

## Laws Governing Parole

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### Issue

Describe the Connecticut laws governing parole. This report updates OLR Report [2009-R-0345](#).

### Summary

The Board of Pardons and Paroles (BOPP) has independent decision-making authority to (1) grant or deny parole, (2) set conditions of parole, and (3) rescind or revoke parole ([CGS § 54-124a](#) et seq.).

Inmates who are sentenced to more than two years in prison generally can be considered for parole. Inmates convicted of non-violent crimes are eligible to be considered for parole after serving 50% of their sentence. Inmates who committed violent crimes are eligible to be considered for parole after serving 85% of their sentence. Those convicted of certain crimes, like murder, are not eligible for parole. The law requires a parole hearing at certain points in an inmate's sentence.

In some circumstances, inmates nearing the end of their sentence or scheduled parole release date can be released before that date. The board can also release certain inmates on medical or compassionate parole.

Legislation passed in 2015 (1) allows the board, in certain circumstances, to consider parole for an inmate without a hearing and (2) established alternative parole eligibility criteria for certain inmates who were convicted of a crime they committed as minors and were sentenced to a prison term of more than ten years.

A parole release panel consisting of three board members conducts parole hearings. A hearing cannot be held unless the chairperson certifies that all pertinent information has been obtained or is unavailable. Victims must be allowed to appear at a parole eligibility hearing and make or submit a statement. The board can release someone on parole if there is a reasonable probability that the inmate will live and remain at liberty without violating the law and the release is not incompatible with the welfare of society. The panel sets the terms and conditions of the inmate's parole. Department of Correction (DOC) personnel supervise inmates on parole.

A board employee conducts a parole revocation or rescission hearing. If the employee recommends revocation or rescission, two members of a board panel must approve it. A paroled inmate can be returned to prison for up to the rest of his or her sentence. The law requires an incremental sanctions system for parole violators and allows the parolee to be returned to custody. The board can again consider paroling an inmate.

In this report, we do not discuss special parole, which a judge can impose as part of an inmate's sentence, or the provisions on deportation or the Interstate Compact for Adult Offender Supervision.

## **General Parole Eligibility Rules**

Inmates who are sentenced to more than two years in prison can generally be considered for release from prison on parole. Inmates convicted of non-violent crimes are generally eligible for parole after serving 50% of their sentence less any risk reduction credits. Inmates who committed violent crimes, home invasion, or 2<sup>nd</sup> degree burglary are generally eligible for parole after serving 85% of their sentence less any risk reduction credits. Those convicted of the following crimes are not eligible for parole: capital felony, murder with special circumstances, felony murder, arson murder, murder, and 1<sup>st</sup> degree aggravated sexual assault ([CGS § 54-125a\(a\),\(b\)](#)).

## **Parole Orientation Program**

The board consults with the DOC commissioner to establish a parole orientation program for all parole-eligible inmates when they are taken into DOC custody to provide general information on parole release laws and policies, calculating time-served standards, general conditions of release, supervision practices, revocation and rescission policies, hearing procedures, and other information the board deems relevant to prepare an inmate for parole ([CGS § 54-124a\(l\)](#)).

## **Other Parole Release Provisions**

In addition to the general parole eligibility rules, the law establishes four additional specific types of parole that an inmate can be considered for: (1) release with six months or less left on the inmate's sentence, (2) release within 18 months of parole release date, (3) medical parole, and (4) compassionate parole.

### ***Release With Six Months or Less Left on Sentence***

An inmate with six months or less left on his or her sentence generally can be granted parole if the inmate agrees to be (1) subject to supervision by DOC personnel for one year and (2) retained in prison for up to the length of the unexpired prison sentence if he or she violates the parole conditions. Someone whose crime makes them ineligible for parole or eligible after serving 85% of his or her sentence must serve 95% of the sentence before being eligible for release under this provision ([CGS § 54-125g](#)).

### ***Release Within 18 Months of Parole Release Date***

The board chairperson can transfer an inmate to a public or private nonprofit halfway house, group home, mental health facility, or approved community or private residence if he or she (1) has been granted parole release and (2) is within 18 months of the parole release date set by the board. The person is transferred to the board's jurisdiction but remains in DOC custody during the period of release and DOC employees supervise the person. The person may be returned to prison at any time ([CGS § 54-125h](#)).

