

Louisiana

Overall Grade for Louisiana

Total Grade

64
/100

Letter Grade

D

Program Grades

	Total Grade	Letter Grade
Medical Parole	77/100	C+
Medical Treatment Furlough	75/100	C
Compassionate Release	74/100	C
Parole Based on Advanced Age	31/100	F

Medical Parole

Total Grade

77 /100

Letter Grade

C+

Eligibility Criteria

17/30

- 5/10** Clearly set out with understandable and measurable standards.
- 5/10** Generous or not unduly restrictive.
- 7/10** No categorical exclusions/everyone is eligible for consideration.
 - ✘ **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

Procedures

5/10

- 5/5** Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.
- 0/5** Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.
 - ✘ **Extra credit:** Expedited time frames exist for terminal cases. **0**

Engaging the Process

10/15

- 5/5** Clinical and other staff can identify potentially eligible individuals and initiate the process.
- 0/5** Incarcerated people, their loved ones, and advocates can initiate the process.
- 5/5** Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support

15/10 **+**

- 5/5** Agencies provide comprehensive release planning.
 - + Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **+5**
- 5/5** Release planning begins early in the process.

Agency Policy Design

15/15

- 5/5** Agency rules exist for all stages of identification, initiation, assessment, and decision-making.
- 5/5** Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.
- 5/5** Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting

10/10

- 5/5** Agencies are obliged to gather, compile, and report release data to legislature.
- 5/5** Reporting is made available to the public via annual reports or other means.

5/10

Right to Counsel and Appeals

5/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

0/5 Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **0**

The Numbers

The Louisiana Board of Pardons, Committee on Parole reported the following in its 2020 annual report:

2019 The Committee considered 18 requests and granted 13.

2020 The Committee considered eight and granted seven requests.

High and Low Marks

HIGH MARKS

- Louisiana's Medical Parole permits a variety of officials and staff in the Department of Public Safety and Corrections, including any treating health care practitioner, to **initiate the process**. Commendably, the program requires the facility health care authority to identify all incarcerated individuals who meet the medical eligibility criteria and submit a report to the Chief Nursing Officer. FAMM believes that affirmative obligation helps ensure eligible disabled and terminally ill individuals are not left behind, especially given that it appears there is no way they or their supporters on the outside may begin the Medical Parole process themselves.
- The program earned perfect marks for **agency policy design** because clear guidance exists for everyone engaged in the assessment and decision-making processes in both the Department and in the Board of Pardons, Committee on Parole regarding the steps to take and standards to apply.
- While **procedures** are unencumbered by multiple, redundant reviews, FAMM noted that the documentation and assessment steps do not include deadlines, which would help ensure applications move along.
- FAMM gave top grades for **release planning support**, which is thorough and starts early in the process. Discharge planning includes signing individuals up for public benefits before they leave the facility, which earned the Medical Parole program **extra credit**. FAMM considers comprehensive release planning support provisions, such as this one, to be among the most important features of a well-designed compassionate release program.
- While FAMM could not determine whether there is a legislative reporting requirement, we awarded the full maximum grade for **data collection and reporting** for two reasons. Clinical officers in Louisiana prison facilities must report quarterly on the number of people who meet Medical Parole criteria, the number granted Medical Parole, and the number who were declined at any point in the process. The Board of Pardons makes the data public via annual reports.

LOW MARKS

- The program received only half marks for the clarity, measurability, and generosity of its **eligibility standards** based on the definition of “permanently disabled.” To be eligible under the criterion, a person must be unable to engage in any “substantial gainful activity” due to a condition that is irreversible. FAMM believes that is both a high standard to meet and a difficult standard to apply given that “gainful activity” is undefined.
- **Right to counsel and appeals:** Applicants whom the Committee on Parole deny may only seek a rehearing within time frames afforded to mill run parole applicants. People denied at earlier stages of the Medical Parole process cannot be reconsidered but must instead wait for an official or staff in the Department to reinitiate the process.

Medical Treatment Furlough

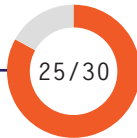
Total Grade

75 /100

Letter Grade

C

Eligibility Criteria



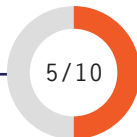
10/10 Clearly set out with understandable and measurable standards.

8/10 Generous or not unduly restrictive.

7/10 No categorical exclusions/everyone is eligible for consideration.

✖ **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

Procedures

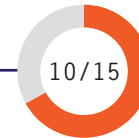


5/5 Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

✖ **Extra credit:** Expedited time frames exist for terminal cases. **0**

Engaging the Process



5/5 Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 Incarcerated people, their loved ones, and advocates can initiate the process.

