



**LOUISIANA BOARD OF PARDONS
AND COMMITTEE ON PAROLE**

Number: 05-509-POL
Date: September 20, 2024
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BOARD POLICY

SUBJECT: VICTIM NOTIFICATION AND PARTICIPATION IN HEARINGS

PURPOSE: To establish procedural guidelines for notification to a victim of an inmate's scheduled pardon or parole hearing and to allow a victim, the legal guardian of the victim, or a close relative of the deceased person to appear in person before a parole panel relative to parole consideration

AUTHORITY: LAC Title 22, Part V, Chapter 2 and Part XI, Chapter 5; La. R.S. 15:572 et. seq. and 15:574 et. seq.

REFERENCE: ACA Standard 2-1074, 2-1074-1, 2-1082, 2-1093 and 2-1128-1; Board Policy 02-209-POL, "Hearings before the Board of Pardons," 05-505-POL, "General Procedures," 03-301-POL, "Parole Eligibility and Types of Parole," 07-701-POL, "Parole Decisions, and 08-801-POL, "Ameliorative Penalty Consideration,"; DPS&C Regulation PS-H-1, "Louisiana Victim Outreach"

POLICY:

Before the Board of Pardons or Committee on Parole considers clemency or parole release for an Inmate who is serving a sentence for an offense in which a person was a victim of the offense shall be allowed to present a written or oral testimony of their views about the offense, the inmate, and the effect of the offense on the victim. The Board of Pardons shall allow victim testimony in accordance with Board Policy 02-209-POL, "Hearings before the Board of Pardons."

Nothing in this policy is intended to limit the Board of Pardons or parole panel's discretion to allow additional victims to make personal appearances or to make contact by phone or other electronic means through the local district attorney's victim advocacy representative. There is no limit on written correspondence in favor of and/or opposition to an inmate's consideration for clemency or parole.

DEFINITIONS:

Close Relative of a Deceased Victim – A person who was the spouse of a deceased victim at the time of the victim's death, a parent of the deceased victim, an adult brother, sister, or child of the deceased victim; or the nearest relative by consanguinity if previously listed relatives are deceased or incapacitated due to physical or mental illness or infirmity.

Guardian of a Victim – A person who is the legal guardian of a victim, whether or not the legal relationship between the guardian and victim exists because of the victim's age or physical or mental incompetency.

Victim – For purposes of this policy, a victim is defined as an individual against whom a crime has been perpetrated.

Witness – Any person who has testified for the prosecution relative to the case being considered by the Board or Committee.

PROCEDURES:

A. Victim Notification

1. The victim, spouse, or next of kin of a deceased victim and any person who has filed a victim notice and registration form shall be advised in writing no less than 90 days prior to the scheduled pardon or parole hearing date.
2. The parole hearing notice shall advise the victim that:
 - a. The hearing is open to the public;
 - b. He or she may remain in the hearing room during the entire hearing (except during executive session); and
 - c. The victim and witness, if any, the guardian of the victim, a close relative of the deceased victim, or the designee will be allowed to speak to the panel prior to the panel making a decision in the case.
3. The Board has delegated the responsibility for advance notice of a scheduled hearing to the victim to the Department of Public Safety and Corrections, Division of Probation & Parole. This notification is not required when the victim cannot be located despite the exercise of due diligence.
4. Written notice is not required when the victim, witness, spouse, or next of kin of the deceased victim advises the Board in writing that such notification is not desired.
5. If victim notification is determined to have not met the advance notice time requirements required by this section, a victim or witness may request that a hearing be rescheduled if the hearing has not yet been conducted. In the event that the inmate has been granted parole, the Board may rescind its decision and promptly schedule a hearing in accordance with Board Policy 05-505-POL, "General Procedures." Likewise, a victim or witness may waive the notice requirement; however, such waiver must be received in writing from the victim or witness.
6. Should a hearing be rescheduled by the Board for any reason other than the victim's or witness's request, the Board shall notify the victim as soon as possible by telephone and shall follow up by their preferred method of communication.

B. Victim Personal Appearance

1. The victim, the guardian of the victim, the witness, or a close relative of the deceased victim shall have the right to make a written or oral statement as to the impact of the crime.

2. The victim, the guardian of the victim, the witness, or a close relative of the deceased victim, a victim advocacy group, and the district attorney or his representative may also appear before the panel by means of telephone or other electronic communication.
3. All persons making oral presentations against an applicant, including victims, shall be allowed cumulatively no more than 10 minutes.

C. Notice to Victim of Parole Release

The Board shall notify all persons who have filed a Victim Notice and Registration Form with the Department of Public Safety & Corrections of an inmate's release from incarceration by parole. Such written notice shall be sent by mail or electronic communication.

D. Notice to Louisiana Victim Outreach Program of Pardon and Parole Hearings

The Board shall notify the Louisiana Victim Outreach Program at least 90 days prior to the scheduled public hearing.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This policy replaces and supersedes Board Policy 05-509-POL, "Victim Notification and Participation in Hearings," dated August 14, 2023.