

**STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
CORRECTIONS SERVICES**

**Department Regulation
No. C-01-007**

20 May 2006

**FIELD OPERATIONS
General
Crime Victims Services Bureau**

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36.
2. **REFERENCES:** La. Const., Art. I, Section 25; La. R.S. 46:1841 – 1844, La. R.S. 15:570, La. R.S. 15:574 and 15:574.4(B), and C.Cr.P. Art. 894.1; Department Regulation Nos. A-02-024 “Critical Incident Stress Management Program,” B-01-003 “Louisiana Risk Review Panel,” B-03-001 “Composition/Location/Disposal of Active and Inactive Adult Inmate Records,” B-03-004 “Access to and Release of Active and Inactive Records,” B-06-001 “Health Care” (re: Medical Releases), B-08-009 “Sex Offender Notification and Registration Requirements,” C-02-001 “Reporting and Documenting Escapes and Apprehensions,” C-03-001 “Death Penalty,” and C-03-002 “Non-Medical Furloughs;” OAS CAJUN II Procedures; Parole Board Procedures; Pardon Board Procedures and Louisiana Register dated 20 May 2006.
3. **PURPOSE:** To establish the primary functions of the Crime Victims Services Bureau, a public service implemented through the Secretary’s Office, which enables victims of crime and others directly affected by that crime to register for notification of key events specified in law and policy, facilitates general access to information helpful to crime victims, and supports development of programming responsive to the needs and wishes of crime victims and others injured by the criminal acts of persons under the state’s authority.
4. **APPLICABILITY:** Deputy Secretary, Chief of Operations, Undersecretary, Assistant Secretary, Wardens, Director of Probation and Parole, Board of Parole, and Board of Pardons.
5. **DEFINITIONS:**
 - A. Victim – a person against whom a felony offense has been committed.
 - B. Victim’s family – spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when that person is in custody for an offense or is the defendant.
 - C. Designated family member – a family member or a legal guardian of a minor victim, a homicide victim, or a person who is disabled – such designation usually made in the sentencing jurisdiction.

- D. Witness – a person who has relevant information about a crime that was committed and who, consequently, could be or has been called as a witness for the prosecution.
- E. Other designated persons – persons not included above who wish to register because of a relationship or other circumstances involving the inmate – e.g., estranged or ex-spouse, previously battered companion, concerned neighbor, arresting officer, prosecuting district attorney.
- F. Victim notice and registration form – a form promulgated by the Louisiana Commission on Law Enforcement (LCLE) and provided by a judicial or law enforcement agency, or a form available from the Department (attached), on which a person may indicate a request to be afforded the rights prescribed in law and/or policy for victims, witnesses, and other designated persons. In the context of this regulation, the term also includes letters requesting notification about an inmate's movement through the system and can include victim requests made by telephone or identified in presentence, pre-parole, or other investigative reports in the Department's possession.

6. POLICY:

For many years correctional systems focused primarily on the custody, care, and control of the inmates placed under its authority. During the 1990s, victim advocacy groups came forward to remind justice system officials that crime does not injure only or even primarily "the state." Crime injures individual human beings. So, to be truly effective, the justice system must include the fact that a crime has hurt someone and then must develop appropriate ways to respond to and mitigate that injury. This is our challenge.

It is the Secretary's policy to ensure compliance with all laws governing the rights of victims and witnesses and, through operations of the Crime Victims Services Bureau, to facilitate access to those rights and encourage programming throughout the agency to enhance responsiveness to victims by staff and inmates. This policy will be supported by staff education and will include new programming in the areas of victim impact classes for inmates and victim-initiated victim-offender dialogue.

To achieve these ends the Department will collaborate with other justice system agencies, victim advocacy groups, and other community-based organizations, and will incorporate responsiveness to the victim's role into the Department's offender reentry initiatives.

7. GENERAL PROCEDURES:

- A. In the event that an inmate is recommended for a non-medical or medical furlough, medical parole, or work release, the Warden shall determine whether there is a victim notice and registration form on file and shall note when submitting a

recommendation to the Secretary. The Warden should indicate the city or town of residence of any registered victim.

- B. The Department will maintain a toll-free telephone line to the Crime Victims Services Bureau. The bureau will help callers register for notification and find answers to questions, and will refer callers to other units within the agency, the Board of Parole, the Board of Pardons, the prosecuting district attorney, and/or other crime victim programs and agencies.
 - C. When a victim notice and registration form is received in any unit of the Department, staff will respond timely and in a manner consistent with the requirements of this and other department regulations governing release of information and victims' and witnesses' rights. However, the filing of a victim notice and registration form by an incarcerated adult shall not enable that individual to receive information about another individual incarcerated under the Department's authority.
 - D. As provided by law, a victim or a designated family member may use the victim notice and registration form promulgated by LCLE to indicate their wish to review and comment on information in the post sentence report relating to the crime against the victim. The Division of Probation and Parole will oversee access to this information.
 - E. Additional assistance is available to employees who are victimized while on duty or on personal time, as described in Department Regulation No. A-02-024 "Critical Incident Stress Management Program."
 - F. Persons receiving unsolicited communications by telephone or mail from inmates in state custody may contact the Crime Victims Services Bureau for assistance in having the contact stopped. The bureau will work with the appropriate Warden to see that reasonable and necessary steps are taken to address the situation. This may involve disciplinary action, including loss of good time.
8. **CONFIDENTIALITY:** Both the information contained in a victim notice and registration form and the fact that a notification request has been made are confidential. Pursuant to provisions of La. R.S. 15:574.12, staff may answer inquiries from judicial and law enforcement agencies. Any other inquiries from outside the Department about who is registered or whether a particular inmate has a registered victim should be referred to the Crime Victims Services Bureau.
9. **RESTITUTION:** When restitution is required as a condition of probation, parole, or work release, such cash or service shall be monitored and/or collected by the Division of Probation and Parole.

