------------|
| R.S. 14:42 1 | Forcible Rape<br>(At least 2 yrs. without parole; sentencing Court may order more than 2 years without parole up to entire sentence without parole)  | September 8, 1978 |
| R.S. 14:50.1 | Victim is 65 years old or older and conviction is for:<br>a) Manslaughter<br>b) Simple Rape<br>c) Forcible Rape<br>d) Aggravated Assault<br>e) Aggravated Battery<br>f) Simple Battery<br>g) Simple Kidnapping<br>h) Aggravated Kidnapping<br>i) False Imprisonment<br>j) Attempt of any of the above<br>the person shall serve the first 5 years of the sentence without parole | September 9, 1977 |
| R.S. 14:62.1 | Simple Burglary of a Pharmacy  | July 31, 1974     |
| R.S. 14:62.2 | Simple Burglary of an Inhabited Dwelling   | September 8, 1978 |
| R.S. 14:64   | Armed Robbery<br>(Between 1958 and 1966, first offenders were eligible for parole; second offenders had to serve at least 5 years of the sentence without parole)  | December 13, 1966 |

| STATUTE      | CRIME   | EFFECTIVE DATE                          |
|--------------|---|---|
| R.S. 14:67.1 | Theft of cattle, horses, mules, sheep, hogs, or goats<br>(At least 1 yr. without parole; sentencing Court may order more than 1 yr. without parole up to entire sentence without parole)  | September 12, 1975 to September 8, 1978 |
| R.S. 14:95   | Illegal Carrying of Weapons<br>(Only for third and subsequent convictions of this offense)  | September 12, 1975                      |
| R.S. 14:95.1 | Possession of a Firearm or Carrying a Concealed Weapon if previously convicted of:<br>a) First Degree Murder<br>b) Second Degree Murder<br>c) Manslaughter<br>d) Aggravated Battery<br>e) Simple Rape<br>f) Aggravated Rape<br>g) Aggravated Kidnapping<br>h) Aggravated Arson<br>i) Simple Burglary<br>j) Aggravated Burglary<br>k) Simple Robbery<br>l) Armed Robbery<br>m) Felony under Controlled Dangerous Substances Statute<br>n) Felony in any other state, the U.S., or foreign country which is a felony in La.<br>o) Attempt of any of the above<br><u>CONVICTION MUST BE FOR CARRYING A CONCEALED WEAPON FOR NO PAROLE</u><br><u>PROVISION TO APPLY--</u> weapon must have been concealed on his person, not in car, house, etc. -- AND offense must have occurred within 10 years of completion of prior felony sentence | September 12, 1975                      |

| STATUTE       | CRIME   | EFFECTIVE DATE                     |
|---------------|---|------------------------------------|
| R.S. 14:95.2  | Use of a Firearm or Explosive Device in commission of any of the following:<br>a) Second Degree Murder<br>b) Manslaughter<br>c) Aggravated Battery<br>d) Simple Kidnapping<br>e) Aggravated Escape<br>f) Aggravated Burglary<br>g) Aggravated Arson<br>h) Attempt of any of the above<br>i) Attempted Aggravated Rape<br>j) Attempted Aggravated Kidnapping<br>k) Attempted First Degree Murder | September 9, 1977                  |
| R.S. 14:106   | Obscenity in the Presence of Unmarried Persons under 17 years of age  | September 9, 1977                  |
| R.S. 14:402   | Introducing Contraband to or from State Correctional Institution  | July 30, 1958 to September 8, 1977 |
| R.S. 14:402.1 | Introducing Contraband to or from State Hospitals   | August 1, 1962                     |
| R.S. 40:979   | Attempt or Conspiracy to: Distribute or Possession With Intent to Distribute Schedule I Narcotic that is preceded by an asterisk (*) in R.S. 40:964   | September 9, 1977                  |
| R.S. 40:981   | Distribution or Attempted Distribution of Narcotics   | 1956 to July 26, 1972              |
| R.S. 40:981   | Possession or Attempted Possession of Narcotics by person over 21 years of age for second and subsequent such offenses  | 1956 to July 26, 1972              |

E. The Attempt (R.S. 14:27) and Conspiracy (R.S. 14:26) statutes provide that the sentences imposed for Attempts/Conspiracies to commit the offense shall be served in the same manner as the offense attempted/contemplated. This means that persons convicted/sentenced for an Attempt or Conspiracy to commit any of the offenses listed in (A) and (B) above are not eligible for parole. Please note the qualifications regarding commutations under (A) and the effective dates for each statute.

