

'Frequently Asked Questions' about Pardons in Connecticut

1. What types of pardons are available?

There are three types of pardons. A Full Pardon, Conditional Pardon and a Provisional Pardon:

- A **FULL Pardon** (also known as an expungement), if granted, results in complete erasure of your official criminal record. You may apply to the Pardons Board for a full pardon three (3) years after the date of the disposition of your most recent misdemeanor conviction and/or five (5) years after the date of the disposition of your most recent felony conviction.
- The Pardons Board may grant a **Conditional Pardon**. Conditional Pardons are full pardons (i.e. your official criminal record is erased), except that the Board has attached a condition to the pardon. The person to whom a Conditional Pardon is granted *must* abide by the condition attached to the pardon. Failure to abide by the condition attached to a Conditional Pardon may result in the pardon being revoked.
- A **Provisional Pardon** indicates that the applicant is employable, making it illegal for an employer or prospective employer to deny employment based on the applicant's criminal record alone. A provisional pardon also indicates that a person is suitable to hold certain types of licenses. A provisional pardon does not expunge the conviction/s from your record. Persons granted a 'Provisional Pardon' will receive a **'Certificate of Employability'** from the Pardons Board.

2. Am I eligible for a pardon?

That depends on how much time has passed since the conviction date for the offense you are asking to be pardoned for. For a full pardon, you are eligible to apply five (5) years from the date of conviction for a felony and three (3) years from the date of conviction for a misdemeanor.

To apply for a pardon for charges you were convicted of in Connecticut, you cannot have any pending charges or other open cases in any other jurisdiction (state or federal).

3. What about cases or charges that were 'nolled'?

If you have a case that was "nolled", you are not eligible to apply for any type of pardon until the nolle has cleared. A nolle generally remains for a period of thirteen months after the date of disposition by the court.

4. How can I get a pardon application?

You can download an application from the Board of Pardons and Paroles website - www.ct.gov/doc/bopp. Public libraries and job centers have computers with internet access for use by the public. If you do not have access to the internet, you can call the Pardons Unit of the Board of Pardons and Paroles' at **(203) 805-6643** for assistance.

5. Is there a deadline date to apply?

No, there is no deadline. Pardons applications are processed on a first-come, first served basis continuously throughout the year.

6. How long does the entire Pardons process take?

The entire process takes approximately twelve months. The Pardons Board, State Police, the Probation Department, and the Judicial Branch all have to review the criminal record of the applicant to ensure that all convictions are considered and erased as required, if a pardon is granted.

You should receive a letter from the Board about four (4) months after submitting a complete application. The letter is generated once the Board has reviewed your application at a Pre-screen session. The letter will tell you if you have been granted a hearing or if the Board has denied your application or if the Board has granted you a Provisional Pardon. If you are granted a Provisional Pardon, you will receive a notification letter and '**Certificate of Employability**' in the same mailing.

7. What is on my Connecticut State Police (SPBI) Criminal History Report?

The State Police criminal history report lists most of the convictions obtained in the state of Connecticut. It does not list out-of-state or federal charges. There may be other convictions that are not listed on the State Police criminal history report. Some

examples are: certain Driving Under the Influence (DUI), Driving While Intoxicated (DWI) and Reckless Driving offenses. Also, some non-fingerprinted convictions may not be on the criminal history sheet. The applicant is responsible for identifying and listing *all* of their previous convictions.

If all of your convictions are not listed on the State Police criminal history report, you should contact:

- a) The Court where you were convicted.
- b) The Probation Department (If you were ever on probation).
- c) The local Police Department/s in the town where you were arrested.
- d) The Department of Motor Vehicles (for driving offense records).
- e) Judicial Records Center (For older convictions no longer kept by the local court).
- f) In some cases, the Department of Correction may be able to supply old conviction history that resulted in a term of incarceration.
- g) Use your memory to help list the missing conviction information.

8. I cannot remember the date of my crime or the details. What should I put on my application form?

You must list all of the offenses that you have been convicted of in any jurisdiction, with explanations. Failure to list and explain every conviction may result in a denial of your application. The Board may deny the application due to the omissions.

9. Why do I have to pay a fee to the State Police? What is DESPP?

The Pardons Board does not currently charge a fee to apply for a pardon. However, you must pay the State Police for processing your criminal records check. Payment is made with a certified check or money order, made to the **Treasurer, State of Connecticut**. State Police will mail your criminal history sheet directly to you. The Board of Pardons and Paroles does not determine the fee that the State Police charges for their criminal history reports.