### ***Medical Parole***

The board can release someone on medical parole at a date and under conditions it sets. The board can release an inmate (unless he or she was convicted of a capital felony or murder with special circumstances) at any time during his or her sentence if the inmate is diagnosed as suffering from a terminal condition, disease, or syndrome and is so debilitated or incapacitated by it as to be physically incapable of presenting a danger to society.

A licensed physician must make the diagnosis, which must (1) describe the terminal condition, disease, or syndrome; (2) include a prognosis of the likelihood of recovery; and (3) describe the inmate's physical incapacity. If the diagnosing physician is not employed by DOC or a hospital or medical facility used by DOC, the DOC medical director or a physician appointed by the DOC commissioner can review the diagnosis. A terminal condition, disease, or syndrome includes a prognosis for six months or less to live.

The board must require as a condition of release that the parolee agree to placement and that he or she is able to be placed for a definite or indefinite period in a hospital, hospice, or other housing accommodation suitable to the medical condition, including with the inmate's family, as specified by the board. The board can require periodic diagnoses as a condition of release. If the board reviews the diagnoses and finds that a parolee is no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society, the parolee must be returned to a DOC institution.

The board, DOC commissioner, or a prison warden or superintendent can request a diagnosis to determine eligibility for medical parole. The inmate or the inmate's spouse, parent, guardian, grandparent, aunt, uncle, sibling, child over age 18, or attorney can make a request to the board or one of the officials for a diagnosis.

The board can appoint a special panel to implement these provisions. The board or special panel must review and decide medical parole requests on an emergency basis and act in all cases in as expeditious a manner as possible. The medical parole law does not affect an inmate's eligibility for any other form of parole or release ([CGS § 54-131a et seq.](#)).

### ***Compassionate Parole***

The board can grant compassionate parole release to an inmate (other than those convicted of a capital felony or murder with special circumstances) if the inmate (1) served at least half of the sentence or half after the board commuted the original sentence and (2) is so physically or mentally debilitated, incapacitated, or infirm due to advanced age or a condition, disease, or syndrome that is not terminal, as to be physically incapable of presenting a danger to society. A person granted release under this provision must be released under terms and conditions set by the board and supervised by DOC ([CGS § 54-131k](#)).

### **Parole Hearings**

The law generally permits the board to hold a hearing to determine someone's suitability for parole if the person has served 75% of his or her definite or total effective sentence minus any earned risk reduction credits. For those inmates ineligible for parole until they have served 85% of their sentence (see above), the board generally may hold a hearing when the person has met the 85% threshold. If a hearing is not held, the board must document the specific reasons and provide them to the inmate.

A board employee, or a panel if the chairperson deems it necessary, must assess the suitability for parole based on whether (1) there is a reasonable probability that the person will live and remain at

liberty without violating the law and (2) the benefits to the person and society resulting from release to community supervision substantially outweigh the benefits from continued incarceration. If the board determines that continued incarceration is necessary after a hearing, it must state specific reasons on the record why the person and public would not benefit from a period of parole supervision while transitioning from incarceration to the community. The board's decision cannot be appealed ([CGS § 54-125a\(d\) and \(e\)](#)).

### ***Conducting Hearings***

At least three board members must be present at each parole hearing. Parole release panels consist of two board members and the chairperson or a member the chairperson designates to act as chairperson. A panel cannot hold a hearing for an inmate who had to serve 85% of his or her sentence for parole eligibility unless the panel has the applicant's complete file, including any DOC documentation, the trial transcript, the sentencing record, and any previous parole hearing files. Each panel member must certify that the information has been reviewed in preparation for the hearing. The state's attorney must also send the board the record of someone sentenced to more than two years in prison within three weeks of the person being committed to custody (CGS §§ [54-124a](#), [-125a](#)).

