

STATE OF CONNECTICUT  
BOARD OF PARDONS AND PAROLES



**POLICY NUMBER: III.02**

**TITLE: Commutations**

**EFFECTIVE DATE: July 26, 2023**

**SUPERCEDES: Policy III.02 dated August 22, 2022**

**AUTHORITY & REFERENCES:** Conn. Gen. Stat. §§ 54-124a, 54-130a, 54-130b, 54-130c, 54-130d, 53a-35a(1), 53a-35b. *Missionary Soc. of Connecticut v. Bd. of Pardons & Paroles*, 278 Conn. 197 (2006). *McLaughlin v. Bronson*, 206 Conn. 267 (1988). *Connecticut Bd. of Pardons v. Dumschat*, 452 U.S. 458 (1981).

1. **Policy.** The Board has the authority and jurisdiction to commute any sentence of any individual, presently incarcerated, who has been convicted of and sentenced for any crime by the State of Connecticut.
2. **Limitation of Rights.** This policy is intended as internal guidance for employees of the Board of Pardons and Paroles, and is not intended to, and should not be construed as, granting, expanding, controlling, or limiting any rights of any person as the rights may be embodied in the Connecticut General Statutes, the Constitution of Connecticut or the Constitution of the United States of America.
3. **Disclaimer.** No person, under any circumstances, has a right or entitlement to a commutation. The decision to grant a commutation is a matter of unfettered discretion and unmitigated grace or mercy. Furthermore, participation in the commutation process may be limited or eliminated altogether, at any time, at the discretion of the Board.
4. **Definitions.**
  - a. **Board.** Board means the Board of Pardons and Paroles.
  - b. **Commutation.** Commutation means the substitution of lesser punishment for that to which a person has been sentenced.
  - c. **Crime.** Crime means a felony or misdemeanor.
  - d. **Victim.** Victim means victim as defined in section 54-130d of the Connecticut General Statutes.

5. **Conditions.** A panel may grant a commutation subject to a condition precedent. A panel may not grant a commutation subject to a condition subsequent.
6. **Eligibility Requirements.** Unless waived at the discretion of the Chairperson of the Board, an applicant must meet the following eligibility requirements to be considered for commutation of sentence(s).
  - 1) Applicant must be serving a sentence of a term of imprisonment and remain incarcerated while the application is considered.
  - 2) Applicant cannot be serving a sentence of life without the possibility of release pursuant to section 53a-35a(1) and section 53a-35b of the Connecticut General Statutes.
  - 3) Applicant must be serving a total effective sentence where the aggregate term or terms of imprisonment is ten years or more and must serve a minimum of ten years of the sentence before making an application for commutation.
  - 4) Applicant cannot have had an application for commutation denied by a panel of the Board or revoked within the last five (5) years.
  - 5) Applicant cannot have unresolved criminal charges, unresolved court fees or fines, or a valid outstanding warrant in any Court of the United States, State, or United States' Territory.
  - 6) Applicant must clearly articulate in his/her application exceptional and compelling circumstances, which would warrant a hearing on commutation of sentence(s).
7. **Application Requirements.** All applications for a commutation must:
  - 1) be filled out completely, truthfully, and accurately under penalty of perjury or false statement;
  - 2) include satisfactory proof that the applicant completed and sent two (2) signed JD-VS-3 Notice of Application forms to the Department of Correction Victim Services and the Judicial Branch Office of Victim Services;
  - 3) include any relevant police reports or, where a police report is not available, a letter from the police department stating that the report is not available.
  - 4) include completed and signed Commutation Background Investigation Authorization.
  - 5) include any other information relevant to the conviction or convictions.

8. **Hearing on Application for Commutation.**

- a. **Regular Hearings.** The Board must convene regular meetings to hear applications for commutation at least twice (2) a year.
- b. **Panel Composition.** Except as otherwise provided by the Chairperson of the Board, the panel for a hearing on an application for Commutation shall consist of three (3) full-time Board Members, one of whom must be the Chairperson, or a full-time Board Member designated by the Chairperson.
- c. **Notice of Hearing.** At least 60 days prior to the scheduled hearing the Board shall provide notice to the Office of Victim Services of the date and time of hearing. At least 30 days prior to the scheduled hearing the Board shall give notice to the Office of the States' Attorney of the date and time of hearing and provide copies of the application and all documents submitted in support of.
- d. **Who May Appear.** The following persons may appear in person or via audio or video feed before a panel of the Board during a hearing:
  - 1) the applicant and the applicant's attorney;
  - 2) any victim or representative of a victim of a crime for which the Board is considering a commutation;
  - 3) any prosecutor of any crime for which the Board is considering a commutation; and
  - 4) any other person authorized by the chairperson of the panel conducting the hearing provided that person can provide testimony relevant to the application for commutation.
- e. **Oaths.** Testimony of the applicant and any other witness must be taken under oath in the manner required by sections 1-22 and 1-25 of the Connecticut General Statutes.
- f. **Decision.** During the hearing, by majority vote, the panel may grant the commutation, deny the commutation or continue the hearing for good cause.
- g. **Electronic Recording.** The Board must electronically record all hearings.
- h. **Written Decision.** A board member assigned to that panel must prepare a written decision on behalf of the panel which sufficiently details the reason or reasons for granting or denying the application for commutation.

9. **Issuance of Commutation Granted.**

a. **Notification of Commutation.** Once granted, the Board's Records Unit must notify the following of its decision prior to issuing a Certificate of Commutation to the applicant and the Department of Correction Facility where the applicant is housed: the Department of Correction Central Records Unit; the State Police Bureau of Identification; the Office of Victim Services of the Judicial Branch; the Court Support Services Division of the Judicial Branch; and any other individual, agency, or entity specified by the Chairperson of the Board.

b. **Effective.** A commutation is effective fifteen (15) business days after the panel's decision or as specified by the panel.

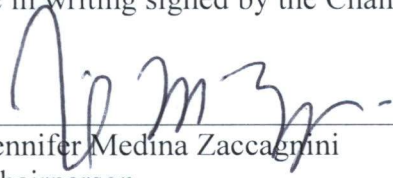
10. **Revocation.** As provided by this section of this policy, the Board may revoke any commutation granted until the applicant's end of sentence date.

a. **Grounds for Revocation:** The Board may revoke a commutation for good cause, including but not limited to when it is found that:

- 1) the application contains material information which is false or misleading;
- 2) the applicant was arrested, convicted of a felony, convicted of a misdemeanor, has a valid arrest warrant issued by a judge or other judicial officer, or has been charged with the commission of a crime by an officer of the United States or any State or United States' Territory;
- 3) the applicant has been charged with or convicted of a disciplinary offense, has been reclassified to a higher risk level, or has been reclassified as a Security Risk Group or Security Risk Group Safety Threat by the Department of Correction; or
- 4) other significant information or circumstances which were not previously considered by the Board.

b. **Notice.** The Board must notify the applicant and any individual, agency, or entity who received notification pursuant to this policy of any revocation.

11. **Exceptions.** Any exceptions to this policy must be in writing signed by the Chairperson.

  
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Jennifer Medina Zaccagnini  
Chairperson

7/26/23  
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Date