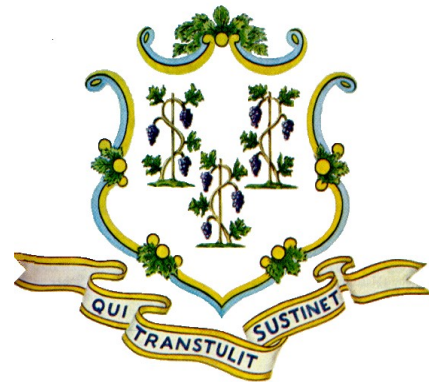


STATE OF CONNECTICUT

BOARD OF PARDONS AND PAROLES
Jennifer M. Zaccagnini, Chairperson

PAROLE: An Informational Brochure

As a newly sentenced offender with a term of incarceration of more than two years, the Board of Pardons & Paroles is required by statute to present general information to you on the laws and policies regarding parole release, calculation of time-served standards, general conditions of release, supervision practices, revocation and rescission policies, panel hearings and any other information that the Board deems relevant for preparing you for parole. This brochure provides an overview of parole, explaining what it is and how it relates to you. Within these pages, you will learn about the decision-making process and what is expected of you during your incarceration.



STATE OF CONNECTICUT

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**STATE OF CONNECTICUT
BOARD OF PARDONS AND PAROLES**

What is the Board of Pardons and Paroles?

The Board of Pardons and Paroles (BOPP) is an autonomous agency that receives administrative support from the Department of Correction (DOC.) The Board is responsible for the parole decision-making process and all terms and conditions of parole.

Connecticut General Statutes authorize the Board to release an inmate on parole if it appears “that there is a reasonable probability that the inmate will live and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society.”

Any offender serving a total effective sentence of more than two years (with the exception of certain statutory and policy exclusions) is eligible for parole. Although there is no right to a parole hearing, eligible offenders are generally scheduled for a parole hearing six months prior to their actual parole eligibility dates.

Mission Statement

The mission of the Board of Pardons and Paroles is to facilitate the successful re-integration of suitable offenders into the community.

Am I eligible for parole?

- 1.) You must be serving a total effective sentence (definite) of at least 2 years and 1 day.
- 2.) Your Parole eligibility is based on 50% or 85% of your total sentence. The crimes for which you are currently convicted of, as well

as your criminal history, will determine your designation.

3.) Your Parole eligibility date may be reduced due to the inclusion of Jail Credit or Risk Reduction Earned Credit, if applicable.

4.) In accordance with Public Act 13-3, individuals designated by the Board to serve 85% of their sentence can no longer have any Risk Reduction Earned Credit applied to reduce their parole eligibility date. However, this credit will still be applied to reduce your maximum prison sentence.

Crimes NOT eligible for Parole

Individuals serving definite sentences for the following crimes are not eligible for parole consideration:

- 53a-54a Murder
- 53a-54b Capital Felony Murder
- 53a-54c Felony Murder
- 53a-54d Arson Murder
- 53a-70a Aggravated Sexual Assault 1st

(Note: If you are convicted of Conspiracy (53a-48) or Attempt (53a-49) to any of the above, you are eligible for parole. If you are convicted of Criminal Liability or Accessory to any of the above, you are not eligible for parole.)

85% Designation

The “Truth in Sentencing” law passed in 1995 requires that all violent offenders serve 85% of their sentence before becoming eligible for parole. This applies for all crimes committed after July 1, 1996. Every parole eligible inmate is evaluated for an 85% designation and will automatically be designated by the BOPP to serve 85% if currently convicted of any of the following:

85% Offenses

- 53a-55 Manslaughter 1st
- 53a-55a Manslaughter 1st with a Firearm
- 53a-56 Manslaughter 2nd
- 53a-56a Manslaughter 2nd with a Firearm
- 53a-56b Manslaughter 2nd with a Motor Vehicle
- 53a-57 Misconduct with a Motor Vehicle
- 53a-59 Assault 1st
- 53a-59a Assault of a Victim Sixty or Older
- 53a-59b Assault on Dept of Correction Employee
- 53a-60 Assault 2nd
- 53a-60a Assault 2nd with a Firearm
- 53a-60b Assault of a Victim Sixty or Older 2nd
- 53a-60c Assault of a Victim Sixty or Older 2nd with a Firearm
- 53a-64aa Strangulation 1st
- 53a-64bb Strangulation 2nd
- 53a-70 Sexual Assault 1st
- 53a-70b Sexual Assault in a Spousal or Cohabiting Relationship
- 53a-72b Sexual Assault 3rd with a Firearm
- 53a-92 Kidnapping 1st
- 53a-92a Kidnapping 1st with a Firearm
- 53a-94 Kidnapping 2nd
- 53a-94a Kidnapping 2nd with a Firearm
- 53a-95 Unlawful Restraint 1st
- 53a-100aa Home Invasion (offense after 3/1/08)
- 53a-101 Burglary 1st
- 53a-102 Burglary 2nd (offense after 3/1/08)
- 53a-102a Burglary 2nd with a Firearm
- 53a-103a Burglary 3rd with a Firearm
- 53a-111 Arson 1st
- 53a-112 Arson 2nd
- 53a-134 Robbery 1st
- 53a-135 Robbery 2nd
- 53a-136 Robbery 3rd
- 53a-167c Assault on a Policeman or Fireman
- 53a-179b Rioting in a Correctional Facility
- 53a-179c Inciting a Riot in a Correctional Facility
- 53a-181c Stalking 1st
- 53a-321 Abuse of Persons 1st

