

UNIVERSITY OF MINNESOTA

# PROFILES IN PAROLE RELEASE AND REVOCATION: Examining the Legal Framework in the United States

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**ROBINA INSTITUTE**  
OF CRIMINAL LAW AND CRIMINAL JUSTICE

# PROFILES IN PAROLE RELEASE AND REVOCATION:

## Examining the Legal Framework in the United States

### Connecticut

By

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# CONTENTS

## 1. Background; Sentencing System

a. Sentencing Framework .....	3
b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority? .....	3
c. Which Agencies Are Responsible for the Supervision of Released Prisoners?.....	3
d. Which Agency Has Authority Over Parole Revocation?.....	3

## 2. Parole Release and Other Prison-Release Mechanisms

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System .....	4
b. Good Time, Earned Time, and Other Discounts.....	4
c. Principles and Criteria for Parole Release Decisions.....	4
d. Parole Release Guidelines.....	5
e. Risk and Needs Assessment Tools .....	5
f. Medical or Compassionate Release.....	5
g. Executive Clemency Power .....	6
h. Emergency Release for Prison Crowding .....	6

## 3. Parole Release Hearing Process

a. Format of Release Hearings.....	6
b. Information Before the Board; Factors the Board May Consider .....	6
c. Prisoners' Procedural Rights.....	6
d. Victims and Other Participants .....	6
e. Burden of Proof or Standards of Persuasion.....	7
f. Possible Outcomes at Parole Release Hearings; Form of Decisions .....	7
g. Administrative or Judicial Review of Parole Denial.....	7
h. Rescission of Parole Release Dates.....	7

## 4. Supervision Practices

a. Purposes of Supervision.....	7
b. Are All or Only Some Releasees Placed on Supervision? .....	7
c. Length of Supervision Term.....	7
d. Conditions of Supervision.....	8
e. Fees and Other Financial Sanctions .....	9

# CONTENTS

## 5. Parole Revocation

a. Principles and Criteria of “When to Revoke” .....	9
b. Revocation Guidelines.....	10
c. Risk and Needs Assessment Tools .....	10
d. Preliminary and Final Revocation Procedures.....	10
e. Offenders’ Procedural Rights .....	10
f. Victims and Other Participants.....	10
g. Burden of Proof or Standards of Persuasion.....	10
h. Revocation and Other Sanctions .....	11
i. Issuing Parole Revocation Decisions.....	11
j. Administrative or Judicial Review of Parole Revocation Decisions.....	11
k. Re-Release Following Revocation .....	11

## 6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction.....	11
b. Location in Government .....	11
c. Purpose (Vision/Principles/Rationale).....	11
d. Appointment and Qualifications of Board Members.....	11
e. Tenure of Board Members, Ease of Removal.....	12
f. Training and Continuing Education .....	12
g. Workload .....	12
h. Reporting and Accountability of Parole Board .....	12

<b>End Notes.....</b>	<b>13</b>
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# PROFILES IN PAROLE RELEASE AND REVOCATION:

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### 1. Background; Sentencing System

#### a. Sentencing Framework

Connecticut shifted from indeterminate to “definite” sentencing in 1981.<sup>1</sup> This means that crimes have statutory minimum and maximum penalties, and that defendants are sentenced to a term of years rather than a range of years.<sup>2</sup> For a time after the 1981 reforms, there was no traditional parole in the state; however, discretionary parole release for those with sentences over two years was reestablished in 1993. In the 1980s and 1990s, there was also an increase in mandatory minimum legislation. In 1995, the legislature established truth in sentencing laws for violent offenders, requiring them to serve at least 85% of a sentence before release.<sup>3</sup> In 2004, the Board of Pardons (established in 1883) and the Board of Paroles (established in 1957) were merged to form the Board of Pardons and Paroles.

In 2011, the Connecticut Sentencing Commission was formed “to review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies.”<sup>4</sup> It has not yet produced sentencing guidelines, but has made recommendations to reduce

the prison population and to address some sentencing challenges. For example, in 2015, Commission-sponsored bills included an act reforming juvenile sentencing, a resolution regarding victim notification, a resolution to study diversion programming, and a resolution to study the state’s bail bond system. The Commission also successfully submitted a resolution to partner with the Pew-MacArthur Results First Initiative to evaluate sentencing issues.<sup>5</sup>

#### b. Does the State Have a Parole Board or Other Releasing Authority?

Yes, the Connecticut Board of Pardons and Paroles.<sup>6</sup>

#### c. What Agency (or Agencies) is Responsible for the Supervision of Parolees?

Parolees are supervised by Department of Corrections employees.<sup>7</sup>

#### d. What Agency Has Authority Over Parole Revocation?

The Board of Pardons and Paroles has authority over revocations.<sup>8</sup>



## 2. Parole Release and Other Prison-Release Mechanisms

### a. Release Eligibility Formulas

*General rules of release eligibility.* The Board determines an inmate's parole eligibility date based upon the individual's offense(s) at conviction. Within one week of the inmate being committed to a correctional institution, the attorney for the district or county in which the inmate was convicted must send the inmate's record to the Board. The Board then determines "the date upon which [...] parole will be considered."<sup>9</sup>

### Maximum Sentences for Felony Crimes<sup>10</sup>

Class	Incarceration Term		Fine
	Minimum	Maximum	Maximum
Class A Felony Murder	25 years	Life	\$20,000
Class A Aggravated Sex Assault of a Minor	25 years	50 years	\$20,000
Other Class A Felony	10 years	25 years	\$20,000
Class B Felony Manslaughter with Firearm	5 years	40 years	\$15,000
Other Class B Felony	1 year	20 years	\$15,000
Class C Felony	1 year	10 years	\$10,000
Class D Felony	-	5 years	\$5,000
Class E Felony	-	3 years	\$3,500

Inmates serving an indeterminate sentence must serve a minimum term, less any earned time (described below), before becoming eligible for parole.<sup>11</sup> Inmates serving a single or aggregate definite sentence of more than two years where the underlying offense does not involve the use or threat of physical force<sup>12</sup> become eligible for parole after serving one-half the aggregate sentence or one-half the most recent sentence imposed by the court, whichever is longer, less any earned credit.<sup>13</sup>

Inmates who have been granted parole and are within eighteen months of their parole release date may be transferred, at the discretion of the Chair of the Board, to a halfway house, group home, or mental health facility or "an approved community or private residence." While jurisdiction over the inmate is thereupon transferred to the Board, the custody and supervision of the inmate remain with the Department of Corrections. This is called "transfer parole."<sup>14</sup>

*Violent offenders.* Inmates whose underlying offense involved the use or threat of physical force, must serve eighty-five percent of their imposed definite sentence before becoming eligible for parole.<sup>15</sup>

*Sex offenders.* Sex offenders may be required to "undergo specialized sexual offender treatment for at least one year" before the Board schedules a hearing date to consider the inmate's parole eligibility.<sup>16</sup>