F. Good Time

Every Department of Corrections prisoner is eligible to earn good time except as noted below:

1. Persons sentenced after September 15, 1975, and before September 9, 1977, under the Habitual Offender Law--H.F.C.--(R.S. 15:529.1) are not eligible to earn good time if the sentencing court so orders and they have previously been convicted one or more times for:

- a) First or Second Degree Murder
- b) Manslaughter
- c) Aggravated Battery
- d) Aggravated/Forcible/Simple Rape
- e) Aggravated Kidnapping
- f) Aggravated or Simple Burglary
- g) Armed or Simple Robbery
- h) Felony Theft
- i) Illegal Carrying of Weapons (14:95)
- j) Possession of Firearm/Carrying Concealed Weapon by certain ex-felons (14:95.1)
- k) Possession of Machine Gun (40:1755)
- l) Any violation of the Controlled Dangerous Substances Law that is a felony
- m) Any felony defined as an "Attempt" to commit one of the above

2. Persons sentenced after September 9, 1977, under the Habitual Offender Law and previously convicted of one of the felonies enumerated in (A) above are automatically excluded from earning good time.

3. Persons under sentence of Death did not earn good time prior to March 1, 1978.

4. Persons sentenced under R.S. 14:95.2 (Use of Firearm or Explosive Device in Commission of Certain Felonies) after September 9, 1977.

Good time credits have no effect on parole eligibility dates.

## VII. MEETINGS OF THE BOARD

### A. Procedure

1. Business will be conducted by use of Robert's Rules of Order.
2. Three (3) members shall constitute a quorum. A majority of those present and voting will determine each decision.
3. Those docketed for a parole hearing may be represented by counsel, relatives or friends. The Board will direct questions to and/or request statements from these representatives.
4. The Board may extend invitations to individuals to sit as observers.
5. The vote of each member shall be recorded by name and date in the case record.

### B. Schedule of Meetings

The Board of Parole has scheduled meetings in the following order:

1. First Monday of each month, business meetings.
2. First Tuesday of each month, Jackson Barracks in New Orleans and Orleans Parish Prison.
3. First Wednesday of each month, Louisiana Correctional and Industrial School, DeQuincy, Louisiana.
4. Second Monday of each month, East Baton Rouge Parish Prison for Parish Jail cases, maintenance force from Louisiana State Penitentiary and Louisiana State Police Barracks.
5. Second Tuesday of each month, Louisiana Correctional Institute for Women.
6. Second Wednesday of each month, Caddo Correctional Institute and Ouachita Parish Jail for jail cases and maintenance force at Ouachita Parish Jail; alternate months.
7. Third Monday of each month, business meeting.

8. Third Tuesday, Wednesday and Thursday of each month, Louisiana State Penitentiary, Angola, Louisiana, for cases on parole docket.
9. Fourth Tuesday of each month, Louisiana State Penitentiary, Angola, Louisiana, for revocation hearings.
10. Fourth Wednesday of each month, Dixon Correctional Institute, Jackson, Louisiana, for parole cases docketed.
11. Fourth Thursday of each month, Louisiana State Penitentiary, Angola, Louisiana, to complete the docket for the month, if necessary.
12. Mondays and Fridays of every week, Parole Board conferences, appointments, business and file review in the office.
13. Those eligible for parole who are confined to parish prisons will be given hearings as the schedule permits. Dates for such hearings will be arranged on a month-by-month basis.
14. Scheduled meetings may be changed by majority vote of the Board, providing such changes are made in time to notify all concerned.

#### VIII. DECISION OF PAROLE BOARD TO GRANT OR DENY PAROLE

##### A. Information Considered by Parole Board

##### 1. Pre-parole reports (typical format)

NAME, PRISON NUMBER AND DATE OF BIRTH:

OFFENDER CLASS: This is taken from official prison record.

(If the offender class determined by the investigation is different than indicated on the prison record, attach a cover memo to the complete report and record all details of each conviction to confirm the change in offender class.)

