P.A. 15-84

“AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES.”

JESSICA BULLARD, PAROLE MANAGER, BOARD OF PARDONS AND PAROLES
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About Us

The Board of Pardons and Paroles is an autonomous state agency housed within the Department of Correction for administrative purposes.

The Board has jurisdiction over...

- Pardons & Certificates of Employability
- Commutations
- Parole
  - Release and Special Parole
  - Revocation and Rescission
  - Interstate
Recap of Public Act 15-84

8th Amendment JLWOP (Juvenile Life without Parole) Court Decisions (Miller/Graham)

Sentencing Commission Recommendation & Bill

Amendments and Legislative Process
Recap of Public Act 15-84

Main Provisions

- Retroactively eliminated life sentences for capital felony and arson murder and convictions for murder with special circumstances for offenders who were under 18 when they committed crimes.

- Required courts to consider mitigating factors of youth when sentencing a child transferred to adult criminal court and convicted of a class A or B felony.
Recap of Public Act 15-84

**Main Provisions (continued)**

- Created a new system of parole eligibility for individuals who:
  - Committed a crime while under age 18,
  - Sentenced to more than 10 years in prison, and
  - Incarcerated on or after October 1st, 2015
Eligibility Criteria

- A person convicted of one or more crimes under the age of 18
- Received a definite sentence or a total effective sentence of MORE THAN 10 years.
- A person serving 50 years or LESS will be eligible for a parole hearing after serving 60% of their sentence or 12 years – whichever is GREATER.
- A person serving a sentence of MORE THAN 50 years will be eligible for a parole hearing after serving 30 years.
Suitability Criteria

The Board may grant parole if it appears that:

- Release would be consistent with the factors in C.G.S. § 54-300(c)(1-4);
- There is a reasonable probability that such person will live and remain at liberty without violating the law;
- The benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration; and
- Such person has demonstrated substantial rehabilitation since the date such crime or crimes were committed considering (see next page)…
Suitability Criteria

...such person's character, background and history as demonstrated by factors, including, but not limited to:

- such person's correctional record;
- the age and circumstances of such person as of the date of the commission of the crime or crimes;
- whether such person has demonstrated remorse and increased maturity since the date of the commission of the crime or crimes;
- such person's contributions to the welfare of other persons through service;
- such person's efforts to overcome substance abuse, addiction, trauma, lack of education or obstacles that such person may have faced as a child or youth in the adult correctional system;
- the opportunities for rehabilitation in the adult correctional system; and
- the overall degree of such person's rehabilitation considering the nature and circumstances of the crime or crimes.
Implementation of PA 15-84

- **Effective Date**: 54-125a (f) (10/1/15)
- **Agency Policy and Procedure Finalized**: (5/27/16)
- **Agency-wide Training**: (2/26/16)
- **First Hearing**: (6/1/16)
Implementation in Detail

BETWEEN 10/1/15 AND 6/1/16 THE BOPP:

- Identified who in the inmate population was eligible
- Notified these inmates of their eligibility
- Met with and developed strategic plans with other stakeholders: DOC, Public Defenders, Office of Victim Services (OVS), and the Chief State’s Attorney’s Office
- Scheduled all 42 eligible inmates (with 2009-2016 eligibility dates) for hearing dates at approved facilities
- Notification was made to Public Defenders, State’s Attorneys, OVS, Office of the Victim Advocate, and the Victim Services Unit within the DOC of the scheduled month and year for each of the 42 hearings.
- Agency-wide training held on 2/26/16.
- On 5/27/16 – agency policy and procedure were finalized
- Hearings commenced on June 1, 2016
Agency Training: February 26, 2016

The Supreme Court and Adolescent Development: Implications for Parole in the Post-Miller Era

Robert Kinscherff, Ph.D., J.D
William James College
Natl. Center for Mental Health & Juvenile Justice
Center for Law, Brain & Behavior (MGH)

TRAINING OVERVIEW:
Overview of Context Shaping Evolving Law and Policy
Constitutional Framework
Normative Adolescence: Brain and Behavior
Adversity, Toxic Stress, and Pipelines to Prison
Risk and Resilience: Pathways To and From Misconduct
Assessment of Adult Offenders Convicted as Juveniles
Risk Management and Reintegration
Case Examples

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Policy and Procedure

• Memorializes implementation process as it pertains to BOPP
• Establishes the documentation required for a hearing to proceed forward and which employee of the Board will perform what tasks
• Addresses issues identified during the implementation process
• Establishes protocol for BOPP to follow internally when conducting these hearings
Notice & Access

**NOTICE:** Twelve months prior to the date a person becomes eligible for parole release, the board shall give written notice, via email as prescribed by PA 15-84.

**INFORMATION SHARING:** Any requests to review the Board’s file on an applicant shall be made in writing pursuant to the provisions of Connecticut General Statutes §1-200 et seq.

**PUBLIC ACCESS:** Members of the public and family members are welcome to attend the 15-84 hearings and shall give advance notice and comply with the Department of Correction in accordance to DOC’s Public Access Administrative Directive 1.11. Family members are not permitted to speak on the offender’s behalf; however, letters of support are allowed prior to the actual hearing and shall be sent to the BOPP no later than one month prior to the date of the hearing.
The Hearing

_Hearing Day Process_

• BOPP staff member gathers info for panel, prepares and presents risk assessment information, maintains the record, and guides overall process
• Parties make statements and present information
• OVS Victim Advocates assigned to the Board of Pardons and Paroles inform panel of victim input and introduce those victims who plan to testify
• Mental health professionals and requested witness may make statements/present additional info
• Panel of three Board members deliberate on suitability and render a decision
Hearings

• Hearing are live - either at Carl Robinson CI, MacDougall CI, or York CI
• Hearings are open to the public
Discretionary vs. 15-84 Hearings

REGULAR (C.G.S. § 54-125A (A-E))
- Held via video feed or in-person at facility
- General pool of eligible individuals
- Consideration of statutory release criteria
- Statute not necessarily tailored to one subset of population

P.A. 15-84 (C.G.S. § 54-125A (F))
- More formal/structured hearing process
- Presence of counsel
- Always held in-person
- Statute sets forth process in greater detail
- Unique pool for eligible individuals
- Consideration of factors specific to age during commission of offense and juvenile brain development
Statistics

- Started with 210 inmates that were eligible for a 15-84 hearing
- 2 inmates waived
- 1 granted a sentence commutation and was released
- 42 inmates eligible to have hearings in 2016
- 22 hearings were held in 2016, the rest were continued by either Public Defenders, State’s Attorneys, OVS, or BOPP due to various reasons
## P.A. 15-84 Hearings in 2016

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<tr>
<th>Public Act 15-84 Hearings</th>
<th>Jan-16</th>
<th>Feb-16</th>
<th>Mar-16</th>
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QUESTIONS?
Thank You

www.ct.gov/BOPP

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