



**LOUISIANA
BOARD OF PARDONS**

**Number: 02-208-DIR
Date: October 26, 2020
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BOARD DIRECTIVE

SUBJECT: CLEMENCY FOR CAPITAL CASES

PURPOSE: To provide guidance for the voting members and staff of the Board of Pardons and Parole (Board) to process a clemency application for offenders who received a sentence of death.

AUTHORITY: LAC Title 22, Part 5, Chapter 1; La. R.S. 15:572

POLICY:
In accordance with the Louisiana Constitution, an offender who is convicted and sentenced to death may request clemency from the Governor. The Board of Pardons shall review all such requests in accordance with this directive. Any request for which a hearing is granted shall be handled in accordance with Board Policy 02-207-POL, "Capital Cases".

PROCEDURES:

The Board of Pardons staff shall request a "pen packet" from the Department of Public Safety & Corrections (DPS&C) staff, Classification and Records sometime after the offender is received on death row at Louisiana State Penitentiary or Louisiana Correctional Institute for Women. Once the pen packet is received, a clemency file is created and maintained by the Board.

I. Board of Pardons Clemency File

The Administrative Program Director is responsible for creating a file that contains all appropriate documents and will contact the Division of Probation & Parole to request an executive clemency case report.

II. Application, Interview and Hearing

The Administrative Program Director shall receive clemency applications or requests for capital cases. All capital case applications requesting clemency must be in writing and signed by the offender or his attorney, or in cases where the offender is unable to sign due to a mental or physical impairment, by a person acting on his behalf, in accordance with Board Policy, 02-205-POL, "Application Filing Procedures" and 02-207-POL, "Capital Cases".

- A. **Application:** An offender, or his attorney, is required to submit an application no later than the 21st calendar day before the scheduled execution date. The offender or his attorney may submit supplemental information no later than the 15th calendar day before the execution is scheduled. The offender may request a Reprieve (Stay of Execution) or Commutation of Sentence.
- B. **Interview** - If the clemency application includes a request for a Board interview, the Administrative Program Director shall contact the Chairman who shall designate at least one member of the Board to conduct the requested interview.
- 1) The assigned Board Member(s) shall conduct the interview and make arrangements for the interview date and time with the Chairman.
 - 2) The interview shall occur at the confining DPS&C Unit. Attendance shall be limited to the convicted person, designated Board Member(s), and unit staff.
 - 3) The Administrative Program Director shall also contact the institution for staff assignment of interview and accommodations for the Board Member(s).
- C. **Hearing** – If the clemency application includes a request for a hearing, the Board may grant the request and follow the procedures outlined in Board Policy, 02-207-POL, "Capital Cases".
- D. **Notice** - The Board's Assistant shall send a letter to the trial officials and victims notifying them that the offender has requested clemency and is soliciting their input.

III. Board Members Vote

Unless notified otherwise by the Chairman, Board Members shall vote not later than seven (7) days before the execution date at 1 p.m. If a Board Member is on leave and out of the country, the Member shall not be required to vote.

- A. The Board Members shall submit their votes by facsimile or hand delivery to the Administrative Program Director at the Board Office, 504 Mayflower Street, Baton Rouge, LA 70802. Upon receipt of all votes, the Administrative Program Director shall notify the Chairman who will cast final vote.
- B. The Chairman shall notify the Secretary of DPS&C and the Governor's office of the final vote.
- C. The Administrative Program Director shall notify Board Members, trial officials who submitted a response to the notice, and DPS&C Crime Victim Services Bureau of the final vote. If the vote is to grant a hearing before the Board, the Administrative Program Director shall notify all parties as required by law.

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SHERYL M. RANATZA, CHAIRMAN

**Signature on File*

This Directive replaces and supersedes Board Directive 02-208-DIR, “Clemency for Capital Cases” dated July 20, 2020.