OFFENSE: (State convicted offense)

SENTENCE: (Also include Parish, Judge, State Police and FBI numbers.)

PAROLE DATE, GOOD TIME DATE AND MAXIMUM DATE:

PRE-SENTENCE: (This includes all pre and post-sentence

investigations that may have been conducted on offenses, including instant offense, and copies are to be attached to the pre-parole.)

PRESENT OFFENSE: (Take from arrest reports and/or statement of facts. Give pertinent details in summary form.)

CRIMINAL RECORD:

- a. Juvenile Record - Adult Record. (If records for either, list and give details, include State Police Rap Sheet with disposition shown on all offenses.)
- b. Crimes Against the Person.
- c. Probation and Parole Record - Juvenile and Adult. If record of either or both, give years and details, state if completed or revoked.
- d. Detainers. (If yes, by whom and details, if known.)

SOCIAL DATA: (Give history of inmate, education, work record, service record, marital record, etc.)

MEDICAL RECORD: This will include mental and physical health history. If prior mental treatment is listed, secure psychiatric or psychological reports and attach.

COMMUNITY ATTITUDE:

- a. Judge, District Attorney, Sheriff, Chief of Police, etc. Give recommendations and reasons.
- b. Family of inmate. (If none, explain why.)
- c. Victim. (If unable to contact victim or victim's family, explain why.)

RESIDENCE PLAN: Person contacted, type of residence, neighborhood, other adults in residence and their relationship. Indicate if plan is acceptable, if not, explain why.

EMPLOYMENT PLAN: Person contacted, amount of wages, permanent or temporary, etc. Other sources of income, pensions, etc. Indicate if acceptable, if not, explain why.



RECOMMENDATION: Briefly summarize contents of investigation and give definite recommendation.

2. Prison records and reports
  - a. Disciplinary records - total reports, nature and penalty of offenses.
  - b. Current and prior work assignments.
  - c. Participation in treatment programs.
  - d. Vocational and academic schools - correspondence courses, self-help clubs or group therapy.
  - e. Any pertinent or psychological information.
  - f. Prior experience on release programs - parole, work release, maintenance or probation.
  - g. Recommendations - officers, classification officer, institutional committee.

B. Criteria or Guidelines Used by Parole Board - Policy Statement

The Louisiana Board of Parole uses the following six (6) major criteria in determining whether to grant or deny parole.

1. Nature and Circumstances of the Crime

In assessing this factor, the Board will consider the seriousness of the offense in order to determine whether the inmate has served enough time for purposes of retribution and general deterrence. The Board will consider the official version of the offense and the length of the present sentence. This Board will also evaluate the circumstances of the offense and determine, if possible, whether the particular conditions that contributed to the commission of the crime are likely to reoccur. The Board is particularly concerned with offenses which involved a weapon, and/or injury or possible injury to the victim. The Board will also consider the inmate's role in the offense, whether the inmate was the instigator of the crime, whether the crime involved a great deal of sophistication, whether the crime was premeditated, or whether the inmate played a rather minor role in the offense. In general, it is not Board policy to deny parole solely on the basis of the nature and circumstances of the offense; there are, however, certain instances where denial on this basis alone is required.

## 2. Prior Criminal Record

In evaluating the inmate's prior criminal record, the Board will consider both the inmate's prior adult and juvenile records in order to determine the degree of his involvement in crime-oriented activities. The Board is primarily concerned with the number and seriousness of the inmate's convictions. When there is evidence that the inmate has had extensive involvement with authorities, this factor will be used to weigh the seriousness of the prior criminal record rating. The Board will also consider the inmate's response to prior community supervision, and whether the present offense was committed on probation or parole. A pattern of continual encounters with the law will be interpreted as evidence that the inmate is unlikely to succeed on parole. Attention will be given to length of time between release on last conviction and commitment of current offense.

## 3. Factors Related to the Character, Social Background and Emotional and Physical Condition

In evaluating the inmate on this dimension, the Board will consider information pertaining to the inmate's work record, level of education, occupational skills, evidence of his emotional stability as contained in recent psychological reports, and whether the inmate has a history of mental hospitalization. In addition, the Board considers whether he has a history of chronic physical problems or drug and alcohol abuse which would seriously diminish the likelihood that he would succeed on parole.

