

 <p style="text-align: center;">KENTUCKY PAROLE BOARD Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
References/Authority	Subject	
<p>ACA Standards 2-1080 through 2-1084; CPP 18.5, 25.3, 25.6; 501 KAR 1:030, 1:080; KRS 439.310, 439.320, 439.330, 439.3405, 439.3406, 439.341, 532.043, 532.060(3), 532.400</p>	<p>PAROLE BOARD HEARING PROCESS</p>	
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	Amended 10/13/15	December 4, 2015

POLICY and PROCEDURE:

- A. A Board member shall recuse himself from any hearing that presents a conflict of interest.
 - (1) Having been involved in normal supervision or been responsible for the normal care and custody during some phase of the offender’s incarceration, or parole or probation shall not warrant recusal. However, a Board member’s direct involvement in litigation or direct involvement in a major disciplinary action in connection with the Board member’s past responsibilities for the care, custody or supervision of an offender may warrant recusal.
 - (2) If brought to the attention of a Board member by an offender at or before a Board hearing that a possible conflict exists involving the Board member’s past involvement in the care, custody or supervision of the offender, the Board member shall ask, on the record, if the offender has any objection to the Board member serving on the panel. If there is an objection, the Board member shall be replaced for only that hearing.
 - (3) A Board member shall not have secondary employment which is in conflict with Board duties.
- B. Each face to face or video hearing shall be electronically recorded.
- C. Records of Board activities shall be preserved and maintained in accordance with the records retention schedule established by the Kentucky Department for Libraries and Archives. Records of decisions, issues, findings, and results of Parole Board hearings and file reviews shall be recorded and preserved in the Kentucky Offender Management System (“KOMS”) by Board staff.
- D. Board decisions shall be made pursuant to 501 KAR 1:030 through 501 KAR 1:080.

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- E. The full Board may reconsider a decision of the Board at the request of the Board Chairperson if:
- (1) The Board Chairperson requests the full Board to reconsider the decision at a meeting at which a quorum of the Board is present; and
 - (2) A majority of the Board members present at the meeting vote in writing in favor of granting reconsideration.
- F. An offender whose parole is denied by deferment or serve-out, or an offender whose parole or other supervision is revoked or rescinded, may request reconsideration by the Board.
- (1) The request for reconsideration shall be made in writing by the offender (or the offender's authorized legal representative) and shall be postmarked no later than twenty-one (21) days from the date the final disposition is made available to the inmate.
 - (2) If the request is not postmarked within twenty-one (21) days, it shall be denied.
 - (3) Reconsideration review shall be at the discretion of the Board, and shall not be available except for the following reasons:
 - (a) If there is an allegation of misconduct by a Board member that is substantiated by the record;
 - (b) If there is a significant procedural error by a Board member; or
 - (c) If there is significant new evidence that was not available when the hearing was conducted. A request based on the availability of new evidence or information shall be accompanied by adequate documentation.
 - (4) A request based on an allegation of misconduct or significant procedural error shall clearly indicate the specific misconduct or procedural error being alleged.
 - (5) A written request for reconsideration postmarked within the time period set forth in Subsection F(1) of this Policy shall be screened by the Board Chairperson or designee to determine whether the request for reconsideration raises substantial grounds to believe that one or more of the reasons for reconsideration set forth in Subsection F(3)-(4) of this Policy may be present. The request for reconsideration shall be denied if the Board Chairperson or designee, in his or her discretion, determines that the request does not raise adequate grounds to believe that one or more of the reasons for reconsideration set forth in Subsection F(3)-(4) of this Policy are present.

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- (6) If the Board Chairperson or designee determines upon screening that a request for reconsideration raises adequate grounds to believe that one or more of the reasons for reconsideration set forth in Subsection F(3)-(4) of this Policy may be present:
 - (a) The request for reconsideration shall be placed on the Board’s agenda for the next available meeting at which a quorum of the Board is present; and
 - (b) If a majority of the Board members present at the meeting vote in writing in favor of granting reconsideration, the case shall be set for full reconsideration review by the Board, as provided in Subsection G of this Policy.

- G. If a majority of the Board votes to grant full reconsideration pursuant to Subsections E or F of this Policy, the following procedures shall apply:
 - (1) The case shall be set for review by the full Board at a meeting at which a quorum of the Board is present. The review shall be conducted from the record of the first hearing. The appearance of the inmate shall not be necessary.
 - (2) If a Board member wishes to have additional testimony, an appearance hearing may be conducted.
 - (3) The Board shall vote after reviewing the initial taped interview and the record.
 - (4) A decision to change the result of the hearing that is the subject of the reconsideration review shall require a majority vote of the Board members attending the meeting.
 - (5) The Board’s decision to change the result of the hearing under full reconsideration review or to let the result stand shall be final.

- H. An offender with special needs shall request assistance in advance of the offender’s hearing. All necessary assistance and accommodations shall be provided in a timely manner for offenders with special needs, including translation services for offenders with language difficulties. If the Board finds that additional time is needed to provide necessary assistance or accommodations for an offender’s special needs, the Board may continue the hearing or order a brief deferment in order to provide the Board with adequate time to provide the necessary assistance or accommodations.