*Sentence to special parole.* "Special parole" is a separate sentence added by the court to a sentence of incarceration. Under this program, inmates serve their full prison sentences, and then begin special parole.<sup>17</sup> Special parole terms are not less than one year or more than ten years per offense.<sup>18</sup> Special parole is analogous to "mandatory supervision" in other states.<sup>19</sup>

*Life sentences.* Inmates who have an indeterminate sentence where the maximum duration is life are eligible for parole when they reach the minimum term imposed by the court, less earned time.<sup>20</sup> Offenders sentenced to life in prison with parole for a definite term are technically sentenced to 60 years in prison; and may be parole eligible after a percentage of their sentence is complete (as discussed above).<sup>21</sup> However, many of the crimes that would incur a life sentence (e.g., various types of murder and first-degree aggravated sexual assault) were made parole ineligible as of July 1, 1981.<sup>22</sup>

*Recurring eligibility after denial of release.* As the Board explains: "[s]ome inmates may be denied parole with no future consideration. Others may be denied with a new hearing date set for the future."<sup>23</sup>

### b. Good Time, Earned Time, and Other Discounts

Good conduct rewards may be earned towards "commutation or diminution" of a sentence, and earned risk reduction credits may be earned towards reduction of a sentence. Good conduct rewards apply to both determinate and indeterminate sentences, but in the case of indeterminate sentences the rewards are applicable to the maximum possible term only.<sup>24</sup> Inmates sentenced on or after July 1, 1981 and before October 1, 1994 may earn good conduct rewards at a rate of ten days per month for the first five years, and twelve days for each month thereafter, pro-rated for partial months. Before this time, various other good conduct credit schemes were in place.<sup>25</sup> Note that between 1994 and 2006, there was no good time or earned time available.

Inmates are now able to earn risk reduction credits for adherence to accountability plans, participation in programming and activities, and for good conduct and obedience. These credits can be earned at a maximum rate of five days per month. This law applies to anyone sentenced on or after October 1, 1994, but only for conduct that occurred on or after April 1, 2006. Unlike good conduct rewards, these credits can be used to both accelerate parole eligibility and to shorten the maximum term of incarceration. Earned risk reduction credits are not transferable to a future term of imprisonment and may not be used to reduce a mandatory minimum term required by statute.<sup>26</sup>

Both types of credit can be lost for bad conduct, and inmates sentenced after July 1, 1983 may be punished by good time lost in excess of the inmate's current good time balance (thus resulting in "negative" good time).

### c. Principles and Criteria for Parole Release Decisions

*General statutory standard for release eligibility.* The Board has great discretion in its release authority as the statute governing parole eligibility does not affirmatively grant inmates the right to parole eligibility after serving a certain portion of their sentence. In other words, the statute vests the determination of parole eligibility with the Board.<sup>27</sup>

*Statutory factors the Board must consider.* When considering whether an inmate serving an indeterminate sentence is suitable for parole, the Board must determine that, based on all available information, there is a reasonable probability that (1) the inmate "will live and remain at liberty without violating the law," and (2) the inmate's release "is not incompatible with the welfare of society."<sup>28</sup>

For inmates serving a definite or aggregate sentence, suitability is determined based upon two standards: "(1) Whether there is reasonable probability that [the inmate] will live and remain at liberty without violating the law, and (2) whether the benefits to [the inmate] and society that would result from [the inmate's] release to community supervision substantially outweigh the benefits to [the inmate] and society that would result from [the inmate's] continued incarceration."<sup>29</sup>

*Special standard for sex offenders.* Though there is no special standard for sex offenders, they may be ineligible for parole before completion of specialized sexual offender treatment.<sup>30</sup>

### d. Parole Release Guidelines

*Parole release guidelines used for most offenders (other than sex offenders).* The Board has recently implemented the Structured Parole Decision-Making (SPDM) framework, which was developed by Dr. Ralph Serin at Carleton University and sponsored by the National Institute of Corrections. This system facilitates "systematic, guided, review of criminogenic risk and need factors assessed by the SCORES [discussed below] and Institutional Parole Officer interviews." The system is also said to help the Board conduct parole hearings that better address the most salient factors in recidivism.<sup>31</sup> The Board has been utilizing this framework for about two years.<sup>32</sup>

*Parole release guidelines for sex offenders.* There are no separate parole release guidelines for sex offenders available at this time.

### e. Risk and Needs Assessment Tools

*Statutory mandate.* In 2008, the Connecticut legislature amended the Board's duties to require it to employ "at least one psychologist with expertise in risk assessment and recidivism of criminal offenders who shall be under the supervision of the chairperson and assist the board in its parole release decisions." This new legislation also provided for increased sharing of and access to criminal records for the purposes of monitoring and risk assessment.<sup>33</sup>

*Transparency.* One of the purported benefits of Connecticut's current risk assessment system is that it "enhances communication and information sharing."<sup>34</sup> However, there is still limited information available to the public about the results or uses of the tool.

*Main risk instrument.* Connecticut now employs the State-wide Collaborative Offender Risk Evaluation System (SCORES) tool, which was developed for this particular state based on the Ohio Risk Assessment System.<sup>35</sup> The risk assessment is used at three stages: at entry to prison, prior to release, and shortly after being released to community supervision. At the release phase, risk is assessed through a file review and structured interview. Factors include age and 18 additional items in three categories: criminal history, social bonds, and criminal attitudes and behavioral problems.<sup>36</sup> The Board began full implementation of SCORES for every offender on August 1, 2014.<sup>37</sup>

The Board sometimes also uses the Treatment and Programming Assessment Instrument (TPAI) in the parole release process.<sup>38</sup>

*Sex offenders.* The Board generally uses the Static-99 when evaluating sex offenders for parole release.<sup>39</sup>

#### **f. Medical or Compassionate Release**

To be granted medical parole, an inmate must be diagnosed “as suffering from a terminal condition, disease or syndrome,<sup>40</sup> and [be] so debilitated or incapacitated by such condition, disease or syndrome as to be physically incapable of presenting a danger to society.” An inmate may receive medical parole at any time during the sentence, regardless of any other statutory provisions.<sup>41</sup> The Board is empowered to convene an emergency session to hear an application for medical parole, including appointing a special panel for that purpose.<sup>42</sup>

Inmates may also apply for compassionate release. To qualify for this form of parole, the inmate must be “so physically or mentally debilitated, incapacitated or infirm as a result of advanced age or as a result of a condition, disease or syndrome that is not terminal as to be physically incapable of presenting a danger to society.” Additionally, the inmate must have served at least one-half of any definite or aggregate sentence.<sup>43</sup>

Inmates released on medical parole are required to be placed in “a hospital or hospice or other housing accommodation suitable to [the inmate’s] medical condition, including [the inmate’s] family’s home.”<sup>44</sup> Medical parole may be revoked if the Board finds that the inmate is “no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society.”<sup>45</sup>

