

 <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 2-1082, 2-1083, 2-1085 through 2-1098; CPP 25.2; 501 KAR 1:030, 1:080; KRS 61.810, 61.820, 61.878, 196.610, 197.025, 197.045, 439.310, 439.320, 439.330, 439.331, 439.335, 439.340, 439.3405, 439.380, 439.410</p>	PAROLE RELEASE HEARINGS	
	KYPB 10-01	6
	Amended 10/13/15	December 4, 2015

POLICY and PROCEDURE:

- A. Parole Release Hearings shall be conducted by the Board, or by a panel of Board Members pursuant to KRS 439.320(4). A Parole Release Hearing shall be conducted by interview, with the offender present face-to-face or by video, except that:
- (1) Pursuant to KRS 439.340(2), the Board or a panel of Board Members may conduct Parole Release Hearings for prisoners convicted of Class C felonies not included within the KRS 439.3401 definition of “violent offender” and Class D felonies by file review.
 - (2) The Board, in its discretion, may request the parole board of another state confining an offender pursuant to KRS 196.610 to interview an eligible offender and make a parole recommendation to the Board.
- B. The Board shall schedule and conduct an interview or a file review of each offender on or before the offender’s parole eligibility date as provided in 501 KAR 1:030 §1(5).
- C. Board staff shall obtain information and assistance as needed for the Board to conduct timely Parole Release Reviews from the Department of Corrections, including information regarding the offender’s initial parole eligibility, as provided for under KRS 439.320(1), 439.340(1) and (4), and 439.380.
1. The Board, with assistance from the Department of Corrections pursuant to KRS 439.320(1) and 439.340(4), shall arrange for each offender to be notified of his parole eligibility.
 2. The Board staff shall have access to this and other information through the Kentucky Offender Management System (KOMS).

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- D. An offender shall not be denied parole without a review by the Board, or a panel.
- E. The Parole Release Hearing shall consist of an interview with the inmate or file review by the Board, or a panel.
- (1) Hearings in absentia shall be avoided unless there is documented justification as to why the offender cannot be present.
 - (2) An offender who cannot appear due to medical reasons may be deferred a short time or if the condition is acute, the Board may conduct the hearing in absentia.
 - (3) An offender who cannot be heard for security reasons may be given a short deferment, or the Board may conduct a hearing in absentia.
 - (a) A Board member shall confer with the facility staff to determine the appropriate deferment length.
 - (b) Security of the institution shall be paramount in these decisions.
 - (c) If a hearing in absentia is held, a Board Member shall document the reasons.
 - (4) If an inmate refuses to meet the Board on his scheduled hearing date, a statement to that effect signed by the inmate and the pre-release or re-entry coordinator shall be presented to the Board. If the offender refuses or fails to sign the statement and fails to meet with the Board on the scheduled hearing date, a Board Member shall document it. The Board may then conduct a hearing in absentia. A person refusing to meet the Board who is denied parole may petition the Board for reconsideration as provided under Subsection Q of this Policy.
 - (5) An inmate who is psychologically unstable may be deferred in absentia until he is able to meet the Board if the Board receives documentation from a certified psychologist or psychiatrist.
- F. An offender shall be notified at least fourteen (14) calendar days in advance of his hearing.
- G. All Board hearings shall be conducted in an enclosed area that is out of hearing range of persons outside the hearing room area, and that is appropriate for conducting orderly, efficient hearings, to the extent that it is not prohibited under KRS 439.340(8), the Kentucky Open Meetings Act, KRS 61.805-61.850, or any other applicable law.

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- (1) Board staff shall coordinate with institutional staff as needed to make arrangements for all hearings pursuant to KRS 439.320(1) and 439.340(4).
 - (2) The deliberation phase of the hearing shall be closed.
- H. Each offender is encouraged to participate and prepare for his Parole Release Hearing. In face to face hearings, an offender shall be given an opportunity to express his views and describe his release strategy.
- I. The offender, offender family, friends of an offender and potential offender sponsors or employers are encouraged to provide information regarding the release strategy for the official record for review by the Board.
- J. All offender hearings are open to the public, subject to the limitations and requirements of KRS 439.340(5) through (10). The deliberation phase of the hearing shall be closed.
- K. Offender files and materials related to the offender's case shall be reviewed by the Board staff before the hearing.
- (1) Each Board member on a hearing panel shall review the results of the risk and needs assessment prepared by the Board's staff or by the Department of Corrections pursuant to KRS 439.335 and 439.340(1) before the hearing for the offender. The Board shall also make arrangements for the Board members on the hearing panel to have access during the hearing to the Kentucky Offender Management System ("KOMS").
 - (2) A Board member may ask questions of the offender to clarify information contained in the report or in the file.
 - (3) The Board may read all or part of the official version of an offender's crime, as contained in the Pre-Sentence Investigation report, into the record at an offender's initial hearing.
- L. Before recommending or denying parole, the Board shall apply one (1) or more of the following factors to an inmate:
- (1) Current offense - seriousness, violence involved, firearm used, life taken or death occurred during commission;