5/5 Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support



5/5 Agencies provide comprehensive release planning.

+ **Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **+5**

5/5 Release planning begins early in the process.

Agency Policy Design



5/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

5/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

5/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting



5/5 Agencies are obliged to gather, compile, and report release data to legislature.

5/5 Reporting is made available to the public via annual reports or other means.

5/10

Right to Counsel and Appeals

5/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

0/5 Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **0**



Overall Penalty

-10 This well-designed, comprehensive compassionate release program benefited very few people in 2019 and 2020. The Board of Pardons, Committee on Parole only granted five individuals Medical Treatment Furlough in those years.

The Numbers

The Louisiana Board of Pardons, Committee on Parole reported the following statistics in its 2020 annual report:

2019 The Committee considered nine Medical Treatment Furlough referrals and granted release to five individuals.

2020 The Committee considered three referrals but did not grant any releases.

High and Low Marks

HIGH MARKS

- Louisiana's Medical Treatment Furlough passed **eligibility criteria**. The criteria are easy to understand and apply and include consideration for individuals who are not eligible for its sister program, Medical Parole. The criteria are also relatively generous, contain some examples, and include very few categorical exclusions.
- Medical Treatment Furlough permits a variety of officials and staff in the Department of Public Safety and Corrections, including any treating health care practitioner, to **initiate the process**. Commendably, the program requires the facility health care authority to identify all incarcerated individuals who meet the medical eligibility criteria and submit a report to the Chief Nursing Officer. FAMM believes that affirmative obligation helps ensure eligible disabled and terminally ill individuals are not left behind, especially given that it appears there is no way they or their supporters on the outside may begin the Medical Treatment Furlough process themselves.
- The program earned perfect marks for **agency policy design** because clear guidance exists for everyone engaged in the assessment and decision-making processes in both the Department and the Committee on Parole regarding the steps to take and standards to apply.
- While **procedures** are unencumbered by multiple, redundant reviews, FAMM noted that the documentation and assessment steps do not include deadlines. Setting out time frames would help ensure applications move along.

HIGH MARKS (CONTINUED)

- FAMM gave top grades for **release planning support**, which is thorough and starts early in the process. Discharge planning includes signing individuals up for public benefits before they leave the facility, which earned the Medical Treatment Furlough program **extra credit**. FAMM considers comprehensive release planning support provisions, such as this one, to be among the most important features of a well-designed compassionate release program.
- While FAMM could not determine whether there is a legislative reporting requirement, we awarded the full maximum grade for **data collection and reporting** for two reasons. Clinical officers in Louisiana prison facilities must report quarterly on the number of people who meet Medical Treatment Furlough criteria, the number granted Medical Treatment Furlough, and the number who were declined at any point in the process. The Board of Pardons makes the data public via annual reports.

LOW MARKS

- **Right to counsel and appeals:** Applicants whom the Committee on Parole denies may only seek a rehearing within time frames afforded to mill run parole applicants. People denied at earlier stages of the Medical Treatment Furlough process cannot be reconsidered but must instead wait for an official or staff in the Department to reinitiate the process.
- Very few incarcerated individuals were released to Medical Treatment Furlough in 2019 and 2020.

Compassionate Release

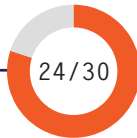
Total Grade

74 /100

Letter Grade

C

Eligibility Criteria



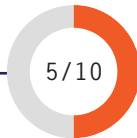
10/10 Clearly set out with understandable and measurable standards.

5/10 Generous or not unduly restrictive.

9/10 No categorical exclusions/everyone is eligible for consideration.

✘ **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

Procedures

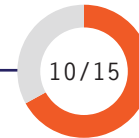


5/5 Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

✘ **Extra credit:** Expedited time frames exist for terminal cases. **0**

Engaging the Process

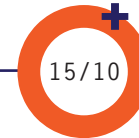


5/5 Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 Incarcerated people, their loved ones, and advocates can initiate the process.

5/5 Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support



5/5 Agencies provide comprehensive release planning.

+ **Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **+5**

5/5 Release planning begins early in the process.

Agency Policy Design

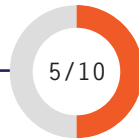


5/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

5/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

5/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting



5/5 Agencies are obliged to gather, compile, and report release data to legislature.

0/5 Reporting is made available to the public via annual reports or other means.

0/10

Right to Counsel and Appeals

0/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

0/5 Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **0**

The Numbers

The Department of Public Safety and Corrections does not publicly release Compassionate Release data. The Department did not respond to FAMM's request regarding the number of individuals granted Compassionate Release in 2019 and 2020.