#### **g. Executive Clemency Power**

The governor has the power to grant reprieves after conviction in all cases, except those of impeachment, until the end of the next session of the general assembly.<sup>46</sup> A reprieve “does no more than stay the execution of a sentence for a time, and it is ordinarily an act of clemency extended to a prisoner to afford him an opportunity to procure some amelioration of the sentence imposed.”<sup>47</sup>

The Board has the power to grant pardons (including provisional pardons and certificates of rehabilitation) and commutations.<sup>48</sup> The Board has independent decision-making authority and grants relief at its discretion to eligible applicants.<sup>49</sup>

#### **h. Emergency Release for Prison Crowding**

The statute covering organization and responsibilities of the Board specifies that the Board and the Department of Corrections should work together to address mutual issues such as prison overcrowding, but nothing specifies any particular procedures to be followed in the event that such overcrowding occurs.<sup>50</sup>

### **3. Parole Release Hearing Process**

#### **a. Format of Release Hearings**

Parole release panels must be composed of two board members and the chairperson or a full-time member designated by the chair. As of January 1, 2016, no less than three board members must be present at all hearings. Parole hearings are not required for all offenders when parole is being denied; although the Board must explain in writing its reasons for not holding a hearing in such cases. No person can be released on parole, however, without receiving a prior hearing.<sup>51</sup> According to the Board’s website, hearings are conducted either via live video link or “in-person” at the institution. Individual inmates are permitted to “express [...] why they believe they should be paroled, [and] the Board then asks a number of questions.”<sup>52</sup>

#### **b. Information Before the Board; Factors the Board May Consider**

In reaching its decision, the Board may request information concerning the “previous history or character” of the inmate from any “prosecuting officer, judge, police officer or other person.” Persons receiving such requests must provide the Board “such information as he may possess with reference to the habits, disposition, career and associates” of the inmate.<sup>53</sup>

Certain indications that an inmate is unlikely to remain law-abiding will render the inmate ineligible for parole consideration. These indicators include being designated by the Department of Corrections as a member of a security risk group (SRG), classified by the Department of Corrections as an overall risk level “5,” housed in a chronic disciplinary unit, and/or having criminal charges pending in Connecticut.<sup>54</sup> Finally, previous parole eligibility decisions are not to be considered under Connecticut law in future parole eligibility determinations.<sup>55</sup>



### c. Prisoners' Procedural Rights

There is no liberty interest in parole in Connecticut; therefore, there are essentially no due process guarantees or procedural rights that attach to parole consideration. A 2007 state Supreme Court decision held that nothing in the statutes mandates the parole board to even hold a hearing after a parolee becomes eligible.<sup>56</sup> However, in practice, the board does "everything in its power to insure that [a] case is heard in a timely manner."<sup>57</sup> Inmates have access to their parole files, including risk assessment results, through the state's freedom of information laws.<sup>58</sup>

### d. Victims and Other Participants

The Board currently employs two victims' advocates who assist in contacting and offering support and services to crime victims.<sup>59</sup>

For offenses not involving force, the victim(s) must elect to register to receive notification of parole-related hearings and decisions. Victims may register with the Office of Victim Services or the Department of Corrections Victim Services Unit.<sup>60</sup> Once registered, the victim will receive notice by certified mail any time the inmate applies for parole. The notification will include the address and telephone number of the Board of Pardons and Paroles, the date and place of the parole hearing, and the date set for parole release (if granted). Requests for notification are confidential.<sup>61</sup> While the Board is not required to notify a victim directly of its decision, it is required to notify the Office of Victim Services, which will then contact any registered victim(s).<sup>62</sup> Victims are permitted by statute to appear before or submit a written statement to the Board. If a victim wishes to appear, the Board is required to allow the testimony.<sup>63</sup>

The Board is required to attempt to notify the victim of any underlying crime involving the use or threat of force before granting parole, regardless of whether the victim has registered to receive notification, and must give the victim(s) an opportunity to appear before the Board or submit a written statement concerning whether parole should be granted.<sup>64</sup>

Connecticut law provides that any attorney employed by the state may request to be notified when an inmate applies for parole. To do so, the attorney must file a "request for notification" with the Office of Victim Services or the Department of Corrections Victim Services Unit.<sup>65</sup>

Nothing in the statutes mandates notification of the media or the public for parole hearings. However, parole hearings are open to the public and the Board website provides information for individuals who wish to attend

a hearing.<sup>66</sup> While the Board website provides overall statistics on the number of applications, parole grants, and revocations or rescissions, it does not provide information concerning specific cases.<sup>67</sup>

### e. Burdens of Proof or Standards of Persuasion

The Board must decide if there is a "reasonable probability" that the statutory factors that endorse parole release have been satisfied.<sup>68</sup>

### f. Possible Outcomes at Parole Release Hearings; Form of Decisions

At the end of a release hearing, the Board "convenes in Executive Session and returns to give the inmate the decision."<sup>69</sup> If the decision of the Board is that continued confinement is necessary, it must "articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community."<sup>70</sup>

### g. Administrative or Judicial Review of Parole Denial

Connecticut law specifically provides that the denial of parole is not an appealable decision.<sup>71</sup> Additionally, in a 1991 decision, the Connecticut Appellate Court held that inmates have no liberty interest in parole, and that the Board is not required to approve parole even if the inmate meets the requirements for parole eligibility. The decision held further that inmates do not even have a right to apply for parole. As a result, decisions by the Board to deny parole are not appealable to the courts.<sup>72</sup>

### h. Rescission of Parole Release Dates

The Board may rescind a future parole release date if it receives significant adverse information, a serious act of misconduct occurs, or there is no suitable release plan formed. Rescission may be triggered by information gained via an "electronic pre-release file review," a review of which must be conducted between 30 and 60 days before parole release. In order to review other types of negative information or bad conduct, a parole rescission hearing may be held. If new criminal charges are filed, parole is held in abeyance pending disposition of the new case (and a conviction results in automatic rescission). If the rescission is based on lack of a suitable parole plan, the Board must provide the inmate with time to secure a placement and allow the inmate to contest the conditions precedent to release contained within the plan.<sup>73</sup>

## 4. Supervision Practices

*Parole Supervision Rate.* On December 31, 2015 there were 2,939 individuals on parole in Connecticut, for a rate of 104 parolees per 100,000 adults.<sup>74</sup>

### a. Purposes of Supervision

The Parole and Community Services Division states that it wants to “support appropriate offenders in their return to law abiding society by providing a period of supervision in the community prior to the end of their sentence.” The Division also claims that it focuses on community reintegration, and supports successful reentry by “setting expectations, assisting with the attainment of those goals, providing oversight to determine if expectations are being met and when necessary, removing the offender from the community when further confinement is warranted.”<sup>75</sup>