## 4. Institutional Adjustment

The Board will consider information concerning the inmate's adjustment to the institution. In assessing this factor, the Board will consider whether the inmate has participated in the programs available to him and his overall compliance with institutional regulations. The Board will review negatively an institutional discipline record which consists of a number of major and minor infractions. Although a satisfactory adjustment to prison life will not guarantee that the inmate will be paroled, it increases the inmate's chances because obedience to institutional rules is taken as an indication that the inmate will comply with parole conditions. A decidedly poor adjustment record will weigh heavily against the inmate, especially infractions that result in transfer from satellite institutions.

5. Police, Judicial and Community Attitudes Toward the Inmate

It is Board practice to solicit information about the inmate from the community and public officials who are well acquainted with him and his case. This factor is of great importance because the probability that an inmate will succeed on parole is greatly diminished if he will return to a community which has expressed hostility toward him and is lacking in support of him. The Board will seldom deny parole solely on the basis of opposition from official or community representatives. On the other hand, evidence that the community and public officials are supportive will increase the inmate's chances of being granted parole.

6. Parole Plan

The Board places a great emphasis on the appropriateness of the parole plan. In evaluating the parole plan, the Board will consider the strength of the inmate's social ties, including whether he has a supportive family, resources available to him in the community, and a job opportunity. It is important for the inmate to have secure job plans and stable living arrangements upon his return to the community, since these factors are strongly related to the inmate's successful completion of parole. The Board is extremely reluctant to grant parole to an inmate who is a drifter, or to an inmate who will return to an environment and circumstances which are likely to contribute to further criminal activity.

C. Results of Decisions to Grant or Deny Parole

1. The Parole Board's decision will be made and disclosed to the inmate at the parole hearing. If decision is to parole, release will be on or after parole eligibility date. Parole is for maximum sentence (e.g. 3 year sentence, parole after 1 year; 2 years on parole before discharge).
2. If an inmate is denied parole, he or she will be given the reasons in writing for the denial at the hearing. The reasons will also be stated to the inmate orally by the Chairman.
3. Should the vote be to deny parole at the one-third hearing, the Parole Board will vote at the same hearing to determine if and when another parole hearing will be scheduled.

D. Rescind Vote

The Board of Parole has the authority to rescind its decision to grant parole at anytime before the Certificate of Parole is officially issued to the inmate. If a decision to grant

is rescinded by the Parole Board, the inmate will be given another hearing on the next docket. Decisions to grant parole usually will be made thirty (30) days prior to parole eligibility date.

E. Parole Employment and Residence Plans

1. Louisiana Parole Plans

- a. The Parole Board will not issue a parole certificate to anyone granted parole unless residence and employment have been approved by the Division of Probation and Parole. These plans should be given to the classification officer at the pre-parole interview or mailed directly to the Parole Board four (4) months prior to parole eligibility date.
- b. A parole hearing will be held as docketed without approved plans, but no certificate can be issued. Parole can be granted at the hearing, subject to plans being submitted and approved. However, approved plans at the hearing could enhance the probability for a grant decision.

2. Paroles Contingent on "Out-of-State Plans"

- a. Parole to out-of-state plans will be considered when the state in question issues a written statement expressing its willingness to accept the parolee under specific employment and residential conditions.
- b. Before any parolee can be considered to a plan in another state, it is mandatory that he or she sign an Agreement to Return.

3. Parole to Detainer

- a. When it is the opinion of the Board of Parole that it is in the best interest of both society and the individual in question, parole may be granted to detainers and notices that are held by local authorities.
- b. Once the parolee is released from the detaining authority, he or she must report to the designated parole officer.

IX. CONDITIONS OF PAROLE (In conformance with R.S. 15:574.4 Par. H)

- A. The following are the Conditions of Parole given to a prisoner orally and in writing before he is released from prison or jail.

The Certificate of Parole will not become operative until these conditions have been agreed to in writing by the prisoner prior to his release on parole.

