



**LOUISIANA
BOARD OF PARDONS AND PAROLE**

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BOARD DIRECTIVE

**SUBJECT: GUIDELINES FOR PAROLE CONSIDERATION FOR
YOUTH OFFENDERS**

REFERENCES: *Roper v. Simmons*, 543 U.S. 551 (2005), *Graham v. Florida* U.S. 48 (2010), *Miller v. Alabama* 567 U.S. (2012); *Montgomery v. Louisiana* 557 U.S. (2016); Act 239 of 2013; and Louisiana R.S. 15:574.4(D) and (E)

AUTHORITY: LAC Title 22, Part V and Part XI, Louisiana R.S. 15:574.2(D)

DEFINITIONS:

“Miller Factors” (taken from SCOTUS: *Miller v Alabama* 2012):

- 1) Consideration of a child’s chronological age and their hallmark features, such as immaturity, impetuosity and failure to appreciate risks and consequences.
- 2) The family and home environment – from which the youth cannot usually extricate himself, even if it is brutal or dysfunctional.
- 3) The youth’s role in the crime.
- 4) Potential to become rehabilitated.

PURPOSE:

To establish guidelines that provide a person serving a sentence for crimes that he or she committed as a juvenile a meaningful opportunity to be considered for parole release, based on demonstrated maturity and rehabilitation, in accordance with the decisions for the United States Supreme Court in *Roper v. Simmons* (2005), *Graham v. Florida* (2010), *Miller v. Alabama* (2012) and subsequent cases.

DISCUSSION:

The parole process for juvenile cases under *Graham* and *Miller* takes on a constitutional dimension that does not exist for other offenders whose sentences include parole eligibility. Juveniles are constitutionally different from adults, with diminished culpability and greater prospects for reform. As such, the Committee on Parole has a responsibility to consider the “Miller factors” in making their parole decision. The availability of a meaningful opportunity for release on parole is what makes the juvenile’s life sentence constitutionally proportionate. The Louisiana Board of Pardons and Parole must consider, in a meaningful manner, the unique circumstances of each offender when considering these cases for parole release. Consideration shall be in accordance with guidelines set forth in this directive. These guidelines are not intended to guarantee or imply

eventual freedom, but to provide meaningful opportunity for release based on demonstrated maturity and rehabilitation.

GUIDELINES:

- A. Upon notification by the Department of Public Safety & Corrections that a juvenile offender sentenced to Life Without Parole is eligible for parole consideration, the offender shall be scheduled for a parole hearing in accordance with established procedure.
- B. For each offender eligible for parole consideration, the parole panel shall give great weight to the fact that youth are less responsible than adults for their actions. At a minimum, the parole panel shall consider mitigating factors for offenders sentenced before the age of 18:
 - 1) The age and life circumstances of the offender at the date of the commission of the crime;
 - 2) The hallmark features of youth at the time of commission of the crime, including but not limited to, diminished understanding of risks and consequences, diminished ability to resist peer pressure, and diminished ability to control surroundings;
 - 3) Whether the offender has demonstrated remorse, growth, and increased maturity since the date of the commission of the crime;
 - 4) The offender's contributions to the welfare of other persons through service;
 - 5) When appropriate, the offender's efforts to overcome substance abuse, addiction, or trauma;
 - 6) Lack of education or obstacles that the offender may have faced as an adolescent in the adult correctional system;
 - 7) The overall degree of the offender's rehabilitation, considering the offender's age and life circumstances at the time of the crime, the nature of circumstances of the offender's involvement in the crime, and the offender's opportunities for rehabilitation while incarcerated.
- C. The panel shall consider any available information on the offender's mental health history as well as a current mental health evaluation of the offender regarding background and current functioning.
- D. When considering each of these juvenile lifer cases, the parole panel must weigh the need for continued incarceration of the offender against the benefits to the offender and society that would result from the offender's release to the community.

- E. Each parole panel member must articulate the basis of his or her individual decision both orally and in writing.

SHERYL M. RANATZA, CHAIR

**Signature on file*

This Directive replaces and supersedes Board Directive 03-304-DIR, " Guidelines for Parole Consideration for Youth Offenders" dated May 25, 2017. (Technical Revisions Only)