### b. Are All or Only Some Releasees Placed on Supervision?

All parolees are initially placed on supervision; however, they are assigned various supervision levels depending on their circumstance. Higher levels of supervision may require measures such as residential placement, curfew, geographical and social restrictions or electronic monitoring.<sup>76</sup> There is no level of supervision that is not contact-based.<sup>77</sup>

### c. Length of Supervision Term

*Maximum supervision terms.* The maximum term of supervision can extend up to the maximum imposed prison term.<sup>78</sup>

*Early termination.* Upon a unanimous vote of all the Board members present at a regular meeting of the Board, the Board may discharge an inmate eligible for parole or a parolee if it appears that they will lead an orderly life in the future.<sup>79</sup>

*Extension of the supervision term.* The Board is empowered, following a hearing and for good cause, to “modify or enlarge the conditions” of parole, including extending the parole term, provided that the extended parole term does not exceed the maximum sentence for the underlying offense.<sup>80</sup>

*Incentives; “goal parole.”* There are no standardized incentives related to the reduction of the supervision term.

## d. Conditions of Supervision

The Board establishes the conditions of parole. The full Board is empowered to set general conditions, while the panel hearing the specific inmate’s application for parole sets special conditions for that inmate.<sup>81</sup> Parolees must agree to report to a parole officer, live in an approved residence, obtain employment or complete community service, notify their parole officers of any changes in marital/domestic status, refrain from contact with firearms, participate in appropriate substance abuse or mental health treatment, refrain from using illegal drugs, obey all laws, and not associate or affiliate with any gang or criminal organization. Parolees may not leave the state without permission from their parole officers, and must waive their right to resist extradition from other states and countries. Finally, parolees must submit at any time to a search “announced or unannounced, with or without cause” of their person, property, or any area under their control.<sup>82</sup>

*Sex offenders.* Some sex offenders may be placed on “special parole.” Under special parole, parolees face the same conditions as probationers and may be required to undergo sex offender treatment.<sup>83</sup> Parolees must also complete sex offender registration if their underlying convictions require it.<sup>84</sup> Parole and Community Services also has a “Special Management Unit” which has a reduced caseload and can provide more intensive supervision to sex offenders.<sup>85</sup>

*Modification of conditions.* The Board is empowered, following a hearing and for good cause, to “modify or enlarge the conditions” of parole, including extending the parole term, provided that the extended parole term may not exceed the maximum sentence for the underlying offense.<sup>86</sup>

## e. Fees and Other Financial Sanctions

*Parole supervision fees.* Connecticut statutes, regulations, and board materials do not provide for supervision fees.

*Payments for drug and alcohol testing and treatment.* There are no fees related to drug and alcohol testing or treatment.

*Restitution.* Restitution can be part of any criminal sentence in which personal injury or property loss or damage has occurred. When determining restitution and the conditions of payment, the victim’s financial burden will be taken into account.<sup>87</sup> The sentencing court will also

consider the financial position of the defendant and the “rehabilitative effect on the offender of the payment of restitution and method of payment.”<sup>88</sup> Parole is “rarely” revoked for nonpayment of restitution or other costs or fees.<sup>89</sup>

*Child support.* One of the conditions of parole is to obey all laws, and this may include the payment of court-ordered child support or alimony.<sup>90</sup>

*Other financial obligations.* If a “special parole” parolee resides in a halfway house or other center, they may be required to contribute to the cost of residing there.<sup>91</sup>

## 5. Parole Revocation

*Parole revocation proceedings.* **There is no data available on parole revocation hearings in the most recent year.**

*Absconders.* Connecticut reported 139 absconders in the year 2015.<sup>92</sup> In June 2016, there were 6 parolees and 13 special parolees who were on remand for absconding or escaping supervision.<sup>93</sup>

### a. Principles and Criteria of “When to Revoke”

*Policy considerations.* As the Board states, “[m]atching the appropriate response to violation behavior is an important decision. It balances the desire to intervene in offenders’ 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.”<sup>94</sup> Therefore, parole officers conduct a thorough review of “all relevant offender characteristics” before submitting a parole violation report and beginning the revocation process.<sup>95</sup>

*Legal predicates.* Revocation of parole may be triggered by a new crime or any serious act in violation of parole.<sup>96</sup>

*Statutorily enumerated factors.* In order for revocation to be considered, a hearing officer must determine that a violation of conditions is “serious enough” to warrant revocation of parole. In other words, some minor violations of parole may not be enough to trigger a revocation hearing.<sup>97</sup>

### b. Revocation Guidelines

There are no official revocation guidelines in Connecticut at this time.

### c. Risk and Needs Assessment Tools

Risk assessment tools are deployed currently within a structured decision-making framework targeting parole release. The role of such tools in the parole revocation process is currently under consideration by the Board.<sup>98</sup>

### d. Preliminary and Final Revocation Procedures

*Arrest or summons.* If a panel of the Board assigned to the inmate’s correctional institution or the Chair of the Board (with approval of the panel) wishes to detain a paroled inmate, they may do so for “any reason that the panel... deems sufficient” without a written warrant.<sup>99</sup> A remand order, which is valid for 30 days, may be issued by either the Board or the Commissioner of Corrections and “Notice of Parole Violation” must be served on the parolee within three business days. This notice must state with particularity any alleged violations, give supporting evidence, and provide information about the preliminary hearing and hearing rights. This procedure is in contrast to many states that hold a warrant hearing *before* arresting a parolee.

Within seven business days of remand, the Commissioner or his or her designee must submit to the Board an “Application for a Warrant of Reimprisonment,” which must include any documentary evidence the Commissioner relied on, “a copy of the executed Remand to Actual Custody Order,” and “a copy of the Notice of Parole Violation” including the inmate’s “intentions and wishes regarding plea, appearance, representation, appointment of counsel, and witnesses.”<sup>100</sup> The Chair of the Board or his or her designee will review these documents within twenty-one business days of remand (or after the preliminary hearing if the inmate is to be detained for more than thirty days) and will then decide whether to issue a Warrant for Reimprisonment.<sup>101</sup>

*Preliminary hearing.* A preliminary hearing is required unless waived, and must be conducted by a hearing examiner within fourteen business days of remand, unless continued for good cause.<sup>102</sup> The purpose of the preliminary hearing is to determine whether there is probable cause to believe a violation has occurred,<sup>103</sup> whether the violation is serious enough to merit revocation, and

whether the inmate should be held in custody until the final revocation hearing. If the hearing examiner determines that probable cause is lacking, or that probable cause exists but “the violation is not serious enough to warrant revocation,” the examiner must order the inmate reinstated to parole. Conversely, if the examiner finds probable cause exists and the violation is serious enough to warrant revocation, the examiner may continue detention or release the inmate to supervision pending the final hearing.<sup>104</sup> Note that if revocation is based upon new criminal charges, the revocation will be continued until prosecution of the new charges is complete.<sup>105</sup>

*Final hearing.* A final revocation hearing, which is electronically recorded, must be held within sixty business days of remand. The purpose of this hearing is to resolve contested alleged violations, to determine whether the facts merit revocation, and, if revocation is warranted, to determine the appropriate disposition. The hearing examiner may exclude any evidence they find to be “irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds or based on evidentiary privilege.” The examiner may admit any evidence supported by “sufficient indicia of reliability.” An employee of the Board may serve as a “presenter” and advocate in support of the allegations, but the absence of a presenter will not be grounds for delaying the hearing. Like the preliminary hearing, the examiner may require witnesses to appear (by subpoena if necessary), including adverse witnesses requested by the inmate, unless excused for cause. At the conclusion of the hearing, the examiner will make findings of fact regarding the alleged violations. If the examiner finds that no violation(s) occurred, the hearing will conclude and the inmate will be reinstated to parole.