1. That I will report immediately to the Probation and Parole Office, Department of Corrections, which is listed on the face of this Certificate.
2. That I will remain within the limits fixed by the Certificate of Parole. If I have good cause to leave these limits, I will obtain written permission from the Parole Officer before doing so.
3. That I will, between the first and fifth days of each month, until my final release, and also on the final day of my parole, make a full and truthful written report upon the form provided for that purpose and that I will take or mail my report to my Parole Officer. I will report to the Probation and Parole Officer when directed to do so.
4. That I will avoid injurious or vicious habits and places of disreputable or harmful character.
5. That I will not associate with persons known to be engaged in criminal activities or with persons known to have been convicted of a felony.
6. That I will in all respects conduct myself honorably, work diligently at a lawful occupation, and support my dependents, if any, to the best of my ability.
7. That I will promptly and truthfully answer all inquiries directed to me by my Parole Officer.
8. That I will live and remain at liberty and refrain from engaging in any type of criminal conduct.
9. I agree to live and work at the places stated in my parole plan and will not change residence or employment until after I have permission to do so from the Parole Officer.
10. I shall not have in my possession or control any firearms or dangerous weapons.
11. I will submit myself to available medical or psychiatric examination or treatment or both when ordered to do so by the Parole Officer.
12. That I hereby do waive extradition to the State of Louisiana from any jurisdiction in or outside the United States where I may be found, and also agree that I will not contest any effort by any jurisdiction to return me to the State of Louisiana.

13. I understand that should my parole be revoked for any reason, I will lose all good time, up to but not exceeding six months, earned prior to my parole as required by Act 200 of 1974.
14. I understand that if I am arrested while on parole, the Board of Parole has the authority to place a detainer against me which will in effect prevent me from making bail pending disposition of the new charges. I also understand that if I am arrested, I must contact my Parole Officer as soon as possible.
15. I understand that I am subject to visits by my Parole Officer at my home or place of employment without prior notice.
16. Special condition given by the Parole Board.

I understand all of the above conditions which have been read to me and I do solemnly promise and agree.

Dated \_\_\_\_\_

\_\_\_\_\_  
Parolee

Witnessed: \_\_\_\_\_

Register No. \_\_\_\_\_

- B. These Conditions will be emphasized and explained in detail to the parolee by the prison official releasing him on parole and by the Parole Officer at his initial interview upon release.

#### X. VIOLATIONS OF PAROLE

##### A. Types

##### 1. New Felony Conviction - Statutory

- a. Parole status will be automatically revoked whenever a parolee has been convicted and sentenced for a new felony and appeal process is exhausted.<sup>6</sup> Time spent in jail on parole warrant will be credited to the new sentence.
- b. A person on parole from Louisiana who is convicted of a new felony conviction in another state, will have his parole revoked, and will be returned to Louisiana to complete his paroled sentence as soon as he is released to Louisiana custody. He will be given a pre-revocation hearing in the state in which the new offense is committed, but will not receive a final revocation hearing in

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R.S. 15:574.10

Louisiana when he is returned.<sup>7</sup>

## 2. Technical Violations

- a. Technical violations include any violation of the conditions of parole, except a new felony conviction.
- b. Open charges for a felony or misdemeanor would be considered a technical violation, as would absconding supervision, not working and others.
- c. When a parolee has been detained in jail by his Parole Officer, a pre-revocation on-site hearing will be scheduled as soon as possible. No bond will be permitted until after pre-revocation hearing, and then only with permission of Parole Board, unless no probable cause is found at pre-revocation hearing.

## 3. Absconders

Absconders in or out-of-state will be returned immediately to Louisiana Department of Corrections for a revocation hearing and will not have the benefit of a pre-revocation hearing. Extradition or waiver of extradition shall be considered as probable cause on absconders apprehended out-of-state.

## B. Pre-Revocation (Preliminary) Hearing

### 1. Purpose

The purpose of the pre-revocation hearing is to determine if there is probable cause to believe the parolee has violated the conditions of parole. The hearing will be conducted by the Parole District Supervisor or his designated representative. The hearing officer must be fair and impartial and must not have any direct involvement in the case.

