

## PURPOSE AND RESPONSIBILITIES OF THE PAROLE BOARD

The purpose of the Parole Board is to determine if, when and under what circumstances the best interest of society will be served by allowing an offender to serve a portion of his/her sentence in the community under supervision and conditions of parole. Parole is the process that endeavors to reintegrate the offender from incarceration back into society, before restoring complete freedom. A copy of the Board's Policies and Procedures, along with additional information concerning the Parole Board, can be found at: [www.justice.ky.gov/parolebd](http://www.justice.ky.gov/parolebd).

The Parole Board is the primary releasing authority for all incarcerated convicted felons in Kentucky. The Board has three major responsibilities:

- Determining when and if to authorize the release of an offender prior to the expiration of the court imposed sentence.
- Setting conditions to govern the parolee's behavior and rehabilitative efforts.
- Revoking parole if the parolee violates conditions of parole supervision.

## VICTIM INPUT INTO THE PAROLE PROCESS

In 1986, the Commonwealth of Kentucky enacted legislation designed to recognize the importance of involving the victims of crime and/or their family members in the criminal justice system. Of particular interest is the involvement of victims in the parole decision-making process. Kentucky Revised Statute (KRS) 439.340 details the rights and responsibilities of victims and mandates the Parole Board to notify victims of scheduled parole hearings. The definition of "victim" may be found under Terms and Definitions.

The law also provides guidelines concerning the procedures to be followed to allow victims' written input and verbal statements to the Parole Board. Victim Hearings provide an educational opportunity for both the victims and the Parole Board Members. Victims may provide information that the Parole Board may not be aware of. This input personalizes each crime and enables the Board to understand and appreciate the effects of the crime on the victims. Information shared by victims at the hearings, as well as information from the Victim Impact Statement (VIS), is confidential. Victims may choose to have the hearing open or closed. If the hearing is closed only the Parole Board has access to the victim's testimony.

In the process of providing input, victims are also afforded the opportunity to better understand the statutes and regulations that determine parole eligibility. Many victims also have questions concerning the inmate's behavior, program participation and other aspects of their incarceration.

Two full time staff members are responsible for notifying victims of upcoming parole hearings, processing VIS's, scheduling Victim Hearings and assisting victims in other ways. Victim staff may be reached via email at [pbvictimservices@ky.gov](mailto:pbvictimservices@ky.gov).

## QUESTIONS AND ANSWERS

Q. When is an inmate eligible for parole?

A. The sentence imposed by the court represents the maximum amount of time the offender will be under the jurisdiction of the correctional system. Statutes and regulations outline a mathematical formula (which includes credits for jail time) to determine the initial parole eligibility date.

Q. How does the Parole Board know where to send my notification?

A. The Parole Board is provided with a victim notification form which is submitted by Probation and Parole at the time of sentencing for all offenders convicted of Class A, B or C felonies. Information may also be provided by the Office of the Commonwealth's Attorney or directly from the victim. Pursuant to KRS 439.340(7), notifications to victims of Class D felonies are not mandated. We also recommend that victims register with VINE at 1-800-511-1670.

Q. What is the difference between a Victim Hearing and a Parole Hearing?

A. A Victim Hearing is between victims and Parole Board members. A Parole Hearing involves the inmate and Parole Board members. The Victim Hearing is scheduled prior to the Parole Hearing.

Q. What decision can the Parole Board make at a Parole Hearing?

A. The Parole Board has up to three options:

- Parole – All inmates who are eligible to meet the Board are eligible to be recommended for Parole. Prior to their release they must have an approved home placement and have completed any programs required by the Board.

Once released into the community, they will be under the supervision of the Department of Corrections.

- Deferment – The inmate will remain incarcerated and a future date is established for another parole hearing. The maximum deferment for a prisoner convicted of a non-violent, non-sexual Class C or Class D felony shall be 24 months. For all other prisoners, no deferment greater than five years shall be ordered unless approved by a majority vote of the full Board; and no deferment shall exceed 10 years, except for life sentences (KRS 439.340(14)).

- Serve Out – The inmate is required to serve the sentence imposed by the Court, minus any statutory time and other credits received. There are no future parole hearings for those who are served out and the offender is released without supervision.

**NOTE:** Any inmate eligible for Mandatory Reentry Supervision (MRS) will be released on their MRS date regardless of any decision rendered by the Parole Board.