Connecticut also offers a revocation diversion program that allows parolees to be reinstated on parole with the same or with modified conditions rather than participate in the full hearing process. The Board may also offer an expedited revocation disposition in cases where the parolee admits to a violation of parole.<sup>106</sup>

### **e. Offenders’ Procedural Rights**

While an inmate may retain counsel to assist in revocation proceedings under any circumstances, an inmate’s right to have counsel appointed is more limited. Inmates seeking appointed counsel must make a request in writing to the Chair of the Board, which must include “[a] statement of indigence”; any evidence or materials the inmate

wishes the Board to consider regarding claims of complexity or difficulty that would warrant the appointment of counsel; and “the results of an interview or evaluation by the interviewing parole officer regarding the presence or absence of criteria for appointment of counsel.” The Chair is required to appoint counsel if the inmate is indigent, makes a “timely and colorable claim” of innocence or mitigating circumstances that renders revocation inappropriate, the claims involved are “complex or otherwise difficult to develop or present,” and the offender appears to be “incapable of speaking effectively.” In the event that an inmate is charged with multiple violations, some of which are complex and difficult to develop, the Chair is empowered to dismiss the complex charges in order to allow the revocation hearings to proceed without appointing counsel. If the Chair decides not to appoint counsel for the inmate, they must explain the reasons for doing so in a written notice to the inmate.<sup>107</sup>

The parolee is permitted to appear and testify, as well as to present documentary evidence and witnesses contesting the alleged violation or demonstrating mitigating circumstances. Adverse witnesses must be made available upon the inmate’s request, unless excused for good cause. Parolees are given access to their files and to evidence used against them at the revocation phase.<sup>108</sup>

### **f. Victims and Other Participants**

The requirements for victim notification and input during the revocation process are the same as those described above for the initial parole release hearing process. However, victims normally only play a part in the revocation process if the violation of parole was directly related to them (e.g., violation of a no-contact order).<sup>109</sup> There is no provision for notification of the public, police, prosecuting attorney, or any other government entity for revocation proceedings.

### **g. Burdens of Proof or Standards of Persuasion**

Where new criminal charges result in potential revocation, the regulations indirectly address this question by stating that acquittal or dismissal of the charges are not considered binding on the hearing examiner because the standard of proof in a revocation hearing is lower than the standard of proof in a criminal trial.<sup>110</sup>

## h. Revocation and Other Sanctions

At the end of a final revocation hearing, if the examiner finds a violation did occur and the violation “may merit revocation,” they “shall hear from both the attending parole officer and the offender regarding the offender’s background and history for the purpose of considering the appropriate disposition.” The examiner may decide to reinstate the inmate to parole, with or without modifying the conditions, or to recommend a period of confinement. If condition modifications are recommended, the examiner must allow the offender to be heard regarding the proposed modifications. Finally, the examiner will submit their recommendation in writing to the Board. The inmate may petition the Board by letter regarding any modified conditions with which he or she disagrees, but the conditions will remain in place until removed by the Board. If the recommendation is for reincarceration, the examiner may also recommend a reparole date or a new parole eligibility date, or the loss of any good conduct reward credits previously earned by the inmate.

The examiner’s recommendations will be reviewed by a panel of the Board, which may approve and adopt the examiner’s recommendations, disapprove and impose a lesser penalty, or increase the penalty(s) recommended by the examiner.<sup>111</sup> The Chair and the Executive Director of the Board are empowered to create incremental sanctions for parole violations, “including [...] reincarceration based on the type, severity and frequency of the violation.”<sup>112</sup> If the Board decides to impose a longer period of reincarceration, the Board must supply its reasoning in its written decision. Whatever the outcome, the inmate and the Commissioner of Corrections will be notified in writing of the Board’s decision.<sup>113</sup>

Inmates on special parole receive one hearing before the Board, following which the Board may continue the inmate’s term of special parole, “modify or enlarge” any conditions, or revoke the inmate’s sentence. If special parole is revoked, the inmate will be sentenced to a term of incarceration “for any period not to exceed the unexpired portion of the period of special parole.”<sup>114</sup> Additionally, the “total length of the term of incarceration and term of special parole combined shall not exceed the maximum sentence of incarceration authorized for the [underlying] offense.”<sup>115</sup> Inmates on special parole who have been revoked and reincarcerated may be repared without a court order.<sup>116</sup>

## i. Issuing Parole Revocation Decisions

A panel of the Board makes revocation decisions, and the offender is notified in writing.<sup>117</sup>

## j. Administrative or Judicial Review of Parole Denial

Parole revocation decisions are not appealable under Connecticut law because revocation “involve[s] the cancellation of [a] conditional privilege [...]”<sup>118</sup> However, some claims related to parole revocation may be judicially reviewed on a writ of habeas corpus.<sup>119</sup>

## k. Re-Release Following Revocation

When revocation occurs, an inmate can be retained for the remainder of the unexpired sentence, less earned time. However, the Board may, “in its discretion, determine that such inmate shall forfeit any or all of such earned time, or may be again paroled by said board.”<sup>120</sup>

## 6. Parole Board; Institutional Attributes

### a. Source of Authority & Jurisdiction

The Board is created by statute, and has authority over release and revocation decisions for all inmates.<sup>121</sup>

### b. Location in Government

The Board of Pardons and Paroles is an autonomous state agency, receiving administrative support from the Department of Corrections.<sup>122</sup>

### c. Purpose (Vision-Principles-Rationale)

The Board’s vision includes reduced recidivism and victimization; more investment in crime prevention; less violent, safer communities; and an increased capacity to measure all of the above. The Board states that “public safety is best achieved if criminal justice policy takes both punishment and rehabilitation into account: victims’ rights; that everyone deserves to be treated with dignity and respect; [...] the potential for positive change; [...] utilization of evidence-based practices in decision-making; [...] maximizing resources; [and] that community safety is achieved through multi-agency collaboration.”<sup>123</sup>

#### **d. Appointment and Qualifications for Board Members**

Recent legislation in Connecticut has reduced the number of Board Members from twenty members to ten full-time and up to five part-time members. Members are appointed by the Governor with “the advice and consent of both houses of the General Assembly.” When making appointments, the Governor must specify whether the appointee is to serve part- or full-time, and whether they are to be assigned to paroles or pardons. The Governor also appoints the Board chair “from among the membership” of the Board.