### 2. Procedure

- a. The parolee will be given a notice of the hearing and a copy of the violation charges against him and his rights (same as those listed on page 20-21).
- b. He may be represented by his own attorney and have friends, family and witnesses present at his hearing in jail.
- c. The hearing officer's findings will be one of the following:

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Louisiana Supreme Court State v Bertrand 308 So. 2d 760

- (1) Probable cause, and order that the alleged violator be detained pending a revocation hearing by the Parole Board, or
- (2) Probable cause and recommend to the Parole Board that the parole violator be allowed to make bond, if new charges are pending, while awaiting a final decision from the Parole Board, or
- (3) Probable cause and recommend to the Parole Board that the parole violator be allowed to remain in jail, without bond, pending disposition of charge, or
- (4) Probable cause, but recommend to the Parole Board that the parolee be reprimanded and continued under parole supervision, or
- (5) No probable cause, and order that the parole violation detainer be lifted and that the alleged violator be released from custody.

\*In the last option above, the hearing officer is authorized to release the defendant from custody, since apparently no cause exists for holding him. In the earlier four options, naturally, the Parole Board's warrant remains in effect pending the decision of the Board.

d. A copy of the findings of the preliminary hearing will be given to the parolee and to the Parole Board.

e. Board action on Pre-Revocation Hearing

The Parole Board will review the Hearing Officer's Pre-Revocation Hearing report, the ruling and recommendation of the Hearing Officer, the recommendation of the Chief Probation and Parole Officer, the summary and recommendation of the Parole Officer, and any included documents, statements and narratives in the case. After the review, the Parole Board will make one of the following four (4) decisions:

- (1) Return the parolee to the Department of Corrections for a revocation hearing.
- (2) Return the parolee to the Department of Corrections after the disposition of pending charge. (This decision is made only upon the request of the parolee to remain in jail until the disposition of the charge).



If the decision of the Parole Board should be to return the parolee after the disposition of the pending charge, a final decision will be made by the Parole Board after the charge is finalized to determine if the parolee should be returned for a final revocation hearing or reprimand and restored to supervision. Should the charge be a felony and parolee convicted and appeal exhausted, the Parole Board has no option, parole is automatically revoked.<sup>8</sup>

- (3) Allow the parolee to make bond and continue supervision until the disposition of the pending charge.
- (4) Reprimand the parolee, if the violation does not include pending felony charge, and restore him to supervision.

C. Rights of Parolee at Pre-Revocation Hearing and Revocation Hearing

When a parolee has been ordered to be confined in jail for pre-revocation hearing or returned to the Department of Corrections for a final revocation hearing, he is sent or given a letter detailing the charges against him, given his hearing date, time and place, and also he is given his rights at the pre-revocation or revocation hearing, which are as follows:

Name \_\_\_\_\_ LSP # \_\_\_\_\_

You were afforded a pre-revocation hearing, conducted by an independent hearing officer, to determine if there is probable cause to believe there has been a violation of the conditions of your parole.

Did you have a preliminary hearing?

Yes \_\_\_\_\_ No \_\_\_\_\_ (Waived by Parolee) \_\_\_\_\_ No (Other)

You have been given written notice as to the time and place of the final revocation hearing and the specific violation(s) you are alleged to have committed.

Have you received notice of your revocation hearing?

Yes \_\_\_\_\_ No \_\_\_\_\_

Have you received notice of the specific violations against you?

Yes \_\_\_\_\_ No \_\_\_\_\_

You have the right to be represented by retained counsel or to speak in your own behalf.

Have you hired your own attorney?

Yes \_\_\_\_\_ No \_\_\_\_\_

Do you wish to speak in your own behalf?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you are indigent and unable to employ an attorney, you have the right to request an appointed attorney to represent you at the final revocation hearing. If such a request is made, your eligibility for an appointed attorney shall be in compliance with the Supreme Court's guidelines.

Do you want an appointed attorney?

Yes \_\_\_\_\_ No \_\_\_\_\_

If answer is yes, have you had explained to you why you are not eligible for appointed attorney?

Yes \_\_\_\_\_ No \_\_\_\_\_

If it has been determined you are eligible for an appointed attorney, the Department of Corrections will appoint this attorney and insure his presence at your hearing.

You have the right to cross-examine adverse witnesses unless the Parole Board determines that this would subject them to risk or harm.

Do you wish to cross-examine any witnesses against you?

Yes \_\_\_\_\_ No \_\_\_\_\_

If answer is yes, please list them.

You have the right to bring documents or individuals who can give relevant information to the Parole Board.

