

COMMISSION ON ACCREDITATION FOR CORRECTIONS

STANDARDS COMPLIANCE REACCREDITATION AUDIT

Louisiana Department of Public Safety and Corrections
Louisiana Board of Pardons and Parole
Baton Rouge, Louisiana

April 5 - 6, 2021

VISITING COMMITTEE MEMBERS

Kenneth Valentine, Chairperson
ACA Auditor

Sandra Gail Hylton
ACA Auditor

A. Introduction

The audit of the Louisiana Board of Pardons and Parole was conducted on April 5-6, 2021, by the following team: Ken Valentine, Chairperson; and Sandra Hylton, Member.

B. Facility Demographics

Rated Capacity: There is no rated capacity as this is not an audit of a residential facility.

Actual Population: 26,808

Average Daily Population for the last 12 months: 22,340

Average Length of Stay: males - 7.27 years, females – 6.67 years

Security/Custody Level: Community supervision

Age Range of Offenders: 18 – 55+

Gender: male and female

Full-Time Staff: 23

C. Facility Description

The Board of Pardons was enshrined in the Louisiana Constitution in 1921, following the establishment of the Board of Parole in 1916. The original Board of Parole consisted of three members appointed by the Governor. In 1940 the Board of Parole was abolished with authority transferred to the Department of Welfare. In 1942 a new State Board of Parole was established to act in concert with Public Welfare, and in 1948 the Board of Parole assumed sole authority for paroling decisions.

The composition, terms, and tenure of Parole Board members changed over the years, and in 1982 the legislature mandated that all offenders released on their “good time date” be supervised, as if on parole, until their full-term date. This “good time parole supervision” is automatic, without input from the Board, but offenders are under Board control during this supervision. These offenders make up over 90% of offenders under the control of the Board.

In 2012, the state legislature abolished the Board of Parole and merged the parole function into the Board of Pardons. It created a Committee on Parole within this board, resulting in the current designation as the Board of Pardons and Committee on Parole.

The Board consists of the five members of the Board of Pardons and Committee on Parole, and two at-large members who serve only on the Committee on Parole, all of whom are appointed by the Governor to concurrent terms with those of the Governor. Additionally, there is an ex-officio member of the Committee who is not a voting member. This ex-officio member is typically the Warden of the facility where the inmate is housed.

Members of the Board must have five years of experience in the field of penology, corrections, law enforcement, sociology, law, education, social work, medicine, or a combination of those disciplines. Members complete a comprehensive orientation period within 90 days of their appointment and an additional eight hours of training annually.

The Board's offices are contained within Building 6 of a complex of buildings housing government agencies. The building also houses the Central Office of the Probation and Parole Division as well as the Probation and Parole Academy. Hearing rooms are contained in Building 1, which also houses the Office of the Secretary of the Department of Public Safety and Corrections. Funding for the Board is provided by the Department of Public Safety and Corrections. The Board is quasi-independent but is under the Department for administrative structure and support.

The Board meets on a regularly scheduled, publicly posted basis to consider applications for pardon, sentence commutation, and restoration of rights and privileges of citizenship. The Board has the sole right to grant parole. All recommendations for pardon / clemency are forward to the Governor for final action.

Inmates who are eligible for parole are afforded a public hearing within six months of their eligibility date. Prior to the hearing, a parole eligibility plan facilitates the completion of a comprehensive parole plan to assist the Board in this decision-making process. Parole hearings are open by law, and individuals such as family members and victims are permitted to attend and make a statement. If the Board decides to grant parole, conditions are set by the Board / Committee and the offender will be assigned to a Parole Officer for eventual supervision.

In addition to parole hearings, the Board/Committee makes the final decision to revoke or continue supervision for significant violations of parole, subsequent to preliminary revocation hearings held by parole staff in the field. Additionally, the Board is responsible for the issuance of warrants for the arrest of parolees who are alleged to have violated supervision. The Board maintains a Web site which is comprehensive, up to date, and provides publicly necessary documents and schedules.

Because of the Covid 19 pandemic, Parole hearings are now held by "Zoom" meetings. Board members have meeting rooms set up at their residences from which they participate, but the meetings are facilitated by parole board staff from their central office. Meetings are broadcasted over YouTube and are accessible to the public. This process also allows Victims and/or offenders' family members to be "present" for the hearings without having to travel to Baton Rouge. It was noted that one victim was able to participate in a parole hearing while he remained at his residence in Australia.