*Qualifications.* Members must be “qualified by education, experience or training in the administration of community corrections, parole or pardons, criminal justice, criminology, the evaluation or supervision of offenders or the provision of mental health services to offenders.”<sup>124</sup>

#### **e. Tenure and Number of Board Members, Ease of Removal**

Members of the Parole Board serve the same term as their appointing Governor. They are removed at the end of that Governor’s term or when a successor is chosen, whichever is later.<sup>125</sup> In order to enact new legislation regarding the number of board members, all part-time members’ terms expired on June 30, 2015, and five people were appointed (or re-appointed) as part-time members on July 1, 2015.<sup>126</sup>

#### **f. Training and Continuing Education**

The chairperson must establish “a formal training program for members of the board and parole officers that shall include, but not be limited to, an overview of the criminal justice system, the parole system, including factors to be considered in granting parole, victim rights and services, reentry strategies, risk assessment, case management and mental health issues. Each member shall complete such training annually.”<sup>127</sup>

#### **g. Workload**

In 2014-15, the Board conducted 4,352 case reviews for the purpose of potentially granting or rescinding parole. There were also 1,103 applications for pardon.<sup>128</sup>

#### **h. Reporting and Accountability of Parole Board**

The Board produces a short annual report which is accessible online and contains basic information and data about their activities. The report is incorporated into a larger digest of administrative reports submitted to the governor each year. The Board has a Planning, Research and Development Division that is tasked with providing statistical information and distributing data such as recidivism rates, to criminal justice stakeholders and the general public.<sup>129</sup>

Records of the Board are subject to the Public Records Act. However, any record that the Commissioner of Corrections has reasonable grounds to believe may result in a safety risk may not be disclosed. This may include some inmate records.<sup>130</sup>

## END NOTES

- <sup>1</sup> Conn. Sentencing Task Force, *Recommendation for the Connecticut Sentencing Commission* at 7 (2009), [http://www.ct.gov/ctsc/lib/ctsc/Final\\_Report\\_01-26-09.pdf](http://www.ct.gov/ctsc/lib/ctsc/Final_Report_01-26-09.pdf).
- <sup>2</sup> Conn. Gen. Stat. § 53a-35a.
- <sup>3</sup> Conn. Sentencing Task Force, *supra* note 1.
- <sup>4</sup> Conn. Gen. Stat. § 54-300.
- <sup>5</sup> Conn. Sentencing Comm'n, *Annual Report 20 - 29* (2015), <http://www.ct.gov/ctsc/lib/ctsc/2015AnnualReport.pdf>.
- <sup>6</sup> Conn. Bd. Pardons & Paroles, *General Information*, <http://www.ct.gov/bopp/cwp/view.asp?a=4317&q=508302> (last visited Jun. 24, 2016).
- <sup>7</sup> *Id.*
- <sup>8</sup> Conn. Agencies Regs. § 54-124a(j)(1) - (9). Parole revocation hearings must be conducted by an employee of the Board, and parole will be revoked if, following the hearing, the conducting employee recommends revocation and that recommendation is adopted by "at least two members of a panel of the board." See Conn. Gen. Stat. § 54-127a.
- <sup>9</sup> Conn. Gen. Stat. § 54-125. Prior to that date, the Commissioner of Correction may recommend that the Board grant parole or, "under special and unusual circumstances," discharge the inmate altogether.
- <sup>10</sup> Conn. Gen. Stat. § 53a-41.
- <sup>11</sup> Conn. Gen. Stat. § 54-125.
- <sup>12</sup> Two or more members of the Board make determinations of whether the inmate's underlying offense involved the use or threat of force. In reaching their conclusion, the Board members may consider a wide range of information, including the inmate's criminal history, a criminal records check (both in-state and out-of-state), police reports, "previous parole and probation reports, and any other information that the Board deems relevant." The Board will also rely on "criminal justice data systems" to retrieve information about the length of sentence for each charge for which the inmate was convicted. The Board will then inform the Department of Corrections and the inmate of its determination. Conn. Agencies Regs. §§ 54-125-a3-a4.
- <sup>13</sup> Conn. Gen. Stat. § 54-125a(a). Inmates incarcerated for offenses that would otherwise fall under this subsection, but who were incarcerated before October 1, 1990, must serve seventy-five percent of their sentence before being considered for parole. Conn. Gen. Stat. § 54-125a(d). Note that Courts imposing multiple indeterminate sentences have discretion over whether the respective minima and maxima run concurrently or consecutively. However, if a person is sentenced to two or more counts constituting separate offenses, the court may order that the term of imprisonment for the second and subsequent counts be for a fixed number of years each (i.e. one or more determinate sentences on top of an indeterminate sentence). In that case, the court does not set a minimum term of imprisonment except for the first count; the fixed number of years imposed for the second or subsequent counts are then added to the maximum term imposed on the first count. Conn. Gen. Stat. § 53a-37.
