Testimony of Carleton J. Giles  
Chairperson  
Board of Pardons and Paroles  

In Support of:  

Raised Senate Bill 1058, An Act Concerning Compassionate Parole Release By The Board of Pardons and Paroles and Concerning Staff of The Department of Correction  

Joint Committee on Judiciary  
March 22, 2021  

Good morning Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and honorable members of the Joint Committee on Judiciary. My name is Carleton Giles, and I am the Chairperson of the Board of Pardons and Paroles (“Board”). I am here today to provide testimony in support of section 1 of Raised Senate Bill 1058, An Act Concerning Compassionate Parole Release by the Board of Pardons and Paroles and Concerning Staff of the Department of Correction, with the addition of the Board’s proposed substitute language. The Board takes no position on section 2 of this bill.

Section 1 of the bill expands the scope of the Board’s authority to compassionately parole incarcerated individuals. This section contains language jointly developed by the Board and the Office of the Chief Public Defender. It (1) allows the Board to compassionately parole otherwise ineligible individuals due to extraordinary circumstances such as a global pandemic or other national emergency, and (2) provides the Board with more leeway to parole individuals incapacitated, debilitated, or made infirm by illness, advanced age, or mental incapacity. The section changes the existing and restrictive release standard for compassionate parole to one based on risk.

Although the Board supports section 1, changes—attached to this testimony—are necessary to properly implement compassionate parole and clear up ambiguity. The Board’s proposed changes create a statutory scheme similar to what currently exists for medical parole under sections 54-131a-54-131g of the Connecticut General Statutes. In doing so, they authorize the Chairperson to quickly convene an emergency panel to hear urgent cases and provide the Board with the authority to impose standard and special conditions on those compassionately paroled. In addition, our proposed language provides long overdue clarity as to the nature of and Board’s authority over compassionate parole by clarifying that a panel of three board members is the decision making authority for compassionate parole, as opposed to the entire board; amending existing parole statutes to appropriately reference...
compassionate parole as a distinct release mechanism where those statutes apply; and making other technical and conforming changes.

Our proposed language also changes the wording of subsection (a) of section 1—section 4 of our proposal—from “present a significantly reduced risk as a danger to society” to “present a significantly reduced risk of danger to society.” The former seems to suggest that the Board would be releasing individuals who continue to pose a danger to society as opposed to those individuals whose condition has significantly reduced any danger such individuals might pose to society. The latter language aligns better with protecting the public.

Finally, please note that without further changes to section 1, the Board will not be able to establish conditions for compassionate parole as this bill eliminates the Board’s existing authority to do so. The Board’s proposed changes resolve this problem.

Therefore, the Board respectfully recommends the Committee’s JOINT FAVORABLE SUBSTITUTE report with the substitute language we have proposed. We are happy to provide any additional information the Committee might require, or to answer any questions you might have. Thank you.
AN ACT CONCERNING COMPASSIONATE PAROLE RELEASE BY THE BOARD OF PARDONS AND PAROLES AND CONCERNING STAFF OF THE DEPARTMENT OF CORRECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. Subsection (e) of section 54-124a of the general statues is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(e) (1) Each parole release panel shall be composed of three members, one of whom shall be the chairperson or a full-time member designated by the chairperson to serve temporarily as chairperson.

(2) Each compassionate parole release panel shall be composed of three members, one of whom shall be the chairperson or a full-time member designated by the chairperson to serve temporarily as chairperson.

(3) Each medical parole release panel shall be composed of three members, one of whom shall be the chairperson or a full-time member designated by the chairperson to serve temporarily as chairperson.

(f) The Board of Pardons and Paroles shall have independent decision-making authority to (1) grant or deny parole in accordance with sections 54-125, 54-125a, 54-125e and 54-125g, (2) grant or deny compassionate parole in accordance with sections 1 through 6 of this act, (3) grant or deny medical parole in accordance with sections 54-131a to 54-131g, inclusive, (2) (4) establish conditions of parole or special parole supervision in accordance with section 54-126, (3) (5) rescind or revoke parole, compassionate parole, medical parole, or special parole in accordance with sections 54-127 and 54-128, (4) (6) grant commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death in accordance with section 54-130a, (5) (7) discharge any person on parole or inmate eligible for parole from the custody of the Commissioner of Correction pursuant to section 54-129, and (6) (8) terminate special parole in accordance with section 54-129.
Sec. 3. (NEW) (Effective October 1, 2021):

(a) A panel of the Board of Pardons and Paroles may determine, in accordance with sections 1 through 6 of this act, inclusive, when and under what conditions an inmate serving any sentence of imprisonment may be released on compassionate parole.

(b) Any person released on compassionate parole shall be subject to such rules and conditions as may be established by the Board of Pardons and Paroles or its chairperson pursuant to section 54-126.

(c) The decision of the panel under sections 1 through 6 of this act, inclusive, shall not be subject to appeal.