Q. What is Mandatory Reentry Supervision (MRS)?

A. Inmates who are within eight (8) months of the Minimum Expiration Date will be released on mandatory reentry supervision (MRS) for the last eight months of their sentence. Inmates who meet any one of the following criteria will NOT be released on MRS. (KRS 439.3406)

- ✓ Is not eligible for parole by statute.
- ✓ Has been convicted of a capital offense or a Class A felony.
- ✓ Has a maximum or close security classification as defined by administrative regulations.
- ✓ Has been sentenced to two years or less of incarceration.
- ✓ Is subject to 'post incarceration supervision'.
- ✓ Has less than six months to serve.

Q. What information/data does the Parole Board consider during the parole hearing?

A. The Parole Board considers a number of factors, including but not limited to:

- ❖ The nature of the offense.
- ❖ Any prior juvenile, misdemeanor or felony convictions.

- ❖ Input from victims and others who have been affected by the crime.
- ❖ Probation and parole history.
- ❖ Institutional conduct, rehabilitation programs and psychological evaluations.
- ❖ Statements from the Sentencing Judge and Prosecuting Attorney.
- ❖ Parole Guidelines Risk Assessment.
- ❖ Community resources available to help the offender re-enter society.

Q. What conditions can the Parole Board place on an inmate if he/she is recommended for parole?

A. There are standard conditions that are imposed on all offenders on supervision and the Parole Board can stipulate additional special conditions that apply to a specific offender, including but not limited to the following:

- ❖ No contact with victim and/or victim families.
- ❖ Must stay out of a specific county while on parole.
- ❖ Must complete a substance abuse program prior to release.

Q. Are Parole Hearings open to the public?

A. Yes, however, individuals attending parole hearings may observe only. Persons who wish to attend an inmate's face-to-face hearing must contact the institution where the inmate is housed and make their request seven days prior to the hearing date.

**NOTE:** Inmates serving on Class A and B felonies have a face-to-face hearing with the Board members. Inmates serving on Class C, non-violent and non-sexual felonies, and all inmates serving on Class D felonies receive a file review and do not meet with the Parole Board face-to-face. In lieu of attending the inmate hearing, recordings of face-to-face hearings are available on CD by submitting a request to the Parole Board and enclosing a check or money order in the amount of \$2 made payable to the Kentucky State Treasurer.

Q. Why does it appear that some inmates are eligible to meet the Parole Board so soon after being convicted?

A. A non-violent offender is eligible for an INITIAL parole hearing after serving either 15% or 20% of their total sentence, minus any jail credit they receive (KRS 439.340(3)(a)).

Q. When are persons convicted of a sex crime eligible to meet the Parole Board?

A. Inmates convicted of a sex crime (as defined by KRS 17.5500(8)) after July 15, 1998 must reach their initial parole eligibility date. In addition, they must have completed the Sex Offender Treatment Program (SOTP). Offenders who were convicted of a sex crime prior to July 15, 1998 must reach their initial eligibility date and have either applied to SOTP and been denied; applied, accepted, enrolled and terminated from SOTP; or, applied and completed SOTP.

**NOTE:** Inmates released by parole or by reaching their minimum expiration date will be released on Sex Offender Conditional Discharge (SOCDD). Inmates serving on a sex crime committed on or after July 12, 2006 will serve five years on SOCDD. If the crime was committed between 7/14/00 and 7/11/06, the SOCDD will be for three years. For crimes committed between 7/15/98 and 7/13/00, SOCDD must be stipulated in the judgment and should be for three years. Any inmate who violates the conditions of the SOCDD will be required to meet the Parole Board for a revocation hearing. These offenders will be required to serve out any time remaining. You may access the Sex Offender Registry at [www.kpspor.state.ky.us](http://www.kpspor.state.ky.us).

Q. Why are inmates eligible to be reviewed/interviewed by the Parole Board before their parole eligibility date?

A. Pursuant to KRS 439.340(4), the Board shall ensure that all sentenced felons with longer than 90 days to serve in state penal institutions, halfway houses, and county jails are considered for parole not less than 60 days prior to their parole eligibility date. However, they may not be released on Parole prior to their eligibility month.

Q. Can an inmate meet the Parole Board for a parole hearing prior to his/her parole eligibility date?

A. Only if the inmate meets the requirements of an Early Medical Consideration as defined by KRS 439.3405. The Department of Corrections must refer these cases to the Parole Board.

Q. Can an inmate be reconsidered prior to his/her next scheduled hearing date?

A. Yes, the Board may reconsider a case. All inmates have 21 days from the date of the decision to request a reconsideration of their decision. Also, the Chairperson of the Parole Board can request the full Board to reconsider a case.