- <sup>14</sup> Conn. Gen. Stat. §§ 54-125g-h. Inmates whose offenses included the use or threat of physical force must have served at least ninety-five percent of their sentence to qualify for this relief. In addition, by statute, prisoners who have six months or less to serve of the maximum term(s) for which the inmate was sentenced may be granted parole. However, this provision is rarely utilized. Interview with Richard Sparaco, Exec. Dir., Conn. Bd. of Pardons & Paroles (Jul. 22, 2016).
- <sup>15</sup> Conn. Gen. Stat. § 54-125a(b)(2). This statute applies to individuals who committed crimes after July 1, 1996. There is a list of 85% eligible crimes available online. See Conn. Bd. of Pardons & Paroles, *85% Offenses*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=510680> (last visited Jun. 24, 2016).
- <sup>16</sup> Conn. Gen. Stat. § 54-125c.
- <sup>17</sup> Conn. Gen. Stat. § 54-125e.
- <sup>18</sup> Inmates convicted of specific offenses including crimes against children and sexual offenses or classified as persistent serious or dangerous felony offenders may be sentenced to more than ten years of special parole per offense. Conn. Gen. Stat. § 54-125e; *State v. Brown*, 80 A.3d 878, 879 (Conn. 2013).
- <sup>19</sup> Correspondence with Richard Sparaco, Exec. Dir., Conn. Bd. of Pardons & Paroles (Jul. 22, 2016).
- <sup>20</sup> Conn. Gen. Stat. § 54-125.
- <sup>21</sup> Conn. Gen. Stat. § 53a-35b.
- <sup>22</sup> Conn. Gen. Stat. § 54-125a.
- <sup>23</sup> Conn. Bd. of Pardons & Parole, *Parole FAQs*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=508202> (last visited June 24, 2016).
- <sup>24</sup> Conn. Gen. Stat. § 18-7a.
- <sup>25</sup> Conn. Gen. Stat. § 18-7.
- <sup>26</sup> Conn. Gen. Stat. § 18-98e.
- <sup>27</sup> See, e.g., *Baker v. Comm'r of Corr.*, 914 A.2d 1034 (Conn. 2007).
- <sup>28</sup> Conn. Gen. Stat. § 54-125.
- <sup>29</sup> Conn. Gen. Stat. § 54-125a.
- <sup>30</sup> Conn. Gen. Stat. § 54-125c.
- <sup>31</sup> Conn. Bd. of Pardons & Parole, *Risk, Reentry, and Recidivism Reduction Strategy* (2015), <http://www.ct.gov/bopp/cwp/view.asp?a=4344&q=510594>. See also Conn. Bd. Pardons & Paroles, *Annual Report*, (2015), [http://das.ct.gov/Digest/Digest\\_2015/Pardons%20and%20Paroles,%20Connecticut%20Board%20of.pdf](http://das.ct.gov/Digest/Digest_2015/Pardons%20and%20Paroles,%20Connecticut%20Board%20of.pdf) [Hereinafter *Annual Board Report*].
- <sup>32</sup> Correspondence with Richard Sparaco, *supra* note 19.
- <sup>33</sup> Conn. Stat. § 54-124a; S.B. 1700, 2008 Leg., Jan. Spec. Sess. (Conn. 2008).
- <sup>34</sup> Conn. Bd. of Pardons & Parole, *Statewide Collaborative Offender Risk Evaluation System (SCORES) Handout*, ct.gov (2012), <http://www.ct.gov/bopp/cwp/view.asp?a=4344&q=510364> (available by selecting "click here for more information").
- <sup>35</sup> *Id.*
- <sup>36</sup> *Id.*
- <sup>37</sup> Annual Board Report, *supra* note 31.
- <sup>38</sup> Correspondence with Richard Sparaco, *supra* note 19; See also Patrick Hines & Ivan Kuzyk, Dep't of Corr., *The Treatment and Programming Assessment Instrument (TPAI)* (2012), <http://www.ct.gov/doc/lib/doc/pdf/tpai201203.pdf>.
- <sup>39</sup> Correspondence with Richard Sparaco, *supra* note 19.
- <sup>40</sup> A "terminal condition, disease or syndrome" is defined as including a prognosis of six months or less to live. Conn. Gen. Stat. § 54-131c.
- <sup>41</sup> Conn. Gen. Stat. § 54-131b. Inmates convicted of murder with special circumstances are not eligible for medical parole or compassionate release. *Id.*; Conn. Gen. Stat. § 54-131k.
- <sup>42</sup> Conn. Gen. Stat. § 54-131f.
- <sup>43</sup> Conn. Gen. Stat. § 54-131k.
- <sup>44</sup> Conn. Gen. Stat. § 54-131d.
- <sup>45</sup> *Id.*
- <sup>46</sup> Conn. Const. art. 4, § 13. The "next" session of the general assembly is the first one that begins after the session during which the reprieve was granted; this is to allow an opportunity for the assembly to consider the reprieve. *Palka v. Walker*, 198 A. 265, 267 (Conn. 1938).
- <sup>47</sup> *Id.*
- <sup>48</sup> Conn. Gen. Stat. § 54-130a.
- <sup>49</sup> Conn. Gen. Stat. § 54-124a.
- <sup>50</sup> *Id.*
- <sup>51</sup> *Id.*
- <sup>52</sup> Conn. Bd. Pardons & Paroles, *General Parole Hearing Information*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=508118> (last visited Jun. 24, 2016).
- <sup>53</sup> Conn. Gen. Stat. § 54-130c.
- <sup>54</sup> Conn. Bd. Pardons & Paroles, *Parole Eligibility Information*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=508186> (last visited Jun. 24, 2016).
- <sup>55</sup> Conn. Agencies Regs. § 54-125a-6.
- <sup>56</sup> *Baker v. Comm'r of Corr.*, 914 A.2d 1034 (Conn. 2007).