High and Low Marks

HIGH MARKS

- Louisiana's Compassionate Release received mixed marks for **eligibility criteria**. The criteria are easy to understand and apply and include consideration for individuals who are not eligible for its sister programs, Medical Parole and Medical Treatment Furlough. While the criteria for people with limited mobility are rather generous, those for people who are terminally ill are not. The terminally ill are not eligible until they are within 60 days of death. That is an exceptionally short time frame within which to complete all the steps necessary to reach a final decision.
- Compassionate Release permits a variety of officials and staff in the Department of Public Safety and Corrections, including any treating health care practitioner, to **initiate the process**. Commendably, the program requires the facility health care authority to identify all incarcerated individuals who meet the medical eligibility criteria and submit a report to the Chief Nursing Officer. FAMM believes that affirmative obligation helps ensure eligible disabled and terminally ill individuals are not left behind, especially given that it appears there is no way they or their supporters on the outside may begin the Compassionate Release process themselves.
- Louisiana earned perfect marks for **agency policy design** because clear guidance about the steps to take and standards to apply exist for everyone engaged in the assessment and decision-making processes in the Department. This program – unlike its counterparts Medical Parole and Medical Treatment Furlough – cut out the Board of Pardons, Committee on Parole, leaving the final decision to the Department Secretary. That time-saving feature is commendable, especially given the short prognosis for terminal illness eligibility.

HIGH MARKS (CONTINUED)

- While **procedures** are unencumbered by multiple, redundant reviews, FAMM noted that the documentation and assessment steps do not include deadlines. Setting out time frames would help ensure applications move along, especially for consideration of people within 60 days of death.
- FAMM gave top grades for **release planning support**, which is thorough and starts early in the process. Discharge planning includes signing individuals up for public benefits before they leave the facility, which earned the Compassionate Release program **extra credit**. FAMM considers comprehensive release planning support provisions, such as this one, to be among the most important features of a well-designed compassionate release program.

LOW MARKS

- **Right to counsel and appeals:** It does not appear that lawyers can represent individuals in the Compassionate Release process. FAMM could not locate information about whether people denied Compassionate Release have any appeal or reapplication rights.
- **Data collection and public reporting:** Clinical officers in Louisiana prison facilities must report quarterly to the Department Secretary on the number of people who meet Compassionate Release criteria, the number granted Compassionate Release, and the number who were declined at any point in the process. The Department does not make that information public.

Parole Based on Advanced Age

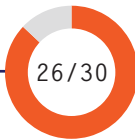
Total Grade

31 /100

Letter Grade

F

Eligibility Criteria



10/10 Clearly set out with understandable and measurable standards.

10/10 Generous or not unduly restrictive.

6/10 No categorical exclusions/everyone is eligible for consideration.

✘ **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

Procedures

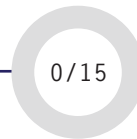


0/5 Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

✘ **Extra credit:** Expedited time frames exist for terminal cases. **0**

Engaging the Process

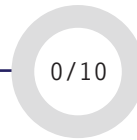


0/5 UTD* Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 UTD Incarcerated people, their loved ones, and advocates can initiate the process.

0/5 UTD Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support

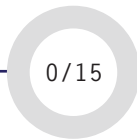


0/5 UTD Agencies provide comprehensive release planning.

✘ **Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **0**

0/5 UTD Release planning begins early in the process.

Agency Policy Design

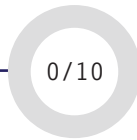


0/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

0/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

0/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting



0/5 Agencies are obliged to gather, compile, and report release data to legislature.

0/5 Reporting is made available to the public via annual reports or other means.

5/10

Right to Counsel and Appeals

5/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

0/5 Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **0**

* UTD stands for "Unable to Determine" and is graded zero. This is when there are no rules, guidelines, regulations, or other authority that FAMM could find addressing the graded category. For example, if there are no published provisions for release planning or telling an agency how it is to evaluate an incarcerated person's eligibility, that results in a zero UTD grade.

The Numbers

No documentation or reports exist concerning Parole Based on Advanced Age.

High and Low Marks

HIGH MARK

- Louisiana's Parole Based on Advanced Age **eligibility criteria** are clearly set out, measurable, and generous. By law, incarcerated people 60 years and older who have served at least 10 years of their sentence may be eligible if they meet specified program conditions and are deemed "low risk" according to a validated risk assessment instrument. The program is not open to people serving time for a crime of violence or sex offense.

LOW MARK

- **Overall**, Parole Based on Advanced Age **flunks** every other measure due to the fact that no Department of Public Safety and Corrections or Board of Pardons, Committee on Parole regulations or rules mention the program. The Board annual reports do not include any information about individuals paroled via the authority.