Lastly, pursuant to HB 463, the Board shall reconsider the parole of any prisoner who was given a deferment or serve out of longer than 60 months at the prisoner's most recent parole hearing; however, no reconsideration shall be required if the deferment or serve out was approved by a majority vote of the full Board, or the prisoner stands convicted of a violent offense in KRS 439.3401 or as a sex crime in KRS 17.500, regardless of the date the crime was committed or the date of conviction.

Q. What happens if an offender on parole does not meet the conditions of his/her parole?

A. The authority to violate an offender lies with the Division of Probation and Parole (P&P). However, once a parolee has been violated by P&P and after due process, the Parole Board has the authority to revoke said parole, reinstate it, defer or serve out the offender.

Q. Are victims notified if an inmate is transferred to another prison or released after completion of sentence?

A. Through an automated statewide victim notification system called VINE (Victim Information and Notification Everyday), inmate information can be accessed 24 hours a day, seven days a week. Through computer generated telephone calls, registered victims are contacted at a predetermined telephone number when an inmate is scheduled for release, a parole hearing or if an inmate escapes. However, the system will not call you if an inmate is transferred to another prison as this is not considered a release. Victims may also be notified of an inmate's release by requesting notification in writing to: Department of Corrections, Office of Victim Services, P.O. Box 2400, Frankfort, Kentucky 40602-2400.

Q. Is inmate information available on-line?

A. Limited information (name, inmate ID, institution and offense) can be found on the Kentucky Offender Online Lookup (KOOL) at [www.corrections.ky.gov](http://www.corrections.ky.gov).

### TERMS AND CONDITIONS

- **Victim** – The person the crime was committed against. To register with the Parole Victim Services' Office, the inmate must be serving on a crime committed against you. If the case involves a minor, the legal guardian will be registered. If the victim is deceased, immediate family members can be registered. (KRS 421.500)
- **Victim Impact Statement (VIS)** – The form which details the impact the crime had on the victim and/or victim's family and is submitted to the Parole Board by the registered

victim(s). NOTE: All other family members and friends are welcome to submit written comments to the Parole Board.

- **Violent Offense** – For sentence calculation, "violent offense" is defined by statute (KRS 439.3401) and includes crimes involving serious physical injury or death of a victim; for the purposes of classifying offenders, the Department of Corrections categorizes other offenses as violent which include those defined by statute, as well of other offenses which typically involve an act of violence that does not result in serious physical injury or death of the victim.
- **Minimum Expiration Date** – Date the inmate will be released from the institution unless they have already received Discretionary Parole or released on Mandatory Reentry Supervision.
- **Statutory Good Time** – Inmates, except those serving on a Life Sentence or Violent Offense, receive a 25% reduction in their sentence upon commitment to the Department of Corrections. Example: A 60 month sentence would be reduced by 15 months leaving a total sentence of 45 months to serve. (KRS 197.045(1))
- **Education, Good Time and Program Completion Credit** - Inmates who complete programs which are six months or more in length will receive an additional credit of 90 days per program completed. These programs can include GED, drug treatment programs and/or other programs as defined by the Department of Corrections. (KRS 197.045)
- **Meritorious Good Time** – Inmates may receive up to seven days for each month served based on their behavior while incarcerated. (KRS 197.045(3))
- **Work for Time Credit (WFTC)** – Inmates who are eligible to receive WFTC may earn up to one day credit toward their sentence for every 40 hours worked. Inmates not eligible for this credit include those with sex offenses, violent offenses, escape charges or those serving a sentence of Life. (KRS 197.047(8))
- **Parole Compliance Credit** – Inmates on parole and/or MRS may receive seven days for each month on parole/MRS for which they are compliant with the conditions of their supervision.
- **Extraordinary Meritorious Good Time** - Inmates may receive meritorious good time for acts of exceptional meritorious service, for example, acts of heroism, to be determined by the Commissioner but not to exceed seven days per month served.

### Additional Victim Assistance Numbers

Kentucky Attorney General's Victim Advocacy Division  
800-372-2551

Kentucky Domestic Violence Association  
502-209-5382

Kentucky Crime Victim Compensation Board  
800-469-2120 or 502-573-2290

Kentucky Child Abuse/Neglect Hotline  
800-752-6200 or 502-595-4550



## Parole Victim Services

P. O. Box 2400  
Frankfort, Kentucky  
40602-2400

[PBVICTIMSERVICES@KY.GOV](mailto:PBVICTIMSERVICES@KY.GOV)

**Toll Free Victim Line**

**1-800-221-5991**

**Fax: 502-696-1967**

**Visit our website at**

<http://justice.ky.gov/parolebd/>