The Mission of the Board of Pardons is:

To serve the citizens of Louisiana through informed decision-making, thereby promoting public safety, addressing the needs of crime victims, and to facilitate successful reentry for offenders who have appropriately prepared for community supervision.

D. Pre-Audit Meeting

The team met on April 4, 2021, in Baton Rouge to discuss the information provided by the Association staff and the officials from the Louisiana Board of Pardons and Parole.

The chairperson divided standards into the following groups:

Standards #2-1001 – 2-1074 to Ken Valentine
Standards # 2-1075 – 2-1032 to Sandra Hylton

E. The Audit Process

1. Transportation

The team was escorted to the facility by Francis Abbott, Executive Director

2. Entrance Interview

The audit team proceeded to the office of Sheryl Ranatza Chairperson. The team expressed the appreciation of the Association for the opportunity to be involved with Louisiana Board of Pardons and Parole in the accreditation process.

The following persons were in attendance:

Sheryl Ranatza, Board Chairperson
Francis Abbott, Executive Director
John Poche, Administrative Program Director
Lea Wroten, Administrative Program Manager (Pardon)
Kristy Craft, Administrative Program Manager (Parole)
Elizabeth Traylor, Executive Management Officer

It was explained that the goal of the visiting team was to be as helpful and non-intrusive as possible during the conduct of the audit. The chairperson emphasized the goals of accreditation toward the efficiency and effectiveness of correctional systems throughout the United States. The audit schedule was also discussed at this time.

3. Facility Tour

The team toured the entire facility from 8:30 am to 9:15 am. The following persons accompanied the team on the tour and responded to the team's questions concerning facility operations:

Francis Abbott, Executive Director
Elizabeth Traylor, Executive Management Officer

Facility Notices were posted throughout the facility.

4. Conditions of Confinement/Quality of Life

During the tour, the team evaluated the conditions of confinement at the facility. The following narrative description of the relevant programmatic services and functional areas summarizes the findings regarding the quality of life.

Since this agency does not house or supervise offenders, Quality of Life Observations are based merely on their effect on staff employed by this agency.

Security:

Entry is gained by use of a key card. All visitors entering the office are screened for weapons. Security is provided by a DOC employee.

Environmental Conditions:

Offices were comfortable temperature wise and not crowded.

Sanitation:

Offices were clean. Janitorial services are provided by an inmate work crew.

Fire Safety:

Evacuation notices were clearly posted and exits clearly marked. Smoke detectors, pull stations and fire extinguishers were located within the facility.

Food Service:

Employees have a food service location available on campus, and vending machines are also available.

F. Examination of Records

Following the facility tour, the team proceeded to the conference room to review the accreditation files and evaluate compliance levels of the policies and procedures. The facility has no notices of non-compliance with local, state, or federal laws or regulations.

1. Litigation

Over the last three years, the facility had no consent decrees, class action lawsuits or adverse judgments.

2. Significant Incidents/Outcome Measures

This section does not apply to this audit.

3. Departmental Visits

Team members revisited the following departments to review conditions relating to departmental policy and operations:

<u>Department Visited</u>	<u>Person(s) Contacted</u>
Administrative Programs	John Poche, Director
Pardons Program	Lea Wroten, Manager
Parole Scheduling	Kristy Craft, Manager
Release Processing	Whitney Troxclair, Investigative Specialist
Mental Health Screening	Phillip Thompson, Investigative Specialist
Hearing Room	Theresa Doan, Investigative Specialist
	Raphael Eaglin, WAE
Pardons Review	Natalie Verbois
Administrative Duties	Betty Williams, Administrative Coordinator 4
	Pansy Mercadal, Administrative Coordinator 4
	Makaylah Herring, Administrative Coordinator 3
	David Annison, WAE

4. Shifts

a. Day Shift

The team was present at the facility during the day shift from 8 am to 5 pm.

5. Status of Previously Non-compliant Standards/Plans of Action

The team reviewed the status of standards previously found non-compliant, for which a waiver was not granted, and found the following:

Standard #2-APA-1009 Waiver was approved.

Standard #2-APA-1015 plan of action was approved and as a result additional staff was provided to the agency which brought them into compliance on this audit.

Standard #2-APA-1040 Waiver was approved.

Standard #2-APA-1041 Waiver was approved.

Standard #2-APA-1042 a plan of action was approved which involved a request to the Louisiana Legislature for a change in statute to bring the Parole Board members' salaries to within 20% of Judges in their jurisdiction. Unfortunately, the legislature has not made that change.

