



**LOUISIANA
BOARD OF PARDONS**

Number: 02-207-POL
Date: October 26, 2020
Page: 1 of 5

BOARD POLICY

SUBJECT: CAPITAL CASES

PURPOSE: To establish procedures for applications for clemency from offenders sentenced to Death.

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

POLICY:

The Board will consider recommending to the Governor a reprieve of execution of death sentence upon receipt of a written application in behalf of a condemned felon. Notwithstanding any provision to the contrary by Board policy, in any case in which the death sentence has been imposed, the Governor may at any time place the case on the agenda and set a hearing for the next scheduled meeting or at a specially called meeting of the Board.

PROCEDURES:

A. Request for Board Recommendation of Stay of Execution

The individual filing such application to the Board for a Stay of Execution, if other than the condemned felon, may be required to demonstrate that he is authorized by the condemned felon to file such application. Any such application shall contain the following information:

- 1) The name of the applicant, together with any other pertinent identifying information;
- 2) Identification of the applicant's agents, if any, who are presenting the application;
- 3) Certified copies of the indictment, judgment, verdict of the jury, and sentence in the case, including official documentation verifying the scheduled execution date;
- 4) A brief statement of the offense for which the prisoner has been sentenced to death;
- 5) A brief statement of the appellate history of the case, including its current status;

- 6) A brief statement of the legal issues which have been raised during the judicial progress of the case;
- 7) The requested length of duration of the stay, which shall be in increments of 30 days that is, 30, 60, 90, etc., unless a different duration is requested upon the basis of the grounds for the application set forth pursuant to paragraph (8) of this section;
- 8) All grounds upon the basis of which the stay is requested; provided that such grounds shall not call upon the Board to decide technical questions of law which are properly presented via the judicial process; and,
- 9) A brief statement of the effect of the offender's crime upon the family of the victim.

B. Request for Board Recommendation of Reprieve of Execution

- 1) The written application in behalf of a convicted person seeking a Board recommendation to the Governor of a reprieve from execution must be delivered to the Louisiana Board of Pardons, Post Office Box 94304, Baton Rouge, LA 70804 not later than the twenty-first calendar day before the execution is scheduled. If the twenty-first calendar day before the execution is scheduled falls on a weekend or state observed holiday, the application shall be delivered not later than the next business day. Otherwise, the applicant's recourse will be directly to the governor.
- 2) All supplemental information, including but not limited to amendments, addenda, supplements, or exhibits, must be submitted in writing and delivered to the Louisiana Board of Pardons, Post Office Box 94304, Baton Rouge, LA 70804, not later than the fifteenth calendar day before the execution is scheduled. If the fifteenth calendar day before the execution is scheduled falls on a weekend or state observed holiday, all additional information including but not limited to amendments, addenda, supplements, or exhibits shall be delivered not later than the next business day.
- 3) Any information filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, which require reproduction facilities, equipment, or technology not operated by the Board, must be provided by the applicant in an amount sufficient to allow review by all members of the Board. An amount sufficient shall mean not less than 10 and not more than 20 copies of the duplicate item.
- 4) A convicted person seeking a Board recommendation to the governor of a reprieve from execution may request an interview with a member of the Board. Such request shall be included in the written application or any supplement filed there with in accordance with this section.

- 5) Upon receipt of a request for an interview, the presiding officer (Chair) shall designate at least one member of the Board to conduct the requested interview. Such interview shall occur at the confining unit of DPS&C. Attendance at such interviews shall be limited to the convicted person, the designated Board Member(s), and institutional staff. The Board may consider statements by the offender made at such interviews when considering the offender's application for reprieve.
- 6) The Board shall consider and decide applications for reprieve from execution. Upon review, a majority of the Board, or a majority thereof, in written and signed form, may:
 - a. Recommend to the Governor a reprieve from execution (which may include a recommendation to commute the sentence to life imprisonment);
 - b. Not recommend a reprieve from execution; or
 - c. Set the matter for a hearing as soon as practicable and at a location convenient to the Board and the parties to appear before it.
- 7) When the Board sets a hearing pursuant to B.6.3., of this section, it shall notify the trial officials of the parish of conviction and the attorney general of the State of Louisiana and allow any such official(s), or the designated representatives thereof, the opportunity to attend the hearing and/or to present any relevant information. At the time of notifying the trial officials, the Board shall also notify any representative of the family of the victim (who has previously requested to be notified) of the receipt of the application, the setting of a hearing, and of said representative or family member's rights to provide any written comments or to attend the hearing.
- 8) All hearings conducted by the Board under this section shall be in open session pursuant to requirements of the Louisiana Open Meetings Act. For the purpose of discussing matters which are deemed confidential by statute, or where otherwise authorized by the provisions of the Louisiana Open Meetings Act, the proceedings may be conducted in executive session closed to members of the general public, for that limited purpose. Only those persons whose privacy interests and right to confidentiality may be abridged by discussion involving disclosure of confidential information may be allowed to meet with members of the Board in their executive session to discuss that information. No decision, vote, or final action by the Board shall be made during a closed meeting; the Board's decision, vote, or final action shall be made and announced in an open meeting. The hearing may be recessed prior to its completion and reconvened pursuant to the directions of the Board.

- 9) Advocates for and against the death penalty, generally, and members of the general public may present written information for the Board's consideration at its central office headquarters at any reasonable time.
- 10) After the conclusion of the hearing, the Board shall render its decision, reached by majority vote, within a reasonable time, which decision shall be either:
 - a. Recommend to the Governor a reprieve from execution (which may include a recommendation for a commutation of sentence to life imprisonment);
 - b. Not recommend a reprieve from execution; or
 - c. Recess the proceedings without rendering a decision on the merits, if a reprieve has been granted by the governor or if a court of competent jurisdiction has granted a stay of execution.
- 11) Each of the provisions of this policy are subject to waiver by the Board when it finds that there exists good and adequate cause to suspend said provisions and adopt a different procedure which it finds to be better suited to the exigencies of the individual case before it.
- 12) Successive or repetitious reprieve applications submitted in behalf of the same condemned felon may be summarily denied by the Board without meeting.

C. Time Limits

At the clemency hearing for capital punishment cases, the offender's clemency counsel and the attorneys for the State may make an oral presentation, each not to exceed 15 minutes collectively. Representatives of the victim's family may make oral statements not to exceed an additional five minutes collectively. The Chairman may extend these time frames at his or her discretion.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This policy replaces and supersedes Board Policy 02-207-POL, "Capital Cases" dated July 20, 2020. (Technical revisions only)