

STATE OF CONNECTICUT
BOARD OF PARDONS AND PAROLES



POLICY NUMBER: II.09

TITLE: APPOINTMENT OF COUNSEL IN REVOCATION AND RESCISSION PROCEEDINGS

EFFECTIVE DATE: September 4th, 2018

SUPERSEDES: July 2, 2003

AUTHORITY & REFERENCES: Regulations of State Agencies § 54-124a(j)(1)-12. Connecticut General Statutes § 54-124a. *Morrissey v. Brewer*, 408 U.S. 471 (1972). *Gagnon v. Scarpelli*, 411 U.S. 78 (1973). *Drayton v. McCall*, 584 F.2d 1208, 1220 (2d Cir. 1978).

1. Policy.

The Board of Pardons and Paroles will provide counsel to parolees, special parolees, and certain offenders as is required by applicable law. This policy clarifies that when considering a request for counsel, especially in doubtful or close cases, the criteria set forth below should be construed in favor of appointing counsel.

2. Definitions.

A. Board. Board means the Board of Pardons and Paroles.

B. Counsel. Counsel means an attorney licensed to practice law in the State of Connecticut.

C. Parolee. Parolee means a person released to any term of parole or special parole.

3. Notification.

The Board will notify parolees subject to revocation proceedings and offenders in Effective Parole Status subject to rescission proceedings for serious misconduct of the right to:

A. retain counsel to assist the parolee or offender in the revocation or rescission proceeding; or

B. request the Board provide counsel if the parolee or offender is indigent and qualifies for appointment of counsel under the criteria listed below.

4. Criteria.

Notwithstanding the provisions of Regulations of State Agencies Section 54-124a(j)(1)-12 (b), the Board will appoint counsel to represent indigent parolees subject to revocation proceedings and indigent offenders in Effective Parole Status subject to rescission proceedings for serious misconduct under the following circumstances:

A. The parolee or offender appears to be incapable of speaking effectively for himself or herself;

B. The parolee or offender makes a timely and colorable claim that he or she did

not commit the charged violation(s) of the conditions of parole or serious misconduct alleged; or

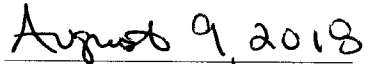
C. The parolee or offender makes a timely and colorable claim that even if the serious misconduct or violation(s) is a matter of public record or is uncontested,

1) there are substantial reasons that justified or mitigated the serious misconduct or violation(s) and make revocation or rescission inappropriate, and

2) those reasons are complex or otherwise difficult to develop or present.

5. **Appointment for Compelling Reasons.** If an indigent parolee or offender does not meet any of the criteria for provision of counsel set forth above, the Board may provide counsel if it finds a case-specific, compelling reason to do so.
6. **Exceptions.** Any exceptions to this policy or its procedures shall be in writing signed by the Chairperson.


Carleton J. Giles, Chairperson


Date