



STATE OF CONNECTICUT
DEPARTMENT OF CORRECTION
 24 WOLCOTT HILL ROAD
 WETHERSFIELD, CONNECTICUT 06109

Response to Public Comments on Expedited Pardons Regulation

The Board of Pardons and Paroles plans to move forward with the original proposed regulation. The final wording of the proposed regulation will not be changed in response to the public comments received. The principal considerations urged in written comments, and the Board's reasons for rejecting such considerations, are as follows:

1. The proposed regulations do not meaningfully expedite the pardons process.

There is currently a backlog of pardons hearings, and this is in large part due to the fact that hearings must be held for every pardon. Scheduling hearings can be time consuming and cause unnecessary delay, in many instances. For example, under the current process, hearings often have to be continued to a time that the applicant can appear, causing unnecessary delay in the issuance of pardons. Removing the hearing requirement in the context of expedited pardons, as the proposed regulations do, will permit the Board to process expedited pardon applications much more quickly. Therefore, the Board disagrees that the proposed regulations do not meaningfully expedite the pardons process.

2. The proposed regulations do not streamline the application.

The Board is aware that the existing pardons application is lengthy. The streamlining of the pardons application is outside the scope of these regulations; however, the Board has recently undergone a LEAN process regarding the application, and simplification of the application is something that is currently under consideration of the Board. The application itself is not, and should not be, outlined specifically in regulations.

3. The proposed regulations define non-violent offense in such a way that applicants will not know whether they qualify for the expedited process.

“Non-violent” is defined in the proposed regulations in a manner consistent with current law. It is common statutory and regulatory drafting practice to reference crimes by numbered statute, rather than by name. A list of violent crimes that would be ineligible for the expedited pardons process, also known as “85% Offenses,” is maintained on the website of the Board, which can be found at www.ct.gov/bopp. In addition, the Board has developed, and will continue to refine, a notice to be given to inmates at various points during their time at the Department of Correction to explain how the pardons process works, and who may be eligible for expedited pardons.

Finally, it is the Board, and not the applicant, that will make the determination as to whether an individual qualifies for an expedited pardon. The application for pardons

with hearings and expedited pardons will be one and the same, and it is only after an administrative review of such applications that the Board will make a determination as to which applications may be expedited, removing the hearing requirement.

4. The proposed regulations permit the Board to retain discretion to conduct an investigation and to require a hearing.

The intent of the legislation was to create an expedited process – not an automatic one. It is appropriate to allow the Board discretion to conduct investigations and hold hearings where it deems it necessary.