Additionally, any individual convicted of Conspiracy, Criminal Attempt or Criminal Liability (53a-8) to the aforementioned statutes is subject to 85% designation provided the offenses or underlying offenses are committed after July 1, 1996 or March 1, 2008 for Burglary 2nd and Home Invasion. Anyone convicted of a Violation of Probation where the underlying charge is one of the aforementioned statutes, will be subject to a Designation Review by the Board to determine 50% or 85% designation.

Lastly, although MURDER, CAPITAL FELONY MURDER, FELONY MURDER, ARSON MURDER, and AGGRAVATED SEXUAL ASSAULT 1st are non-parole eligible offenses, anyone convicted of Conspiracy or Attempt to any of these offenses is eligible for parole and will be subject to serve 85%.

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I know that I'm eligible. When will I have a hearing?

It is the current practice of the BOPP to hold hearings for eligible offenders approximately six months prior to their actual eligibility date, be it 50% or 85%. This allows the Parole Officers sufficient time to process the necessary paperwork, review the case and compile it for Board review. This also gives the DOC an opportunity to review the case for custody reductions or halfway house placement.

It is important to understand that your case will be *scheduled* for a hearing at the appropriate time, but may be continued for various reasons (evaluation needed, required outside information, transfer to another facility, etc.) The BOPP will do everything in its power to ensure that your case is heard in a timely manner.

What is the First Step?

As an offender admitted to the Department of Correction for a sentenced period of more than 2 years, you are required to participate in the Parole Orientation Program. Shortly after sentencing, you will meet with members of the DOC for the purpose of classification and for the development of an Offender Accountability Plan (OAP) for your period of incarceration. The BOPP provides you with this pamphlet, *Parole: An Informational Brochure*, to give an overview of laws and agency policies regarding parole release, parole eligibility calculations, parole hearing information and supervision practices. **Your specific parole eligibility designation and eligibility date ranges are listed on the back of this brochure.**

Your OAP will outline what Parole staff expect you to do and explain, on what basis, the BOPP will make future release decisions. Additionally, DOC staff will determine whether modifications should be made to your plan prior to a BOPP decision on release. It is in your best interest to comply with the OAP and participate in the recommended programs as they are available in your institution.

What's Next?

At the time of your eligibility, an Institutional Parole Officer will work on completing your parole file. You will be required to sign several documents in order to complete your parole application. These documents are necessary in order to process your case. You may also choose to "waive" your consideration for parole. If you choose to do this, your case will be closed and you will be allowed to discharge directly from a DOC facility at the completion of your sentence.

The Parole Officer assigned to your case will complete several steps before finalizing your package. One of these steps is to interview you at your facility. This interview will be part of the parole package that is submitted to the BOPP for your hearing. You will be asked questions regarding your criminal history, employment, education and plans if released.

Once the package is complete, which may be *after* you are initially scheduled for a hearing, your case will be placed on the first available Parole Hearing Docket and you will appear before the BOPP for possible release. Please remember that parole is a privilege and not a right. It is the sole decision of the BOPP panel as to whether they will release you to parole or not. Some cases may be denied with no further consideration. Others may be denied and a new hearing date set for the

future. And for those who are voted to parole, conditions will be set and a date given for release. It should be noted that voted to parole dates are simply "on or after" dates, not the exact date for release.

What Can I do to Help Prepare for my Parole Hearing?

The Board expects every parole eligible inmate to utilize and take advantage of the various rehabilitative programs, treatment programs and educational and vocational opportunities at your disposal while you are incarcerated. The Board also looks favorably upon those inmates that conduct themselves in a manner that keeps them free of disciplinary action throughout their incarceration. You are expected to be active in all the programs that are recommended in your OAP. Fulfillment of the Accountability Plan will be vital to your release consideration. At the time your case is reviewed, be cooperative with your Institutional Parole Officer. It is imperative that you be honest and forthright in your interview. Individual responsibility is the key to your success. Compliance with your Offender Accountability Plan will put you on a successful path to the possibility of parole and reintegration into the community.