G. Interviews

During the course of the audit, team members met with both staff and offenders to verify observations and/or to clarify questions concerning facility operations.

1. Offender Interviews

No offenders were available for interview.

2. Staff Interviews

Eighteen staff members were interviewed all of whom stated that they enjoyed their work and felt like they are helping to make a difference. There were several staff members that have been employed with the parole board for over 20 years, as well as several with just a few months to a couple of years of employment.

It should be noted that due to the previous audit team's findings on standard 2-1015 regarding an inadequate number of staff to fulfill the Board's mission, the Louisiana Board of Pardons and Parole was able to acquire additional staff to sufficiently manage their workload.

H. Exit Discussion

At the request of the Board Chair, the exit interview was held at 10 am in the gymnasium with the Board Chair, Sheryl Ranatza, and 18 staff in attendance.

The following persons were also in attendance:

Malcolm Myer, Deputy Secretary
Alvin Roche', Board Member
Pearl Wise, Board Member
Anthony Marabella, Board Member
Glynn Stassi
Maria Toups

The chairperson explained the procedures that would follow the audit. The team discussed the compliance levels of the mandatory and non-mandatory standards and reviewed their individual findings with the group.

The chairperson expressed appreciation for the cooperation of everyone concerned and congratulated the facility team for the progress made and encouraged them to continue to strive toward even further professionalism within the correctional field.

AMERICAN CORRECTIONAL ASSOCIATION
AND THE
COMMISSION ON ACCREDITATION FOR CORRECTIONS

COMPLIANCE TALLY

Manual Type	APA, 2 nd edition (Beta Test version)	
Supplement	2016 Standards Supplement	
Facility/Program	Louisiana Board of Pardons and Parole	
Audit Dates	April 5-6, 2021	
Auditor(s)	Ken Valentine, Chair; Sandra Hylton, member	
	MANDATORY	NON-MANDATORY
Number of Standards in Manual	0	128
Number Not Applicable		2
Number Applicable		126
Number Non-Compliance		4
Number in Compliance		122
Percentage (%) of Compliance		96.8%
<p>! Number of Standards <i>minus</i> Number of Not Applicable <i>equals</i> Number Applicable</p> <p>! Number Applicable <i>minus</i> Number Non-Compliance <i>equals</i> Number Compliance.</p> <p>! Number Compliance <i>divided by</i> Number Applicable <i>equals</i> Percentage of Compliance.</p>		

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Visiting Committee Findings

Non-Mandatory Standards

Non-Compliance

Standard #2-1009

WHILE THE EXISTENCE OF A STATUTORY LIMIT MAY PREVENT DISCHARGE PRIOR TO TWO YEARS OF PAROLE, THE PAROLE AUTHORITY HAS THE STATUTORY POWER TO DISCHARGE FROM PAROLE IN ALL CASES SUBSEQUENT TO THIS LIMITATION. (ESSENTIAL)

FINDINGS:

The parole authority has no statutory authority to grant discharge from parole. Discharge is established by the legislature.

AGENCY RESPONSE:

Waiver Request

There is a clear policy in place at a higher level that is contrary to the requirements of this standard. Prior to November 1, 2017, Louisiana law required that a parolee remain under the jurisdiction of the Committee on Parole until the offender has reached his full-term date. The offender discharged from parole at the expiration of his sentence, provided that no warrant for arrest has been issued by the paroling authority, no detainer has been issued by the parole officer, and no indictment or bill of information is pending for any felony offense. On November 1, 2017, a new provision of law became effective that provides that the Department of Public Safety & Corrections discharge an offender from the parole term with credit for compliance with the terms. Waiver request continued: and conditions of parole. Under this new provision of law, the discharge is made by the Department of Public Safety & Corrections without order of the Committee on Parole. Non-compliance does not adversely affect the constitutional operation of the paroling authority.

AUDITOR'S RESPONSE:

The auditor agrees with the waiver request.

Standard #2-1040

TENURE ON THE PAROLE AUTHORITY IS NO LESS THAN FIVE YEARS.

LEGAL PROVISION ALLOWS FOR THE REMOVAL OF PAROLE AUTHORITY MEMBERS FOR GOOD AND DEMONSTRATED CAUSE ONLY AFTER A FULL AND OPEN HEARING WHEN ONE HAS BEEN REQUESTED BY THE MEMBER. (IMPORTANT)

FINDINGS:

Louisiana statute does not address the removal of a board member or provide for a hearing.