Note that the name of the Connecticut State Police Department has been changed to: **Department of Emergency Services and Public Protection (DESPP)**

10. Do I need to get all the police incident reports if I have multiple offenses that resulted in convictions?

Yes, a police incident report must be submitted for each Connecticut offense that resulted in a conviction, if the arrest occurred within the last ten years. The **police incident report** is **not** the same document as the **State Police criminal history report**.

11. Does the Board have to know about misdemeanors, violations and infractions?

Yes, you have to list every offense you have been convicted of in any jurisdiction in Connecticut, including felonies, misdemeanors and violations. Infractions and some motor vehicle violations are generally not taken into consideration because convictions for infractions and some motor vehicle violations, normally do not give rise to the types of disabilities or legal disadvantages, which result from a conviction for a criminal offense. Infractions and violations are offenses, but they are not considered to be 'crimes' under state law. The Board will consider your entire offense history as part of its assessment in determining your suitability for a pardon.

12. Do I need to complete the fingerprint card to get my criminal history from the State Police? I have a background check from my previous employer.

Yes, you need to complete a finger print card and present it to the State Police, with the fee, and Criminal History Request form (DPS-0846-C-2), in order to get your criminal history report. You must submit fingerprints every time you request a new criminal history report for pardons. Background checks from previous employers will not be accepted as a substitute for the document from the State Police.

13. When I reapply do I have to use new references?

You may use the same references, but you must have them fill out a new reference questionnaire form.

14. Can I be sent a copy of my old application for resubmission to the Board, if I am reapplying for a pardon?

You must complete a new application for the Board to review.

15. Do I need an attorney or other legal representation to apply for a pardon? Does having such representation improve my chances of getting a pardon?

You do not need a lawyer or any other representation to apply for a pardon. Having a lawyer will not accelerate the review of your application, nor will the application be treated differently. All pardons applications, regardless of whether an applicant has an attorney, are processed in the same manner.

16. What happens to my pending court case while I am applying for a pardon?

If you have pending cases, the Pardons Board will not review your application nor grant you a hearing.

17. How many hearings are there per year?

There are currently eight hearings per year. Before each hearing, there is a pre-screen session at which the Board reviews all of the cases submitted for pardon consideration for that particular hearing session. Pre-screen sessions are not open to the public. Hearing sessions are open to the public.

18. Why does the process take so long?

The granting of a pardon is an act of grace and mercy and is taken seriously. It is a thoughtful and deliberative process where many different things are considered. The process takes up to a year because of the large number of applications received by the Pardons Board each month. The record checks that need to be completed and the sheer logistics involved in clearing a person's criminal history contribute to the length of the process.

19. Will I have to appear at the hearing?

Yes, the Board may require your presence at the Hearing. You will be notified by letter of the Board's requirements regarding appearances. You may be required to appear even if you do not currently live in Connecticut.

20. How does the Board decide who does or does not get a pardon?

The Pardons Board has the discretion to grant or deny any pardon application at any time. The Board decides whether or not to grant a pardon, based on – among other things - the rehabilitation of the offender applicant, the severity of the offense, the impact on the victim and the victim’s input, past criminal history and how much time has passed since the commission of the most recent offense, and whether the public interest is served by erasing a criminal record or granting a provisional pardon. The State’s Attorney’s opinion is also taken into consideration. The Board will also consider what the individual has accomplished since the most recent offense. The Board considers the individuals work history; subsequent contact with the criminal justice system, and character references. Community service is also taken into consideration. The Board may consider any other pertinent information available in deciding whether to grant or deny a pardon.

21. If I am denied because not enough time has passed, then how much time is enough time?

Regardless of eligibility criteria, three (3) years for misdemeanor and five (5) years for a felony, if the Board determines that you are not suitable for a pardon, your application will be denied.

22. If I get denied then what are my chances the next time I apply?

Your chances each time you apply are based on your eligibility and suitability (i.e. whether or not you should have your offenses “excused” so you can work or retain a license, or whether you should have your criminal record erased.

23. If I am denied, what can I do to guarantee that my pardon will be granted in the future?

There is no guarantee that a pardon will be granted.

24. If I am denied a pardon, do I have to wait an entire year from the hearing date to re-apply for a pardon?

Generally, you must wait one (1) year from the date of denial before you can reapply. The Board may, at its discretion, specify a longer waiting period. If denied, you will receive a denial letter that will tell you when you can reapply and the reasons for the denial.

25. If I am granted a pardon, will my application be destroyed?

Your application will remain on file with the Pardons Board. If you are granted a full pardon, the offense(s) will be expunged (erased) from the criminal record database.