

ABA Commission on Effective Criminal Sanctions Hearing on Certificates of Rehabilitation

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Testimony of
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Connecticut Board of Pardons and Paroles

Good morning, my name is Gregory Everett, and I am the Chairman of Connecticut Board of Pardons and Paroles. I am here today to testify on Connecticut's implementation of the Provisional Pardon.

Pardons Board

Connecticut P.A. 04-234 combined The Board of Pardons and the Board of Parole, creating the new Board of Pardons and Paroles on 10-01-04. The Board is composed of 13 members, 7 assigned to parole matters and 5 assigned to pardon related matters. I am the only full time member of the Board and the only one to vote on both parole and pardons hearings. This act doubled the number of pardon hearings, requiring four non-inmate sessions per year and two inmate sessions a year. The Board was also mandated to conduct Pardon Hearings in various Judicial Districts throughout the State of Connecticut. The Board now convenes every 90 days to consider pardon petitions.

The Pardon Board staff has processed in excess of 1,500 petitions since taking over the clemency process in October of 2004. The overall grant rate is approximately 50% of all accepted petitions or applications.

The Board has restructured and simplified the pardon application process, as well as making it available on-line. P.A. 04-234 also required the Board to issue reasons for the denial of pardon petitions. We have been issuing written reasons for pardon denials since our first hearing in November, 2004 and also passed state regulations as required in this area.

P.A. 04-234 also required that the Board adopt regulations for an Administrative pardon consideration without a full panel hearing process. This will streamline the process for certain non-violent offenders to obtain a pardon. The Board has also begun issuing conditional pardons as well. This allows an ex-offender's criminal history to be expunged but prohibits the individual from ever obtaining a firearms permit.

In researching the best pardons practices around the country, it was found that many jurisdictions allow for a provisional pardon or certificate of rehabilitation. The Connecticut Provisional Pardon was signed into law on May 26, 2006. The bill authorizes the Board of Pardons and Paroles to issue provisional pardons to relieve offenders of certain barriers in the denial of employment or a license because of a criminal conviction without considering whether the nature of the crime bears a direct relationship of employment or license. The bill allows the Board to issue a provisional pardon anytime after sentencing to a person who applies for one or who is under the Board's jurisdiction if (1) the person was convicted of a crime in Connecticut or another jurisdiction and resides in the state, (2) the relief in the provisional pardon may promote the public policy of rehabilitating ex-offenders through employment, and (3) the relief in the provisional pardon is consistent with the public's interest in public safety and protecting property.

It prohibits employers from denying employment to a prospective employee or discharging or discriminating against an employee solely on the basis of a conviction that occurred before his employment for which the person received a provisional pardon. Under current law, these prohibitions apply to prior arrests, criminal charges, or legally erased records of convictions (for delinquencies, families with service needs, youthful offenders, criminal charges that were dismissed or nolle, criminal charges resulting in not guilty verdicts, and pardoned convictions). Under the bill, the provisional pardon can apply to all of the eligible barriers or forfeitures or it can specify particular ones. It can limit the provisional pardon to specific types of employment or licenses for which the offender is otherwise qualified.

Future

The mission of the Board of Pardons and Paroles is to ensure public safety; reduce recidivism and re-victimization; and to do this in the most cost-effective manner possible.

Thank You.