AGENCY RESPONSE:

Waiver Request

There is a clear policy in place at a higher level that is contrary to the requirements of this standard. The Louisiana State Constitution states that "each member of the board shall serve a term concurrent with that of the governor appointment term." (Article IV, Section 5(E)(2)). The Board has no control over, nor the authority to change, the Louisiana State Constitution. The term of office for a Louisiana governor is four years and is limited to two terms. The board works in conjunction with a full-time staff, which provides continuity, training, and support, for new appointees. During the audit period, there has not been the removal of a parole authority member. As such, the nature of membership appointments does not adversely affect, in a significant manner, the life, health, and safety of staff or offenders or to the constitutional operation of the board.

AUDITOR'S RESPONSE:

The auditor agrees with the waiver request.

Standard #2-1041

IF A FIXED TERM OF OFFICE IS USED IN THE APPOINTMENT OF PAROLE AUTHORITY MEMBERS, THE TERMS OF THE MEMBERS ARE STAGGERED. (ESSENTIAL)

FINDINGS:

Terms are not staggered by statute. Terms coincide with the term of the Governor.

AGENCY RESPONSE:

Waiver Request

Indicate why the requirement for the submission of a Plan of Action should be waived. The Louisiana Constitution, Article IV, Section 5(E)(2) states that "Each member of the board shall serve a term concurrent with that of the governor appointing him." The Board has no control over, nor the authority to change, the Louisiana State Constitution regarding the term of office for members of the board. The Board works in conjunction with a full-time staff, which provides for institutional memory, which can be drawn upon at any time.

The nature of membership appointments does not adversely affect, in a significant manner, the life, health, and safety of staff or inmates/residents/offenders/clients or, to any degree, the constitutional operation of the facility or program.

AUDITOR'S RESPONSE:

The auditor agrees with the waiver request.

Standard #2-1042

SALARIES OF PAROLE AUTHORITY MEMBERS ARE WITHIN TWENTY PERCENT OF THE SALARY PAID TO JUDGES OF COURTS HAVING TRIAL JURISDICTION OVER FELONY CASES. (ESSENTIAL)

FINDINGS:

Parole board salaries are not within 20% of salaries for judges.

AGENCY RESPONSE:

The salary of Board members is set by Louisiana Revised Statute 15:574.2.A(7). The Louisiana Legislature appropriates the budgets for all state agencies on an annual basis. As of January 1, 2018, according to the National Center for State Courts Judicial Salary Tracker, a trial court Judge with jurisdiction over the offenders the Board reviews earned slightly over \$151,000. To meet this standard would require an annual salary increase of over \$217,000 (\$76,000 for the Chair, \$72,000 for the Vice Chair, and \$69,000 for all other board members).

In 2016, Louisiana faced the largest budget crisis in the state's history and as of the beginning of the 2018 Regular Legislative Session there was still no resolution. This situation has created an environment that has not been favorable to the Board's requests in 2015-2020 for a salary increase.

Plan of Action

Task

- a. During the 2020, 2021 and 2022 fiscal legislative sessions, seek a salary increase for Board Members.

Responsible Agency

- a. Board Chair with the Department of Public Safety and Corrections.

Assigned Staff

- a. Board Chair, Board Executive Director

Anticipated Completion Date

- a. August 15, 2021

AUDITOR'S RESPONSE:

The auditor agrees with the waiver request.

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Visiting Committee Findings

Non-Mandatory Standards

Not Applicable

Standard #2-1031

THE PAROLE AUTHORITY CHAIRPERSON IS RESPONSIBLE FOR A DETAILED BUDGET REQUEST AND JUSTIFICATION WHICH IS PREPARED AND PRESENTED ON BEHALF OF THE AGENCY AT TIMES DESIGNATED BY LAW. (ESSENTIAL)

FINDINGS:

The agency is administered as part of the Louisiana Department of Public Safety and Corrections.

Standard #2-1072

OFFENDERS ARE SCHEDULED AUTOMATICALLY FOR HEARING AND REVIEW BY THE PAROLE AUTHORITY WITHIN ONE YEAR AFTER BEING RECEIVED IN A CORRECTIONAL INSTITUTION IF THERE IS NO MINIMUM ELIGIBILITY DATE.

FINDINGS:

Offenders' parole eligibility dates are determined by statute based on the length of their sentence. The Board of Pardons and Parole does not calculate offenders' time.