Things That Will Result in Your Case Not Being Heard

There are several circumstances and DOC designations to avoid while you are incarcerated and awaiting your parole hearing. If it is the determination of the Board that a hearing will not be granted, the specific reason(s) why will be documented and provided to you in writing.

As a rule, you should always follow the instruction of facility staff and

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avoid receiving any Disciplinary Reports (DR's.) These types of infractions are reviewed by the panel at your hearing.

Additionally, inmates who become designated any of the following will not be reviewed by the BOPP until such designation no longer applies:

- Security Risk Group Threat Member;
- Level 5 Risk Classification; or
- Housed in a CT DOC Chronic Disciplinary Unit.

If such status above is removed, your case may be re-opened. Also, inmates who have criminal charges pending in Connecticut, another State, or in the Federal system will not be considered for parole until a disposition has been reached.

I have a Detainer. Can I Still Have a Hearing?

Yes. In most cases, the presence of a detainer does not prohibit the granting of parole. Essentially, a "parole to detainer" allows for events to occur on the parole effective date, which would otherwise have occurred on the sentence expiration date. Panels of the Board routinely grant paroles to :

- Non-aggregated consecutive Connecticut sentences;
- Consecutive or concurrent sentences from other states or the federal government;
- Immigration and Customs Enforcement detainees; or
- Probation or parole violation warrants from other states or federal government.

All warrants, however, which fall within the scope of the Interstate Agreement of Detainers, must be resolved through that process prior to parole consideration.

Who Can Attend My Parole Hearing?

Simply stated, parole hearings are open to the public. However, the only individuals allowed to speak at your hearing are the Parole Officer, the panel members, yourself and any victims of your crime(s.)

Section 54-126(a) of the Connecticut General Statutes authorizes victims to appear and testify at parole hearings. Victims may also enter testimony to be read by a representative of the Office of Victim Services.

Again, while your family may attend the hearing, they will not be afforded the opportunity to speak, only to observe. As your hearing date approaches, you can let your family know to call the BOPP or go to our website to learn more about the date and location of your hearing.

Can I be Denied Parole?

YES. Offenders denied parole are provided with reasons verbally, as well as in writing. Reasons typically involve the seriousness of the offenses, the nature and extent of criminal histories, impact on the victim or on survivors of the victims, or poor performance on previous periods of probation or parole, as well as poor institutional behavior or failure to participate in meaningful treatment of educational programs while incarcerated.

When parole is denied, the panel will further determine, if, and when, the inmate may re-apply.

I was Denied Parole with No New Hearing. Why?

As stated previously, parole is a privilege, not a right. Regarding your denial, the BOPP panel will provide you with reasons for their decision at your hearing. Please remember that

the panel heavily weighs the probability of you living and remaining at liberty without violating the law, in addition to any possible benefits to the community due to your potential release.

Please note that you will also receive a letter from your facility Parole Officer outlining the panel's decision. **All decisions are final.**

I was Denied Parole, but Given a New Hearing Date (Month/Year). What Should I Do?

Since you were denied parole but given another chance, it is very important that you make the best of your time while awaiting your next hearing. As always, remain Disciplinary Report-free and request, and/or continue with any DOC programming that you can. Follow your OAP and counselor's suggestions while patiently awaiting your new hearing.

The BOPP panel will have provided you with reasons for your denial along, with recommendations for you to follow before your next hearing. You should abide by these recommendations in hopes that your positive effort illustrates your determination and dedication to bettering yourself and your chances for parole.

When your new date approaches, you will be scheduled for a hearing just as before. If your hearing needs to be continued for any reason, such as an evaluation needed, required outside information, transfer to another facility, etc., it will be rescheduled once all pertinent information is received.

In any instance, you will be notified of your new hearing date.

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Can I Request a New Hearing?

Parole decisions are rarely reconsidered. However, they may be reconsidered when extenuating circumstances arise, such as:

- Substantial deterioration of physical health;
- Significant adjustment of sentence resulting from either a Sentence Modification or Pardon Board action; or
- New information, of a compelling nature, not previously available to the Board.

If any of these situations apply, you would need to write to your facility Parole Officer and inform them of the change.

I was Granted Parole. What Happens Next?

The panel of the Board will set a “voted to parole” date, which may be your parole eligibility date or any date thereafter, whichever the panel determines to be appropriate. All inmates granted parole are required to agree to abide by such terms and conditions that may be imposed.

As you were informed at your hearing, your voted to parole date is an “on or after date,” meaning that the date given is the first possible day that you can be released to parole. However, in many cases, you may not be released until after your date has passed. This is due to the many different aspects that must all come together and be coordinated for your release. As your voted to parole date nears, a member of the Parole & Community Services field office will contact your sponsor to arrange for pick up or transportation, as well as be in contact with you.