The board can release someone on parole if it appears from all available information that there is a reasonable probability that the inmate will live and remain at liberty without violating the law and the release is not incompatible with the welfare of society. Under the terms and conditions set by the panel, the parolee may return to his or her home, reside in a residential community center (the parolee may be required to contribute to costs), or go elsewhere. The parolee remains under the board's jurisdiction until his or her period of parole expires. The parole order must set the limits of the parolee's residence, which the board and DOC have discretion to change. DOC personnel supervise people on parole ([CGS § 54-125a](#)).

### ***Victim Statements***

At panel hearings to determine an inmate's eligibility for parole, the panel must permit the crime victim to appear to make a statement for the record on whether the inmate should be released on parole or the nature of any terms or conditions of release. A victim can submit a written statement which becomes part of the record instead of appearing.

A "crime victim" is someone who is a victim of a crime, a victim's legal representative, a member of a deceased victim's immediate family, or a person designated by a deceased victim in a document that meets certain legal requirements.

When the board schedules a parole eligibility hearing, the judicial branch's Office of Victim Services (OVS) must notify any victim of the inmate's crime who is registered with the board of the hearing time, date, and location, and notify the victim that he or she may make or submit in writing a statement at the hearing. If the inmate is serving an indeterminate sentence or a sentence for felony murder, and was sentenced before July 1, 1981, OVS must work with the board to locate victims and their families to provide notice of the hearing. If such a victim is a police officer who is deceased, OVS must provide the notice to the police chief in the town where the crime occurred.

Nothing in the statute prohibits the board from using its discretion to permit a member or members of a victim's immediate family to appear and make a statement under this provision ([CGS § 54-126a](#)).

## **Parole Decisions Without a Hearing**

[PA 15-2, June Special Session](#) created a procedure to allow the board to consider certain inmates for release on parole without a hearing.

This applies to an inmate who:

1. was not convicted of a crime involving a victim known to the board who was injured or killed (a) in a crime or criminal attempt or (b) while attempting to prevent a crime, apprehend a suspect, or assist a police officer in apprehension;
2. was not convicted of a violent crime or certain other crimes, including 2<sup>nd</sup> degree burglary, 1<sup>st</sup> degree stalking, and criminally negligent homicide; and
3. is not prohibited from parole for any other reason.

Generally, inmates eligible for release under these procedures could be released on parole under existing law after serving half of their cumulative sentences. They can also be released within six months of the end of their sentences if they agree to be subject to DOC supervision for one year and to be returned to prison for the unexpired term of their sentences for violating parole conditions ([CGS § 54-125i](#)).

### ***Procedures***

A board member or certain board employees can evaluate a person's parole eligibility without a hearing by (1) using risk-based structured decision making and release criteria under the board's policies and (2) reviewing an inmate's offender accountability plan, including the environment to which the inmate plans to return. An employee can only conduct this evaluation if he or she is

qualified by education, experience, or training in administering community corrections, parole, pardons, criminal justice, criminology, offender evaluation or supervision, or providing offenders with mental health services.

The board's chairperson must present a member's or employee's parole recommendation to a parole release panel for approval after making reasonable efforts to obtain all information pertinent to the decision and certifying that it has been obtained or is unavailable. After he does so, the panel determines whether the person is suitable for release on parole.

Parole may not be granted under these procedures unless board members and officers reviewing the inmate's file certify that they reviewed the recommendations and information ([CGS § 54-125i](#)).

## **Alternative Parole Eligibility**

[PA 15-84](#) established alternative parole eligibility rules for someone who (1) commits a crime when he or she is under age 18 and (2) is sentenced to more than 10 years in prison. These rules apply if they make someone eligible for parole sooner than under existing law, and they also apply to someone convicted of a crime who would otherwise be ineligible for parole. Under these rules, someone sentenced to:

1. 10 to 50 years in prison is eligible for parole after serving the greater of 12 years or 60% of his or her sentence or
2. more than 50 years in prison is eligible for parole after serving 30 years.

These rules apply to offenders incarcerated on and after October 1, 2015 regardless of when the crime was committed or the offender sentenced. They do not apply to any portion of a sentence imposed for a crime committed when the person was age 18 or older. Existing parole eligibility rules apply to such a sentence ([CGS § 54-125a\(f\)](#)).

