



**LOUISIANA  
BOARD OF PARDONS & PAROLE**

**Number:** 05-509-POL  
**Date:** August 20, 2021  
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**BOARD POLICY**

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**SUBJECT:** VICTIM NOTIFICATION AND PARTICIPATION IN HEARINGS

**PURPOSE:** To establish procedural guidelines for notification to a victim of an offender's scheduled pardon or parole hearing and to allow a victim, the legal guardian of the victim, or 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, Acts 280 and 337 of the 2017 Regular Legislative Session

**REFERENCE:** ACA Standard 2-1074, 2-1074-1, 2-1082, 2-1093, and 2-1128-1; Board Policies 05-505-POL "General Procedures", 02-209-POL "Hearings Before the Board of Pardons", 03-301-POL "Parole Eligibility and Types of Parole", 07-701-POL "Parole Decisions", and 08-801-POL "Ameliorative Penalty Consideration"; Department of Public Safety & Corrections Regulation, PS-H-1, "Crime Victims Services Bureau"

**POLICY:**

Before the Board of Pardons or Committee on Parole considers clemency or parole release for an Offender who is serving a sentence for an offense in which a person was a victim, the direct victim of the offense shall be allowed to present written or oral statement of the victim's views about the offense, the offender, 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 appearance or to make contact by phone through the local district attorney's victim advocacy representative. There is no limit on written correspondence in favor of and/or opposition to an offender's consideration for clemency or parole.

**DEFINITIONS:**

- A. *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 nearest relative by consanguinity if previous listed relatives are deceased or incapacitated due to physical or mental illness or infirmity.

- B. *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 age of the victim or the physical or mental incompetency of the victim.
- C. *Victim*: For purposes of this policy, a *victim* is defined as an individual against whom a crime has been perpetrated.

## **PROCEDURES:**

### **A. Victim Notification**

- 1) The direct 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 60 days prior to the scheduled pardon or parole hearing date.
- 2) The parole hearing notice shall advise 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 direct victim, the guardian of the victim, close relative of a deceased victim, or designee, will be allowed to speak to the panel prior to its making a decision in the case.
- 3) The Board has delegated the responsibility for advance notice of a scheduled hearing to the direct victim to the Department of Public Safety and Corrections, Division of Probation & Parole. This notification is not required when the direct victim cannot be located despite the exercise of due diligence.
- 4) The written notice is not required when the victim, the spouse, or next of kin of a 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 may request that a hearing be re-scheduled. In the event that the offender 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 may waive the notice requirement; however, such waiver must be received in writing from the victim. See Board Policy 03-301-POL, "Parole Eligibility and Types of Parole", for victim notice requirements on medical parole.
- 6) Should a hearing be re-scheduled by the Board for any reason other than the victim's request, the Board shall notify the victim as soon as possible by telephone and shall follow-up with written confirmation of the telephone notification via certified U.S. Mail (with return receipt requested).

**B. Victim Personal Appearance**

- 1) The direct victim, the guardian of the victim, or close relative of a deceased victim shall have the right to make a written or oral statement as to the impact of the crime.
- 2) The direct victim, the guardian of the victim, or close relative of a deceased victim, a victim advocacy group, and the district attorney or his representative may also appear before the panel by means of teleconference or telephone communication.
- 3) If more than one person is entitled to appear for a parole hearing, the person chosen by all persons entitled to appear may serve as spokesperson for all those entitled to appear. Any person making an oral presentation to the parole panel will be allowed no more than five minutes. However, at the parole panel chairman's discretion more than one person may present a written or oral statement to the panel.
- 4) 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 offender's release from incarceration by parole. Such written notice shall be sent by certified mail (with return receipt requested).

**D. Notice to Crime Victim Services Bureau of Pardon and Parole Hearings**

The Board shall provide notice to the Department of Public Safety & Corrections Crime Victims Services Bureau at least thirty days prior to pardon and parole hearings.

**SHERYL M. RANATZA, CHAIRMAN**

*\*Signature on file*

*This Policy replaces and supersedes Board Policy 05-509-POL, "Victim Notification and Participation in Hearings" dated July 20, 2020.*