Do you have any documents you wish to present?

Yes \_\_\_\_\_ No \_\_\_\_\_

Do you have any witnesses you wish to present?

Yes \_\_\_\_\_ No \_\_\_\_\_

I have had read to me the above statements and questions concerning my parole revocation hearing. I understand the rights set out above. The answers to the above questions are the answers I gave to the questions asked.

WITNESSES

|       |       |
|-------|-------|
| _____ | _____ |
|       | NAME  |
| _____ | _____ |
|       | DATE  |

D. Eligibility for Appointed Counsel

The eligibility of appointed counsel for the pre-revocation hearing and revocation hearing is determined by the hearing officer prior to the pre-revocation hearing. If no pre-revocation hearing is held, the Parole Board makes this decision with the assistance of the Parole Officer.<sup>9</sup>

Examples of Cases Where Appointed Counsel Would be Appropriate

1. The parolee appears to be indigent and he has requested appointed counsel. This request was approved since he made a colorable (believable) contention that he had not committed the alleged violation and does not appear capable of effectively speaking for himself.
2. The parolee appears to be indigent and he has requested appointed counsel. This request was approved because, although he admitted the violations, he made a colorable claim that there were substantial mitigating circumstances that would make revocation inappropriate. In the interest of fairness, counsel was arranged since the parolee does not appear capable of effectively speaking for himself.

Examples Where Appointed Counsel Should Not Be Approved

1. After being informed of his rights, the parolee did not request appointed counsel.
2. The parolee requested appointed counsel, however, he is not considered to be indigent because he owns real estate valued at approximately \$15,000.00 or has income of X dollars per month and should be able to retain counsel.
3. A parolee does not deny the alleged violations nor does he claim substantial mitigating circumstances which would make revocation inappropriate.

<sup>9</sup>  
Gagnon v Scarpelli 93 U.S. 1756 (1973)

4. The parolee admits the violation but claims substantial mitigating circumstances, however, he appears to be capable of effectively speaking for himself.

E. Revocation Hearing Before Parole Board <sup>10 & 11</sup>

1. Purpose

The purpose of the final revocation hearing is to determine if any one of the conditions of parole has been violated, and if such violation is so serious that the parolee should be incarcerated for part or all of the balance of his sentence, and to examine any mitigating factors that might indicate that revocation is not appropriate.

2. Rights

When a parolee has been ordered to be returned to the Department of Corrections for a final revocation hearing, he is sent a letter by the Parole Board detailing the charges against him, giving his hearing date, time and place, and also he is given his rights at the revocation hearing (rights are detailed on page 20-21).

3. Time for Revocation Hearing

Once a parolee has been returned to the Department of Corrections upon the order of the Parole Board, a final revocation hearing by the Parole Board will be held within thirty (30) days of his return to the institution. He has the right to ask for a continuance of his hearing, but must do so in writing at or before the hearing.

4. Persons Present for Revocation Hearing

At least three (3) members (quorum) of the Parole Board will be present for the revocation hearing. The parolee must be present. The parolee may have his attorney and witnesses or any requested adverse witnesses present. The Parole Board may also invite interested parties to be present.

5. Procedure

Identification of parolee will be established, his offense, sentence, dates of confinement and parole will be verified, and rights will be restated. The charges against him will be read and each charge will be discussed in detail. Parolee will be encouraged to speak for himself, attorney and witnesses

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Morrissey v Brewer, 408 U.S. 471 (1972)

11

Gagnon v Scarpelli, 93 U.S. 1756 (1973)

will be allowed to make statements in his behalf, attorney will be permitted to advise him throughout hearing. The hearing will be informal once the charges are read, questions will be asked by the Chairman and members of the Parole Board.

6. Evidence Used by the Parole Board

The Parole Board's evidence will include some or all of the following.

- a. The parolee's progress reports (narratives) made weekly or monthly by his Parole Officer since parolee's release.
- b. Full report of the pre-revocation hearing. Any evidence substantiated, or statements made at that hearing will be the same as if such occurred at the final revocation hearing.
- c. Bill of Information
- d. Grand Jury Indictment
- e. Police reports (verified)
- f. Court Minutes
- g. Statements of witnesses or victims.
- h. Rap sheets of those with whom parolee is accused of associating.
- i. Employer's statements
- j. Statement and recommendation of Parole Officer.
- k. Recommendation of hearing officer and Division of Probation and Parole.
- l. The Parole Board will also examine any documents, such as check stubs for employment, medical reports, etc., presented by parolee. Statements from parolee, his attorney and witnesses will also be taken into account.

