

STATE OF CONNECTICUT
BOARD OF PARDONS AND PAROLES



POLICY NUMBER: II.02

TITLE: Parole Rescission Policy

DATE: April 4, 2024

SUPERSEDES: Policy II.02 dated December 10, 2012

AUTHORITY AND REFERENCES: Regulations of State Agencies Section 54-124a(j)(1)-1 through Section 54-124a(j)(1)-12. Connecticut General Statutes Sections 54-126, 54-126a, 54-127, 54-128. *Morrissey v. Brewer*, 408 U.S. 471 (1972). *Gagnon v. Scarpelli*, 411 U.S. 78 (1973)

1. **Policy.** In the case of an individual who has been granted parole and is awaiting release to parole supervision, the Board may modify or off-set parole release on the basis of any act of misconduct by the individual prior to release. The Board may rescind parole release on the basis of any act of serious misconduct by the individual, significant adverse information regarding the individual, or in the absence of a suitable release plan prior to release.
2. **Limitation of Rights.** This policy is intended as internal guidance for employees of the Board of Pardons and Paroles. It is not intended to, and should not be construed as, granting, expanding, controlling or limiting any rights of any individual, 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. **Definitions.**
 - a. **Voted to Parole Status.** Voted to Parole Status means the status of an offender between the time discretionary parole has been granted by the Board until thirty days before the “On or After” date, which status and release are contingent upon continued good conduct, a suitable release plan and the absence of significant adverse information not otherwise available at the time the offender was voted to parole.
 - b. **Effective Parole Status.** Effective Parole Status means the status of an offender who has been voted to parole and is within thirty days of the “On or After” release date or for whom a file review within sixty days of the “On or After” release date has revealed no serious misconduct, no significant adverse information and the existence of a suitable parole plan.

- c. **Temporary Suspension.** Temporary Suspension means the suspension of parole until such time as a hearing can be conducted to determine if rescission of that parole is warranted.
- d. **Off-set of Parole.** Off-set of Parole means the temporary delay of parole not exceeding 120 days.

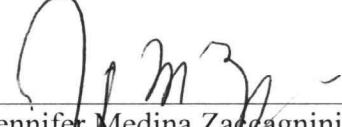
3. Review of the Alleged Misconduct or other Adverse Information.

- a. Upon receipt of an allegation of misconduct or other adverse information regarding an individual in Voted to Parole Status, a parole officer shall review Department or Correction Incident/Disciplinary Report; Residential Program Removal Report; Police Report; other relevant documentation.
 - 1) In the event that the offender is not in Effective Parole Status, the parole officer will apply the criteria set forth in the Rescission Guideline Chart (Attachment 2021) and submit his or her report and recommendation to a parole supervisor.
 - 2) In the event that the offender is in Effective Parole Status, a rescission hearing would be required to take action on the case.
 - 3) If the offender is arrested on a new criminal charge, parole release shall be held in abeyance pending disposition of the new criminal charge.
- b. The case may result in one of the following actions:
 - 1) **Automatic Rescission of Parole.** Conviction of a new crime committed before release on parole shall be conclusive evidence of serious misconduct and shall result in rescission of parole. A new sentence of two years or less will require that a rescission hearing be scheduled, unless the offender is within 90 days of discharge. If they are within 90 days of discharge, their parole shall be automatically rescinded administratively without a hearing. A new sentence of two years and one day will result in a discretionary hearing be scheduled in accordance with the newly established parole eligibility date on that new sentence.
 - 2) **Administrative Off-Set of Voted to Parole date.** The Chairperson will approve a Rescission Guideline Chart indicating pre-approved administrative actions not to exceed 120 days. These actions must be approved by a parole supervisor and do not require further review by a panel. This action will only apply to cases, which are not in Effective Parole Status.
 - 3) **Rescission Hearing.** A parole supervisor may order the temporary suspension of a parole grant and the scheduling of a rescission hearing. In such case, a parole supervisor will assign the case to a parole officer who will prepare the suspension of

parole notification. A date for a rescission hearing will be scheduled. A parole officer will notify the offender in person of charges or adverse information and advise the offender of the scope of the hearing as well as all rights associated with the hearing.

- 4) The offender will be notified of the date of the rescission hearing and will be provided all evidence. The offender will acknowledge receipt of this information by signing a Notice of Rescission Hearing. Offenders in Effective Parole Status will be afforded all due process rights as provided under *Morrissey v. Brewer*, 408 U.S. 471 (1972). *Gagnon v. Scarpelli*, 411 U.S. 78 (1973), and Regulations of State Agencies Section 54-124a(j)(1)-1 through Section 54-124a(j)(1)-12. Connecticut General Statutes Sections 54-126, 54-126a, 54-127, 54-128.
 - A. A hearing examiner shall complete the appropriate Rescission paperwork, gather relevant evidence and conduct the rescission hearing. In cases of offender misconduct, the purpose of the rescission hearing is to determine whether the offender engaged in the alleged misconduct, if so, the appropriate sanction. The rescission hearing involves a bifurcated decision: (1) A fact-finding decision regarding the alleged conduct; and (2) If one or more findings are made, a determination of an appropriate sanction will be determined by a panel of the Board.
 - B. Rescission of parole must be based upon a finding by a hearing examiner by a preponderance of the evidence.
 - C. In cases where the rescission hearing is being conducted as a result of the receipt of new adverse information not present at the time the Board determined initial suitability, the purpose of the hearing is to collect mitigation from the offender regarding the specific information. Mitigation will also be collected in cases where the rescission hearing is being conducted as a result of lack of a suitable release plan. The hearing examiner shall complete the appropriate Rescission paperwork and collect relevant evidence. The adverse information shall be presented to a panel of the Board at which time the panel may impose a sanction deemed appropriate. The offender will begin parole supervision, as early as practical after serving the sanction imposed by the panel.
4. **Written Decision.** Following the rescission hearing, the panel chair or designee shall prepare a written decision on behalf of the panel.
 - 1) The written decision shall include:
 - A. a detailed description of the adverse information or misconduct that the parolee participated in;
 - B. consideration of any response provided by the parolee during the rescission hearing; and
 - C. the Board's decision.

5. **Departure from the Guideline Chart.** Disciplinary Reports that do not meet the criteria set forth in the Rescission Guideline Chart generally will not warrant action under this section and thus will not delay release to parole. The parole supervisor may make exceptions. If the parole supervisor's decision is a departure from the rescission guidelines, the case shall be presented to a panel of the Board of Pardons and Parole for approval.
6. **Exceptions.** Any exceptions to this policy must be in writing signed by the Chairperson.



Jennifer Medina Zaccagnini,
Chairperson

4/4/24

Date