10. PAROLE AND PARDON HEARINGS AND RELATED MATTERS:

- A. The Board of Parole and the Board of Pardons will comply with all laws regarding written notification prior to scheduled hearings, including the requirement that notice be given to all persons who file a victim notice and registration form and to the appropriate district attorney. Notifications regarding pending hearings shall be made through action of the Division of Probation and Parole or the Board of Pardons, as appropriate.
- B. As provided in law, when a hearing is scheduled by either board, the victim or victim's family shall be allowed to make written and oral statements concerning the impact of the crime and to rebut statements or evidence introduced by the inmate. The victim or victim's family, a representative of a victim advocacy group, and the district attorney or his representative may appear before the boards in person, via teleconference, or by telephone from the district attorney's office.
- C. As provided in law, the Pardon Board will notify the Crime Victims Services Bureau before hearing an applicant.
- D. Wherever Parole Board or Pardon Board hearings are held, all reasonable steps will be taken to see that victims and their family members and inmates and their family members do not have direct contact before or after the hearing. This practice should, where possible, begin at the entrance to the hearing site and include provision of a separate waiting area and access to separate restroom facilities. Hearing sites are also encouraged to provide victim access to a staff person who can explain the hearing process and answer other questions.

NOTE: Parole Board and Pardon Board procedures provide detailed information about each board's policies and practices.

11. NOTIFICATIONS:

- A. When a victim notice and registration form is received, it shall become part of the inmate's permanent record. For an incarcerated inmate, the Notes section of the stamp format shall be marked to indicate the existence of a notification request.
- B. The Crime Victims Services Bureau will acknowledge receipt of each victim notice and registration form with a letter that includes the possible release dates of the inmate named on the form.
- C. When the Department receives a victim notice and registration form regarding an inmate sentenced on or after August 15, 1997, the Department must provide the inmate's projected release dates to the victim and the sentencing court within 90 days of the inmate's commitment date. If those dates are not available when the bureau receives the registration form, the bureau will flag inmate records staff

about the response deadline and will send projected release dates when they are available.

- D. Persons who have filed a victim notice and registration form shall be notified by mail of the following events involving the inmate(s) they have registered for: a court appearance that subsequently affects sentence length, approval for furlough of any kind, placement on a Risk Review Panel docket, transfer to work release, and release from prison. Release from prison includes parole, medical parole, diminution of sentence to parole supervision, diminution of sentence, full term, court ordered release (which includes release to another jurisdiction, including parish jail), and death while incarcerated.
- 1) The notifications included in the paragraph above shall be made by certified mail, except when the notice involves medical parole, consideration for Risk Review, or transfer to work release.
 - 2) Notice of transfer to work release should be mailed on the day of the inmate's approval or transfer. If the inmate is a sex offender, law requires notice ten days prior to transfer.
 - 3) Notice of furlough and scheduled release from prison should be mailed in time to allow persons requesting notice to receive the notice before the inmate is furloughed or released. If the inmate is a sex offender, law requires notice ten days prior to furlough or release.
 - 4) Notice involving an inmate due for immediate release should be by telephone, followed by a letter confirming release.
- E. Responsibility for notifications involving placement on a Risk Review docket shall be the Risk Review Panel chairman or designee.
- F. Responsibility for all other notifications listed in Subsection D. shall be as follows:
- 1) The Warden of the state-owned institution where the inmate is assigned;
 - 2) The Warden of Elayn Hunt Correctional Center, David Wade Correctional Center, or Louisiana Correctional Institute for Women, as appropriate, if the inmate is assigned to the State Police Barracks, a local jail facility, a correctional institution in another jurisdiction, or a non-secure adult contract work release program;
 - 3) The Chief of Operations or designee if the inmate is in a local jail facility and is transferred to a non-contract (sheriff's) work release program.
- G. In the event that an inmate named on a victim notice and registration form escapes from institutional custody, registered persons shall be notified

immediately at the most current address or phone number on file by the most reasonable and expedient means possible. When the inmate is recaptured, written notice shall be sent within 48 hours of regaining custody. (Notifications required by Department Regulation No. C-02-001 "Reporting and Documenting Escapes and Apprehensions" also apply.)