## ***Required Hearing***

This law requires (1) a parole hearing when such a person becomes parole-eligible and (2) the board to notify, at least 12 months before the hearing, the Chief Public Defender's Office, appropriate state's attorney, DOC's Victim Services Unit, Office of Victim Advocate, and OVS. The Chief Public Defender's Office must provide counsel for an indigent inmate.

At the hearing, the board must allow:

1. the inmate to make a statement;
2. the inmate's counsel and state's attorney to submit reports and documents; and
3. any victim of the inmate's crime to make a statement, as with other parole hearings.

The board may also request (1) testimony from mental health professionals and relevant witnesses and (2) reports from DOC or others ([CGS § 54-125a\(f\)](#)).

## ***Release Decisions***

Following the hearing, the board may release the inmate on parole if:

1. the release (a) holds the offender accountable to the community without compromising public safety; (b) reflects the offense's seriousness and makes the sentence proportional to the harm to victims and the community; (c) uses the most appropriate sanctions available, including prison, community punishment, and supervision; (d) could reduce criminal activity, impose just punishment, and provide the offender with meaningful and effective rehabilitation and reintegration; and (e) is fair and promotes respect for the law;
2. it appears from all available information, including DOC reports, that (a) there is a reasonable probability the offender will not violate the law again and (b) the benefits of release to the offender and society substantially outweigh the benefits from continued confinement; and
3. it appears from all available information, including DOC reports, that the offender is substantially rehabilitated, considering his or her character, background, and history.

The board must articulate reasons for its decision on the record. If the board denies parole, it may reassess the person's suitability for a hearing at a later time it determines but no sooner than two years after the denial. The board's decisions are not appealable ([CGS § 54-125a\(f\)](#)).

## **Conditions of Release**

The board can set rules and regulations as it deems necessary for an inmate being released on parole and the panel for a particular case can set special provisions for the inmate's parole. The chairperson enforces the rules, regulations, and provisions and can retake and imprison the parolee for any reason the panel or the chairperson with the panel's approval deems sufficient. The chairperson can detain a person pending the panel's approval ([CGS § 54-126](#)).



The board, within available appropriations, can require an inmate to undergo specialized sexual offender treatment for at least one year before the board will schedule a hearing date to consider parole eligibility ([CGS § 54-125c](#)).

### ***Incremental Sanctions for Parole Violations***

The board chairperson and executive director establish an incremental sanctions system for parole violations. This includes reincarceration based on the type, severity, and frequency of the violation and specific periods of incarceration for certain types of violations ([CGS § 54-124a\(l\)](#)).

### **Revocation, Rescission, and Return to Prison**

The board chairperson, in consultation with the board's executive director, must adopt regulations for parole revocation and rescission hearings including due process requirements ([CGS § 54-124a\(j\)](#)).

A request by the DOC commissioner, a DOC officer, the board, or the board chairperson is sufficient warrant to authorize any DOC officer or officer legally authorized to serve criminal process in Connecticut to return a person on parole to custody. Any officer, police officer, constable, or state marshal must arrest and hold any parolee or inmate when requested, without any written warrant ([CGS § 54-127](#)).

A board employee must conduct all parole revocation and rescission hearings. Someone allowed to go on parole can have his or her parole revoked or rescinded if after a hearing, the employee recommends it and at least two members of a board panel approve it ([CGS § 54-127a](#)).

A paroled inmate returned to prison for violating parole can be imprisoned up to the unexpired portion of the inmate's sentence less any commutation or diminution of sentence earned. The board has discretion to determine that an inmate forfeits any or all of the earned time (earned time laws were repealed but still apply to inmates sentenced for crimes committed before October 1, 1994). The board can again parole the inmate ([CGS § 54-128](#)).

### **Discharge From Custody**

If a board panel determines that a parolee or someone eligible for parole will lead an orderly life, by a unanimous vote of members present at a regular meeting, it can discharge the person from DOC custody and provide a written certificate to that effect under the board's seal and signed by the chairperson and DOC commissioner ([CGS § 54-129](#)).

Community Partners in Action and the DOC commissioner must make all reasonable efforts to secure employment and provide, directly or by contract, other necessary services for parolees or those discharged from custody, and the agents of the association can interview inmates before their discharge ([CGS § 54-131](#)).

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