Sec. 4. Section 54-131k of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) Notwithstanding any provision of the general statutes, a panel of the Board of Pardons and Paroles may grant a compassionate parole release to any inmate serving any sentence of imprisonment, except an inmate convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, if that panel finds that such inmate (1) is 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 significantly reduced risk of a danger to society, and (2) (A) has served not less than one-half of such inmate's definite or aggregate sentence, or (B) has served not less than one-half of such inmate's remaining definite or aggregate sentence after commutation of the original sentence by the Board of Pardons and Paroles.

(b) Notwithstanding any provision of the general statutes, during a major disaster or an emergency declaration by the President of the United States covering any part of the state, or an emergency declaration issued by the Governor, that shall include, but need not be limited to, those declarations issued concerning the COVID-19 pandemic, any other disease epidemic or public health emergency or a natural disaster, a panel of the Board of Pardons and Paroles may grant a compassionate parole release to any inmate serving any sentence of imprisonment, except an inmate convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, at any time during the term of such inmate's sentence, if that panel finds that (1) circumstances exist which pose a higher risk of harm to such inmate should he or she remain confined, and (2) such inmate presents a reduced risk of presenting any danger to society.

(c) For purposes of this section, "COVID-19" means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by said organization as a communicable respiratory disease.

[(b) Any person granted a compassionate parole release pursuant to this section shall be released subject to such terms and conditions as may be established by the Board of Pardons and Paroles and shall be supervised by the Department of Correction.]
Sec. 5. (NEW)(Effective October 1, 2021):

The Chairperson of Board of Pardons and Paroles may appoint a special panel to implement the provisions of sections 1 through 6 of this act, inclusive. The special panel may review and decide requests for compassionate parole under said sections on an emergency basis, and in all cases shall act in as expeditious a manner as possible.

Sec. 6. (NEW)(Effective October 1, 2021):

The provisions of sections 1 through 6 of this act, inclusive, shall not affect an inmate's eligibility for any other form of parole or release provided by law.

Sec. 7. Section 54-127 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

The request of the Commissioner of Correction or any officer of the Department of Correction so designated by the commissioner, or of the Board of Pardons and Paroles or its chairman shall be sufficient warrant to authorize any officer of the Department of Correction or any officer authorized by law to serve criminal process within this state, to return any person on special parole or convict or inmate on parole, medical parole, or compassionate parole into actual custody; and any such officer, police officer, constable or state marshal shall arrest and hold any parolee or inmate when so requested, without any written warrant.

Sec. 8. Section 54-127a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

All parole revocation and rescission hearings shall be conducted by an employee of the Board of Pardons and Paroles. The parole of a person who has been allowed to go on parole in accordance with subsection (a) of section 54-125a, sections 54-131a to 54-131g, inclusive, sections 1 through 6 of this act, inclusive, or section 54-125g, or who has been sentenced to a period of special parole in accordance with subdivision (9) of subsection (b) of section 53a-28, shall be revoked or rescinded if, after such hearing, the employee recommends such revocation or rescission and such recommendation is approved by at least two members of a panel of the board.

Sec. 9. Section 54-128 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) Any paroled inmate, including an inmate allowed to go on parole in accordance with sections 54-131a to 54-131g, inclusive, sections 1 through 6 of this act, inclusive, or section 54-125g, who has been returned to any institution of the Department of Correction for violation of such inmate's parole may be retained in a correctional institution for a period equal to the unexpired portion of the term of such inmate's sentence at the date of the request or order for such inmate's return less any commutation or diminution of such inmate's sentence earned, except that the Board of Pardons and Paroles 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.
(b) Each parolee or inmate, subject to the provisions of section 18-7, shall be subject to loss of all or any portion of time earned.

(c) Any person who, during the service of a period of special parole imposed in accordance with subdivision (9) of subsection (b) of section 53a-28, has been returned to any institution of the Department of Correction for violation of such person's parole, may be retained in a correctional institution for a period equal to the unexpired portion of the period of special parole. 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 offense for which the person was convicted.

Sec. 10. Section 18-81nn of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Any correction officer who witnesses another correction officer use what the witnessing correction officer objectively knows to be excessive or illegal use of force shall intervene and attempt to stop such other correction officer from using such force. Any correction officer who fails to intervene in such an incident may be prosecuted and punished in accordance with the provisions of section 53a-8 for the same acts as the correction officer who used unreasonable, excessive or illegal force.

(b) Any correction officer who witnesses another correction officer use what the witnessing correction officer objectively knows to be unreasonable, excessive or illegal use of force or is otherwise aware of such use of force by another correction officer shall report, as soon as is practicable, such use of force to the witnessing correction officer's immediate supervisor. Such supervisor shall immediately report such use of force to the immediate supervisor of the correction officer who is reported to have used such force. Any correction officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of sections 53a-165 to 53a-167, inclusive.

(c) The Department of Correction or any employee of the department shall not take any retaliatory personnel action or discriminate against a correction officer because such correction officer intervened in an incident pursuant to subsection (a) of this section or reported an incident pursuant to subsection (b) of this section. Such intervening or reporting correction officer shall be protected by the provisions of section 4-61dd or 31-51m, as applicable.