## END NOTES

- <sup>57</sup> Conn. Bd. Pardons & Paroles, *Parole FAQs*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=508202> (last visited Jun. 24, 2016) [Hereinafter *Parole FAQs*].
- <sup>58</sup> Correspondence with Richard Sparaco, *supra* note 19.
- <sup>59</sup> Conn. Bd. Pardons & Paroles, *Victim Information*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=508318> (last visited Jul. 25, 2016).
- <sup>60</sup> Victims must meet the statutory definition of “victim” to register: Under Connecticut law, a “victim” is defined as “a person who is a victim of a crime, the legal representative of such person or a member of a deceased victim’s immediate family.” Conn. Gen. Stat. §§ 54-228, 54-230; *Victim Information*, *supra* note 59.
- <sup>61</sup> *Victim Information*, *supra* note 59.
- <sup>62</sup> Conn. Gen. Stat. § 54-130d.
- <sup>63</sup> Conn. Gen. Stat. § 54-126a. The Board website provides detailed instructions to victims on what to consider when preparing to appear or submit a statement. Additionally, the website clarifies that victim statements become part of the parole hearing record, and are therefore subject to FOIA: such statements may not be kept confidential if requested by the public, including the media. *Victim Information*, *supra* note 59.
- <sup>64</sup> Conn. Gen. Stat. § 54-130d.
- <sup>65</sup> Conn. Gen. Stat. § 54-229.
- <sup>66</sup> Conn. Bd. Pardons & Paroles, *Parole Hearing Attendance Information*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=508118> (last visited Jun. 24, 2016).
- <sup>67</sup> Conn. Bd. Pardons & Paroles, *Statistics for Parole Hearing Outcomes by Calendar Year*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=550440> (last visited Jun. 24, 2016).
- <sup>68</sup> Conn. Gen. Stat. §§ 54-125, -125a.
- <sup>69</sup> Conn. Bd. Pardons & Paroles, *General Parole Hearing Information*, <http://www.ct.gov/bopp/cwp/view.asp?a=4330&q=508118> (last visited Jun. 24, 2016).
- <sup>70</sup> Conn. Gen. Stat. § 54-125a.
- <sup>71</sup> Conn. Gen. Stat. §§ 54-124a, -125a.
- <sup>72</sup> *Vincenzo v. Warden*, 599 A.2d 31, 35-36 (Conn. App. Ct. 1991); See also *Baker v. Comm’r of Corr.*, 914 A.2d 1034 (Conn. 2007)
- <sup>73</sup> Conn. Agencies Regs. § 54-124a(j)(1)-10-11.
- <sup>74</sup> Danielle Kaeble & Thomas P. Bonzcar, Bureau of Justice Statistics, *Probation and Parole in the United States, 2015 at 20* (Appendix Table 4) (Dec. 2016), <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>.
- <sup>75</sup> Conn. Dep’t of Corr., *Parole and Community Services*, <http://www.ct.gov/doc/cwp/view.asp?a=%271503&q=265536> (last visited Jun. 24, 2016) [Hereinafter *Parole and Community Services*].
- Conn. Dep’t of Corr., *Parole Conditions* (2008), <http://www.ct.gov/doc/lib/doc/pdf/paroleconditions.pdf> [Hereinafter *Parole Conditions*].
- <sup>76</sup> Correspondence with Richard Sparaco, *supra* note 19.
- <sup>77</sup> Conn. Gen. Stat. § 53a-28.
- <sup>78</sup> Conn. Gen. Stat. § 54-129.
- <sup>79</sup> Conn. Gen. Stat. § 53a-30.
- <sup>80</sup> Conn. Gen. Stat. § 54-126.
- <sup>81</sup> *Parole Conditions*, *supra* note 76.
- <sup>82</sup> Conn. Gen. Stat. §§ 53a-30, 54-125e.
- <sup>83</sup> See Conn. Gen. Stat. §§ 54-251-254.
- <sup>84</sup> *Parole and Community Services*, *supra* note 75.
- <sup>85</sup> Conn. Gen. Stat. § 53a-30.
- <sup>86</sup> Conn. Gen. Stat. § 53a-28.
- <sup>87</sup> *Id.*
- <sup>88</sup> Correspondence with Richard Sparaco, *supra* note 19.
- <sup>89</sup> *Parole Conditions*, *supra* note 76.
- <sup>90</sup> Conn. Gen. Stat. §§ 53a-30, 54-125, 54-125a.
- <sup>91</sup> Kaeble & Bonzcar, *supra* note 74 at 24 (Appendix Table 6).
- <sup>92</sup> Conn. Office of Policy & Mgmt., *Criminal Justice Policy & Planning Div. Monthly Indicators Report* (Jul. 2016), [http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/monthlyindicators/monthlyindicatorsreport\\_july\\_2016.pdf](http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/monthlyindicators/monthlyindicatorsreport_july_2016.pdf).
- <sup>93</sup> *Parole FAQs*, *supra* note 57.
- <sup>94</sup> *Id.*
- <sup>95</sup> Conn. Agencies Regs. §§ 54-124a(j)(1)-5, 6.
- <sup>96</sup> Conn. Agencies Regs. § 54-124a(j)(1)-5.
- <sup>97</sup> Correspondence with Richard Sparaco, *supra* note 19.
- <sup>98</sup> Conn. Gen. Stat. §§ 54-126, -127.
- <sup>99</sup> Conn. Agencies Regs. § 54-124a(j)(1)-4.
- <sup>100</sup> Conn. Agencies Regs. § 54-124a(j)(1)-5.
- <sup>101</sup> After providing three days’ notice to the inmate, and for good cause, this hearing may be “expanded to constitute the final revocation hearing.” *Id.*
- <sup>102</sup> An arrest warrant on a new charge is considered conclusive evidence of probable cause. If the inmate is convicted of the new charges, the conviction is considered conclusive evidence of parole violation and parole will be revoked. *Id.*
- <sup>103</sup> *Id.*
- <sup>104</sup> Acquittal, dismissal, or a finding of *nolle prosequi* (i.e. abandonment of prosecution) are not binding on the Board. If the inmate is convicted of the new charges, the conviction is considered conclusive evidence of a parole violation and parole will be revoked. If the parole eligibility date under the new sentence(s) exceeds the term of the original sentence upon which the inmate was paroled, or any term of confinement the inmate would be subject to as a result of violating parole, further parole revocation hearings are not required. Instead, the Examiner will submit to the Commissioner of Correction and the inmate a revocation notice and, to the inmate, a “preliminary new parole eligibility date” under the new sentence. Conversely, if the parole eligibility date under the new sentence(s) falls within the original sentence, a revocation hearing must be held at which the Examiner will investigate any mitigating circumstances regarding the violation and “the possibility and conditions of potential reparole within the term of the original sentence.” Following the hearing, the Examiner may recommend no reparole, reparole, or a new parole eligibility date. Conn. Agencies Regs. § 54-124a(j)(1)-6.
- <sup>105</sup> Conn. Agencies Regs. § 54-124a(j)(1)-8 (An expedited offer is generally one time only, time limited, and non-negotiable, similar to some criminal plea bargains).
- <sup>106</sup> Conn. Agencies Regs. § 54-124a(j)(1)-12.
- <sup>107</sup> Correspondence with Richard Sparaco, *supra* note 19.
- <sup>108</sup> *Id.*
- <sup>109</sup> Conn. Agencies Regs. § 54-124a(j)(1)-6.
- <sup>110</sup> The Board may only increase the penalty recommended by the Examiner once it provides the inmate with adequate notice and an opportunity for a supplementary hearing to allow the inmate to respond. Conn. Agencies Regs. § 54-124a(j)(1)-9.
- <sup>111</sup> Conn. Gen. Stat. § 54-124a.
- <sup>112</sup> *Id.*
- <sup>113</sup> Conn. Gen. Stat. § 54-125e.
- <sup>114</sup> Conn. Gen. Stat. § 54-128.
- <sup>115</sup> Conn. Gen. Stat. § 54-125e.
- <sup>116</sup> Conn. Agencies Regs. § 54-124a(j)(1)-9.
- <sup>117</sup> Conn. Agencies Regs. § 54-124a(j)(1)-3.
- <sup>118</sup> See, e.g., *Reid v. Comm’r of Corr.*, 887 A.2d 937 (Conn. App. Ct. 2006).
- <sup>119</sup> Conn. Gen. Stat. § 54-128.
- <sup>120</sup> Conn. Gen. Stat. § 54-124a.
- <sup>121</sup> Conn. Bd. Pardons & Paroles, *General Information*, <http://www.ct.gov/bopp/cwp/view.asp?a=4317&q=508302> (last visited Jun. 24, 2016).
- <sup>122</sup> Conn. Bd. Pardons & Paroles, *Welcome to the Connecticut Board of Pardons & Paroles*, <http://www.ct.gov/bopp/site/default.asp> (last visited Jun. 24, 2016).
- <sup>123</sup> Conn. Gen. Stat. § 54-124a.
- <sup>124</sup> Annual Report, *supra* note 31.
- <sup>125</sup> Conn. Gen. Stat. § 54-124a.
- <sup>126</sup> Conn. Gen. Stat. § 54-124a(l)(3).
- <sup>127</sup> Annual Report, *supra* note 31.
- <sup>128</sup> *Id.*
- <sup>129</sup> Conn. Gen. Stat. § 1-210.