- H. If a mistaken calculation is discovered after projected release dates have been sent to a victim, the unit that makes the correction will send a letter providing corrected release dates to all registered victims. This provision does not include changes to an inmate's diminution of sentence date resulting from earning or losing good time credits. However, if educational good time is credited after letters have been sent to inform registered victims of an inmate's pending release, a second letter should be sent or a telephone call made to inform victims of the new release date. The second letter need not be certified.
- I. When an institution receives an inmate whose file already contains a victim notice and registration form, the institution is encouraged to send an acknowledgment letter to all registered victims in the file.
- J. If an inmate named in a victim notice and registration form was sentenced for a sex offense, the provisions of Department Regulation No. B-08-009 "Sex Offender Notification and Registration Requirements" also apply.

11. CAJUN II PROCEDURES:

- A. Any addition of or modification to a victim record in CAJUN must be supported by written documentation filed with the Crime Victims Services Bureau and included in the inmate's institutional record or, if the inmate is under supervision when a new form or a revision is received, in the inmate's master record in the supervising district.
- B. The unit or office that receives an initial victim notice and registration form or a revision shall be responsible for entering the victim information in CAJUN and sending a copy of the form to the Crime Victims Services Bureau. Forms received first by the Crime Victims Services Bureau or directed there from the Parole Board or the Division of Probation and Parole will be entered by the bureau and copied to other units as needed.
- C. Any victim notice and registration form, promulgated by LCLE and received by the bureau, will also be copied by the bureau to the probation and parole district serving the court in which the inmate was sentenced.
- D. If a person who has previously filed a victim notice and registration form withdraws his request, he must do so in writing, after which his individual victim record in CAJUN will be modified so that CAJUN will not generate notification letters.

- E. When a victim notice and registration form is on record, the following applies:
- 1) The request will remain active until the inmate's CAJUN file is inactivated. When the file is inactivated, CAJUN will automatically code existing victims "I" (inactive). The inactive flag will prevent CAJUN from generating letters to those victims. If the inmate is sentenced to additional time before his file is inactivated, registered victims will remain active on the record.
 - 2) If an inmate is released before his full term date and subsequently returned to institutional custody, the victim will not be notified of the return but will be notified of subsequent actions as provided in Section 11. of this regulation.

NOTE: A "Y" in the CVNR field on the master inquiry screen indicates that there is a victim who must be notified.

13. RIGHTS OF VICTIM'S FAMILY WHEN AN INMATE'S SENTENCE IS DEATH:

- A. At least ten days prior to an execution, the Secretary shall give written notice or verbal notice (followed by written notice placed in the United States mail within five days thereafter) of the time, date, and place of the execution to the victim's parents or guardian, spouse, and any adult children who have indicated they desire notice. A minimum of two representatives of the victim's family shall have the right to be present.
- B. A complete explanation of the Department's responsibilities in instances where an inmate has been sentenced to death appears in Department Regulation No. C-03-001 "Death Penalty."

s/Richard L. Stalder
Secretary

Attachment: Victim/Witness Notification Request Form

This regulation supersedes Department Regulation No. C-01-007 dated 20 November 2003.

**Louisiana Department of Public Safety and Corrections
Victim/Witness Notification Request Form**

As an individual affected by the criminal acts of another person, you have a right to participate in the criminal justice system. If the individual who committed the crime has been sentenced to state custody and you want information about his status or the Department's policies and programs or your rights and responsibilities, you may contact the Crime Victims Services Bureau. You may also consult the agency's web site at www.doc.louisiana.gov.

If you would like to register to be notified should the inmate who committed the crime that involved you make a successful court appeal, be furloughed, be released to the community on work release or parole supervision, escape, or be scheduled for a parole or pardon hearing, complete this form and mail it to the address below.

Your request will be kept confidential.

Crime Victims Services Bureau
P.O. Box 94304, Baton Rouge, LA 70804-9304
Telephone Numbers: in Baton Rouge area – 342-6223; long distance, toll-free – 888-342-6110

To receive notification as agreed, you must maintain a correct address and/or telephone number with the Bureau.

Person requesting Name of direct victim
Notification: _____ (if not the same): _____

Address: _____ Telephone No. H (_____) _____
_____ W (_____) _____

You are (check one): _____ Direct victim of offense _____ Witness to offense _____ Parent/Guardian of victim
_____ Other (explain): _____ Relationship to inmate (if any): _____

Inmate's name: _____ Inmate's DOC # _____

Inmate's DOB: _____ Offense** _____

**If the offense was a sex offense, was the victim under age 18 at the time the crime was committed?

_____ No _____ Yes If Yes, give victim's DOB (/ /) & age at the time of the crime: _____

Length of Sentence: _____ Date of Sentencing: _____

Parish of Conviction/Judicial District/and Court Docket No.: _____

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- Are you or any of your family members employed by the Department of Public Safety and Corrections at a state prison? If yes, please indicate which facility: _____

A 24-hour inmate locator service is available through the Louisiana Automated Victim Notification System (LAVNS). Call toll free 866-528-6748 or go to www.vinelink.com.

----- (for agency use) -----

Date request received in DPS&C: _____ By whom? _____