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- (2) Prior record - prior felony convictions, prior misdemeanor convictions, history of violence, prior contact with law enforcement or criminal courts where conviction did not occur;
- (3) Institutional adjustment and conduct - disciplinary reports, loss of good time, work and program involvement, particularly evidence-based program involvement;
- (4) Attitude toward authority - before and during incarceration;
- (5) History of Substance Abuse;
- (6) History of prior probation, Pre-Trial, shock probation or parole violations;
- (7) Educational history;
- (8) Employment history and job skills;
- (9) History of assaultive, violent behavior;
- (10) Mental status - capacity and stability;
- (11) Terminal illness;
- (12) History of deviant behavior;
- (13) Official and community attitudes toward accepting an inmate back in the county of conviction;
- (14) Victim impact statement and victim impact hearing;
- (15) Review of parole discharge plan - housing, employment, need for community treatment and follow-up resources; and
- (16) Other factors involved that relate to public safety or the inmate's needs.

M. An offender shall be provided with the Board decision sheet identifying the reasons for the Board decision; deferral, serve out time or parole conditions shall be recorded.

- (1) Exceptions to this may be:
 - (a) The reports and information shall be deemed confidential due to their personal nature in accordance with KRS 61.878(1); or

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- (b) In the judgment of the Board Member, it would unduly compromise the security of the hearing.
 - (2) The deliberation phase of the hearing shall be closed.
 - (3) An offender may be informed of the fact that information deemed confidential was used in making a decision.
- N. The initials of the Board Members making any parole, denial of parole or revocation decision shall be entered into KOMS and shall be considered an electronic signature. The offender shall be informed of the Board's decision as follows:
- (1) In face to face and video hearings:
 - (a) If a full Board hearing is not necessary, the offender shall be notified immediately of the Board's decision and provided a written copy of the Board's decision sheet, unless an exception applies from Subsection O(1) of this policy; and
 - (b) If a full Board vote is necessary, the offender shall be notified that the decision will be made by vote of the full Board, and that a written copy of the Board's decision shall be delivered to the offender within ten to fourteen days of the full Board hearing.
 - (2) In cases decided by file review:
 - (a) The Board, with assistance from the Department of Corrections pursuant to KRS 439.320(1) and 439.340(4), shall arrange for the offender to be notified of the decision, typically within twenty-four to forty-eight hours after the decision has been entered into KOMS by institutional staff;
 - (b) The offender shall also be advised who participated in the file review; and
 - (c) The Board, with assistance from the Department of Corrections pursuant to KRS 439.320(1) and 439.340(4), shall make appropriate arrangements for any offender denied parole after a file review pursuant to KRS 439.340(2) to have access to information explaining the Board's vote or any program recommendations or other suggestions made by the Board.
 - (3) The Board may extend the time periods established in paragraphs (1) and (2) of this subsection for good cause. In calculating any time period provided for under this Subsection P, if the final day falls on a Saturday, Sunday, or legal holiday, the period shall continue to run until the next day that is not a Saturday, Sunday, or legal holiday.

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- O. If the Board makes a parole recommendation:
- (1) It may rescind the recommendation at any time prior to the release of an inmate on parole; and
 - (2) Parole shall not become effective until the home placements are approved, the parole certificate is signed, and the inmate leaves the institution.
- P. The Chairperson may request the full Board to reconsider a decision to deny parole as provided for in Subsection E of KYPB 10-00.
- Q. An inmate whose parole is revoked, rescinded or denied by deferment or serve-out (or the inmate's authorized legal representative) may request reconsideration by the Board as provided for in Subsection F of KYPB 10-00.
- R. A detainer shall not automatically bar an offender from being granted parole.
- (1) The Board Member shall examine the basis for any detainer. The Board Member shall identify the pending charges and may question the offender regarding the detainer.
 - (2) An offender may be paroled to a detainer.
- S. The status of the offender as a foreign national does not preclude access to parole consideration.
- (1) The Board Member may question the offender regarding being in the USA legally.
 - (2) The offender may be paroled to an Immigration and Customs Enforcement Detainer (ICE).