



**LOUISIANA
BOARD OF PARDONS**

**Number: 02-205-POL
Date: March 20, 2021
Page: 1 of 5**

BOARD POLICY

SUBJECT: APPLICATION FILING PROCEDURES

PURPOSE: To establish procedures for filing an application for clemency

AUTHORITY: LAC, Title 22, Part V, Chapter 2; La. R.S. 15:572

REFERENCE: Board Policy 02-209-POL, "Hearings Before the Board of Pardons", ACA Standard 2-1011

POLICY:

It is the policy of the Board of Pardons to consider only those applications for clemency which conform to the procedures outlined in this board policy. An Application for Clemency form shall be made available on the Board's webpage at doc.la.gov. Applications must be received in the Board of Pardons office by the fifteenth of the month to be placed on the docket for consideration the following month. No application shall be considered by the Board until it deems the application to be complete in accordance with this policy.

PROCEDURES:

A. All Applicants

- 1) Every application must be submitted on the form approved by the Board of Pardons and posted on the Board's webpage at doc.la.gov. The answers on the application must be typed or printed in ink. If the application is illegible it will be returned and will not be processed.
- 2) It is the applicant's responsibility to submit a complete application. The application will not be processed until it is complete. If any required information does not apply, the response should be "NA." If, after receipt of the application, it is determined incomplete, the applicant will be notified about the missing information.

- 3) Each answer must be answered fully, truthfully, and accurately. The submission of any false information is grounds for immediate denial of the application.
- 4) Additional documentation that is relevant to the application may also be attached, including letters of support on behalf of the applicant, military DD-214 if applicable, other attachments that the applicant would like to include that are relevant to the application. (See also section B. below for required documentation.)
- 5) The mailed application must be filled out completely, signed, dated, and notarized where required.
- 6) The online application must be digitally signed and submitted through the website.

B. In addition to the information submitted by application, the following required documents must be attached as they apply to each applicant.

- 1) **Incarcerated Applicants:** Any applicant presently confined in any institution must attach a current master prison record and have the signature of a classification officer verifying the conduct of the applicant in the appropriate section of the application, and a copy of conduct summary report. Applicants sentenced to death must attach proof of direct appeal denial (see also Board Policy 02-207, "Capital Cases").
- 2) **Parolees:** Applicants who have completed parole supervision must attach:
 - a. A copy of their parole certificate (see also Board Policy 02-201-POL, "Types of Clemency");
 - b. A certified judgment and sentence on each conviction for which they are applying for a pardon;
 - c. A certified statement from the Clerk of Court that all fines, fees, and court costs (including restitution and probation fees) have been paid in full;
 - d. A current credit report (current within 90 days of date of application); and
 - e. Proof of residence.
- 3) **Probationers:** Applicants who have completed their period of probation must attach:
 - a. A certified copy of sentencing minutes or copy of automatic first offender pardon;
 - b. A certified judgment and sentence on each conviction for which they are applying for a pardon;

- c. A certified statement from the Clerk of Court that all fines, fees, and court costs (including restitution and probation fees) have been paid in full;
 - d. A current credit report (current within 90 days of date of application); and
 - e. Proof of Residence.
- f. **First Offender Pardons** [R.S. 15:572 (B)]: Any applicants who have ever received an Automatic First Offender Pardon must attach a certified copy of the Automatic First Offender Pardon.
- C. No additional information or documents may be submitted until applicant has been notified that he/she will be given a hearing. The Board of Pardons will not be responsible for items submitted prior to notification that a hearing will be granted.
- D. Re-application upon denial by board to grant clemency hearing- Any applicant denied by the Board shall be notified, in writing, of the reason(s) for the denial and thereafter may file a new application as indicated below.
- 1) **Applicants Sentenced to Life Imprisonment** - Any applicant with a life sentence may reapply five years after the initial denial; five years after the subsequent denial; and every five years thereafter.
 - 2) **Other** - Applicants without a life sentence may file a new application two years from date of the letter of denial.
 - 3) **Fraudulent Documents or Information** - Any fraudulent documents or information submitted by applicant will result in an automatic denial by the Board and no new application will be accepted until four years have elapsed from the date of letter of denial. Any lifer denied because of fraudulent documents may reapply 10 years from the date of letter of initial denial; seven years if subsequent denial; and six years for denials thereafter.
 - 4) **Governor Granted Clemency** - The Office of the Governor will notify an applicant if any clemency is granted. Any otherwise eligible person who has been granted any form of executive clemency by the Governor may not reapply for further executive clemency for at least four (4) years from the date that such action became final.
 - 5) **Denial/No Action Taken by Governor after Favorable Recommendation** - The board shall notify an applicant after its receipt of notification from the Governor that the Board's favorable recommendation was denied or no action was taken.

- a. If the applicant is notified of denial by the Governor, the applicant may not reapply for clemency for at least four years from the date of denial. The application filing procedures in A through C above shall apply.
 - b. When no action is taken by the Governor on a recommendation for clemency issued by the board, the person seeking clemency shall not be required to reapply to the board and the recommendation shall not expire upon the expiration of the Governor's term in office and may be reviewed by the next Governor to take office.
 - 1) Upon receipt of the no action files from the Governor's office, the parole board staff shall review the following:
 - i. Offender's disciplinary record; and
 - ii. State Police rap sheet.
 - 2) Staff will use the updated information to determine if the applicant is still eligible to apply for clemency.
 - 3) Once approved, the file will be sent back to the Governor's office within six months of being received, with a recommendation to the Governor from the pardon board, signed by the Board Chair.
 - 4) If upon review the applicant is deemed no longer eligible, the recommendation will be denied and the offender will be notified in writing.
- E. Notice of Action Taken on Application - After review of the application for clemency by the Board, applicants shall be notified, in writing, of action taken by the Board. Action can include granting a hearing before the Board or denial of a hearing.
- F. Hearing Granted/Advertisement in Local Journal - After notice to an applicant that a hearing has been granted, the applicant shall provide the Board office with proof of advertisement within 90 days from the date of notice to grant a hearing. Advertisement must be published in the official journal of the parish where the offense occurred. This ad must state:
"I (applicant's name), (DOC number), have applied for clemency for my conviction of (crime).
If you have any comments, contact the Board of Pardons (225) 342-5421."

- G. At this stage of the process, along with proof of advertisement published in the local journal, the applicant may submit additional information (e.g., letters of recommendation and copies of certificates of achievement and employment/residence agreement).

SHERYL M.RANATZA, CHAIRMAN

**signature on file*

This policy replaces and supersedes Board Policy 02-205-POL, "Application Filing Procedures" dated August 20, 2019.