Please note that it is not necessary to contact your facility Parole Officer once you have been voted to parole unless you have a change in sponsor. Submitting this new information in writing to your facility Parole Officer will ensure that the new information is made available to Parole & Community Services staff.

Can My Parole Date be Changed or Can My Parole be Taken Away?

Prior to release, the Board retains the authority to rescind (take away) or modify a previously granted parole in the event of new information or behavior resulting in DOC disciplinary action or new criminal charges. It is important to remain patient and to continue to be a model inmate while awaiting your release to parole. If your behavior changes after being voted to Parole, the Parole Board has the power to change their decision accordingly.

In the event that you are unsuccessfully discharged from programming, returned from a halfway house, or exhibit disciplinary problems by receiving disciplinary reports, your case is subject to review and possible rescission. The Board will review your case in order to determine whether you are still suitable for release. Possible results from your actions and subsequent case review are: 1.) Your release date may be changed (offset); 2.) conditions added, and 3.) in some cases Parole can be rescinded and the inmate not released. In any event, it remains in your best interest to adhere to Department of Correction rules and remain disciplinary report-free.

What is a Parole Agreement?

Connecticut General Statutes authorize the Board to establish terms, rules and conditions of parole. Conditions are established both by policy (standard conditions) and on an individual basis (special conditions.) They are intended

to provide guidance to parolees as to acceptable standards of conduct and to assist them in addressing treatment needs. The enforcement of these conditions is a fundamental responsibility of your supervising Parole Officer from Parole & Community Services, thus assisting the Board in achieving its goal of managing risk, while maximizing the potential for parolees to live productive, crime-free lives.

What Happens if I Violate my Parole Conditions?

Enforcing the Conditions of Parole, as stated previously, is a fundamental responsibility of the Parole Officer. Matching the appropriate response to violation behavior is an important decision. It balances the desire to intervene in offender’s lives in ways that truly affect future criminality, with the agency’s primary responsibility of protecting the public by appropriately managing the risk of those who fail to comply with Parole Conditions.

Types of violations include:

- **Criminal** - any activity resulting in arrest for violation of any criminal law;
- **Technical** - any behavior of a non-criminal nature that violated other Conditions of Parole; and
- **Abscinding** - the failure of parolees to maintain contact with the parole system.

All pertinent information regarding the violation, along with relevant offender characteristics, are reviewed by the Parole Officer and supervisor in determining the appropriate response. The review includes, but is not limited to:

- Length and time of criminal history;
- Length of time on parole;

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What Happens if I Violate my Parole Conditions? Cont'd

- Residence and employment stability;
- Previous violation behavior;
- Adherence to contact schedule and compliance with special conditions; and
- Substance abuse history.

If it is determined as a result of the case review that the offender should be returned to custody, Department of Correction Parole and Community Services Division staff will remand the offender to custody and submit a parole violation report to the Board. This report serves as a Warrant application and initiates the parole revocation process.

What is a Parole Revocation?

Any parolee held in custody as an alleged parole violator, upon finding of probable cause, will receive a Final Revocation Hearing. A Hearing Examiner will present both their findings and their recommendations to a panel of the Board who will determine an appropriate disposition.

The offender will be given written notice of the date and location of the Preliminary Hearing, as well as the charges against him and the evidence supporting such charges. He/she shall also be advised of the right:

- To assistance of Counsel;
- To appear and speak at a hearing, and to present witnesses and documentary evidence; and
- To confront and question witnesses giving evidence against him/her, unless good cause exists for disallowing such confrontation.

During the final Revocation Hearing, the panel may order:

- That the parolee be returned to parole status;
- That the parole be revoked, but the parolee be re-paroled at a later date or considered for re-parole at a later date; or
- That parole be revoked and the parolee be recommitted to the custody of the Commissioner of Correction for a period of time equal to the unexpired portion of the sentence, except that the panel may order the forfeiture of any or all previously earned Good Time and Risk Reduction Earned Credit. Good Time forfeiture is an option only on sentences for which the maximum term is reduced by applicable Good Time provisions (crimes committed pre-1994.) Risk Reduction Earned Credit forfeiture is an option for any offender earning RREC dating back to April 1, 2006.

Any parolee who does not wish to appear at, or to give testimony during, a hearing will be made aware that action will be taken in the absence of his/her participation.

Final Thoughts

Throughout your incarceration, you may always contact your facility Parole Officer and Correctional Counselor for routine questions or have your family contact our office at:

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Please keep this copy for your records and use this space to write down any notes or questions that you may have to address with your Institutional Parole Officer.

Name: _____

Number: _____

Eligibility Designation: _____

Eligibility Date Ranges (may change due to the earning or forfeiture of RREC):

Notes: _____
