



**Request for Exception to an
Administrative Directive
Connecticut Department of Correction**

CN 1302
REV 06/29/18

Administrative Directive Number: 4.2A

Title: Risk Reduction Earned Credits

☒ I recommend the following inclusion or revision to the above referenced Administrative Directive
(provide detailed explanation regarding reason for change):

I recommend that AD 4.2A be changed to reflect rulings in the recent cases of *Breton v. Commissioner of Correction*, 330 Conn. 462 (2018), *Garner v. Commissioner of Correction*, 330 Conn. 486 (2018), and *Grant v. Commissioner of Correction*, CV164007926S, 2018 WL 7046652 (Conn. Super. Ct. Dec. 5, 2018).

I recommend that these three cases be added to the list of authorities.

I also recommend that the language in Paragraph 5 be changed as follows (see attached) to reflect the above rulings.

☐ See attached documents

ORIGINATOR

Name: Nicole Anker

Title: Agency Legal Director

Date: 7/19/19

Signature:

Nicole Anker

Facility/Unit: Central Office/ Legal Affairs

OFFICE OF STANDARDS AND POLICY REVIEW:

Reviewed by:



Office of Standards and Policy Staff signature:

M. Banta

Date: 7/22/19

UNIT/DISTRICT/DIVISION RECOMMENDATIONS:

Approved

Denied



Unit Administrator's signature:

Nicole Anker

Date: 7/19/19



District Administrator's signature:
(only needed if originating from facility)

Date:



Division Administrator's signature:

Date:

COMMISSIONER'S DECISION:

This request is:



APPROVED



DENIED

Effective date of request:



The language/provisions of this inclusion/revision shall be effective as of and subsequently added to the Administrative Directive at the next update:

Date:



This inclusion/revision shall be added to the Administrative Directive prior to:

Date:



This inclusion/revision shall be added immediately to the Administrative Directive.

Commissioner's signature:

Acting Commissioner

Date: 7/25/19



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5. Eligibility. Any inmate sentenced to a term of imprisonment for a crime committed on or after October 1, 1994 except sentences for violation of CGS 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-70a, 53a-70e, 53a-100aa, ~~is a persistent dangerous felony offender pursuant to 53a-40(a), is a persistent dangerous sexual offender pursuant to 53a-40(b),~~ or a violation of criminal liability of CGS 53a-008 of the noted offenses may be eligible to earn risk reduction earned credit toward a reduction of that sentence at the discretion of the Commissioner or designee. Any inmate sentenced to a term of imprisonment for violation of CGS 53a-55, 53a-55a, 53a-70 or is a persistent dangerous felony offender pursuant to 53a-40(a) or a persistent dangerous sexual offender pursuant to 53a-40(b) may also earn RREC towards a reduction of that sentence at the discretion of the Commissioner or designee if the crime was committed on or after July 1, 2011 and before October 1, 2015, but shall not earn RREC if the crime was committed outside that timeframe. RREC may be earned for adherence to the inmate's offender accountability plan, participation in eligible programs and activities and for good conduct and obedience to departmental rules as designated by the Commissioner or designee. Good conduct and obedience to institutional rules alone shall not entitle an inmate to such credit.

Inmates sentenced to life without the possibility of parole, or sentenced to death, or serving a period of Special Parole shall not be eligible to earn RREC. RREC shall not apply to any previously served portions of a sentence if an inmate is recommitted to the Commissioner of Correction for a violation of probation.