7. Decision of Parole Board at Revocation Hearing

The decision of the Parole Board will be given to the parolee at the revocation hearing. The decision will be stated orally

and given to him in writing at the hearing. The decision will be one of the following:

- a. Guilty of all the charges against parolee, revoke for balance of sentence.
- b. Guilty of certain (specified) charges against parolee, other charges dismissed, revoke for balance of sentence.
- c. Guilty of either (a) or (b) above, revoke, but will be given another hearing for parole at a specified time, if he has received no disciplinary reports in the interim period and has presented acceptable plans for parole.
- d. Guilty of either (a) or (b) above, revoke, but will be given another hearing for parole if the open felony or misdemeanor charge is dismissed or if parolee is found not guilty by the Court.
- e. Continue the making of the final decision until such time as certain evidence presented at hearing can be checked and verified.
- f. Guilty of all or some of the charges, but the Parole Board had determined the charges are not so serious that the parolee should be incarcerated for the balance or part of his sentence, reprimanded, release and restore to parole supervision.
- g. Guilty of all or some of the charges (specified), but expiration date for parole has passed, unsatisfactory discharge. (This decision occurs only in a few cases of absconders or those who have received misdemeanor sentences near the end of their parole time.)
- h. Not guilty of any of the charges, restore to parole supervision.

#### 8. No Revocation Hearing on New Felony Conviction

A final revocation hearing before the Parole Board will not be held if the parolee has been convicted of a new felony on parole. The Parole Board has no discretion in such cases. For administrative purposes, the Parole Board will give a written vote in office in file to show revocation.

#### XI. TIME MUST SERVE IF REVOKED

- A. A parolee returned to incarceration for a parole violation, that does not include a new sentence for a felony offense, will be required to serve the remainder of the sentence, subject to

applicable commutation statutes or good-time credits. Parolee, when revoked, will lose up to six (6) months of good time earned prior to parole.<sup>12</sup> Any such prisoner may be considered for re-parole at a date set by the Board of Parole.

- B. A prisoner returned to incarceration as a parole violator who has received a new sentence for a felony offense on parole shall serve out the entire sentence under which he was paroled, subject to applicable commutation statutes, unless the Court imposing the new sentence shall have otherwise directed. This prisoner shall begin serving his new sentence and be eligible for a parole hearing at the completion of one-third of the maximum sentence.
- C. The Board of Parole accepts the official prison record as issued by the Custodian of Prison Records in determining when sentences are concurrent or consecutive, when verified by the Division of Probation and Parole.
- D. The Board of Parole will require valid copies of judgments and sentences as handed down by the Court and/or Courts.

XII. PAROLE SUSPENSION AND TERMINATION

A. Suspension of Supervised Parole

The reporting conditions of a parolee may be suspended for such time as the parolee shall satisfy the Board of Parole that supervision is not necessary, after a minimum of two (2) years has been served on parole.<sup>13</sup> However, he will continue to be subject to revocation if he violates parole before the expiration of his maximum sentence. The Parole Board may order him back under maximum supervision at any time sufficient evidence is shown by his Parole Officer.

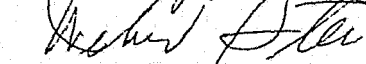
B. Termination of Parole

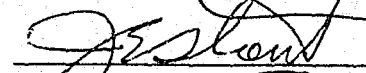
When a parolee has completed his sentence, he will be given a Certificate of Discharge from the Department of Corrections.

ADOPTED-October 23, 1978  
as Revised:

  
\_\_\_\_\_  
SYBIL FULLERTON, Chairman

  
\_\_\_\_\_  
LOUIS JETSON, Member

  
\_\_\_\_\_  
WEBER STEVENS, Member

  
\_\_\_\_\_  
J. E. STOUT, Member

12  
R.S. 15:571.4 Par C  
13  
R.S. 15:574.7 Par A

**END**