 <p style="text-align: center;">KENTUCKY PAROLE BOARD Policies and Procedures</p>	Policy Number <p style="text-align: center;">KYPB 10-00</p>	Total Pages <p style="text-align: center;">4</p>
	Date Filed <p style="text-align: center;">MAY 29 2024</p>	Effective Date
References/Authority CPP 25.3, 25.6; 501 KAR 1:030, 1:040 1:080; KRS 439.310, 439.320, 439.330, 439.340 439.3405, 439.3406, 439.341, 439.346, 532.043, 532.060(3), 532.400	Subject <p style="text-align: center;">PAROLE BOARD HEARING PROCESS</p>	

POLICY and PROCEDURE:

- A. A Parole 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, parole, or probation shall not warrant recusal. However, a Parole Board member’s direct involvement in litigation or direct involvement in a major disciplinary action in connection with the Parole 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 Parole Board member by an offender at or before a Parole Board hearing that a possible conflict exists involving the Parole Board member’s past involvement in the care, custody or supervision of the offender, the Parole Board member shall ask, on the record, if the offender has any objection to the Parole Board member serving on the panel. If there is an objection, the Parole Board member shall be replaced for only that hearing.
- B. Each face-to-face or video hearing shall be electronically recorded.
- C. Records of Parole 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 Parole Board staff.
- D. Parole Board decisions shall be made pursuant to 501 KAR 1:030 through 501 KAR 1:080.
- E. The Parole Board may reconsider a decision of the Parole Board or one of

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its panels at the request of the Parole Board Chairperson if:

- (1) The Parole Board Chairperson requests the Parole Board to reconsider the decision at a meeting at which a quorum of the Parole Board is present; and
 - (2) A majority of the Parole 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 Parole 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 not later than twenty-one (21) days from the date the final disposition is made available to the offender.
 - (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 Parole Board and shall not be available except for the following reasons:
 - (a) Allegation of misconduct by a Board member that is substantiated by the record;
 - (b) Significant procedural error by a Board member; or
 - (c) 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. Program enrollment or status shall not be a reason for reconsideration unless there is significant new information not available to the Parole Board at the time the hearing was conducted.
 - (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 Parole 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 Subsections F(3)-(4) of this Policy may be present. The request for reconsideration shall be denied if

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the Parole 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 Subsections F(3)-(4) of this Policy are present.

- (6) If the Parole 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 Subsections F(3)-(4) of this Policy may be present:
 - (a) The request for reconsideration shall be placed on the Parole Board's agenda for the next available meeting at which a quorum of the Parole Board is present; and
 - (b) If a majority of the Parole 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 Parole Board, as provided in Subsection G of this Policy.


G. If a majority of the Parole 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 Parole Board at a meeting at which a quorum of the Parole 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 Parole Board member wishes to have additional testimony, an appearance hearing may be conducted.
- (3) The Parole Board shall vote after reviewing the record.
- (4) A majority vote of the Parole Board members attending the meeting shall be required to change the decision under reconsideration. Except that, if the decision being reconsidered is the denial of parole, it shall take a two-thirds (2/3) vote of the membership of the full board to grant parole.
- (5) The Parole 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 assistance and accommodations deemed necessary for offenders with special needs shall be provided by the Department of Corrections or the local facility in which the offender is held in a timely manner, including

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translation services for offenders with language difficulties. If the Parole Board finds that additional time is needed to provide necessary assistance or accommodations for an offender's special needs, the Parole Board may continue the hearing or order a brief deferment in order to provide adequate time to provide the necessary assistance or accommodations.

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References/Authority 501 KAR 1:030, 1:080; KRS 17.500, 61.810, 61.820, 61.878, 196.610, 197.025, 197.045, 439.320, 439.330, 439.331, 439.335, 439.340, 439.3405, 439.380, 439.410	Subject PAROLE ELIGIBILITY HEARINGS	

POLICY and PROCEDURE:

- A. Parole Eligibility Hearings shall be conducted by the Parole Board pursuant to KRS 439.320(4). the offender shall be present face-to-face or by video, except that:
- (1) Pursuant to KRS 439.340(2), the Parole Board may conduct Parole Eligibility Hearings for prisoners convicted of Class C felonies not included within the KRS 439.3401 definition of “violent offender” and Class D felonies not included within the definition of “sex crime” in KRS 17.500 by file review in which case, the offender shall not be present and a face-to-face or video hearing shall not occur.
 - (2) The Parole 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 Parole Board.
- B. The Parole Board shall schedule and conduct a hearing 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) or as soon as administratively possible.
- C. Parole Board Support staff shall obtain from the Department of Corrections information and assistance needed for the Parole Board to conduct timely Parole Eligibility Hearings including information detailed in KRS 439.340(1) and (4), and 439.380. Parole Board Support staff shall coordinate with institutional staff as needed to make arrangements for all hearings pursuant to KRS 439.320(1) and 439.340(4).
- (1) The Parole 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 the offender’s parole eligibility.

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- (2) The Parole Board Support staff shall have access to this and other information through the Kentucky Offender Management System (KOMS).

D. An offender shall not be denied parole without a review by the Parole Board.

E. The Parole Eligibility Hearing shall consist of an interview with the inmate or file review by the Parole Board consistent with KRS 439.320(4) and KRS 439.340(2).

- (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 Parole Board may conduct the hearing in absentia.

- (3) If the institution informs the Parole Board the offender is unavailable on the date of the offender's parole eligibility hearing for any reason, an administrative deferment may be ordered.

- (4) An offender who cannot be heard for security reasons may be given an administrative deferment, or the Parole Board may conduct a hearing in absentia.

- (a) A Parole 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 Parole Board member shall document the reasons.

- (5) If an inmate refuses to meet the Parole Board on the 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 Parole Board. If the offender refuses or fails to sign the statement and fails to meet with the Parole Board on the scheduled hearing date, a Parole Board Member shall document it. The Parole Board may then conduct a hearing in absentia. A person refusing to meet the Parole Board who is denied parole may petition the Parole Board for reconsideration as provided under Subsection F of KYPB 10-00.

- (6) An inmate who is psychologically unstable may be deferred in absentia until he is able to meet the Parole Board if the Parole Board receives documentation from a certified psychologist or psychiatrist.

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- F. An offender shall be notified at least fourteen (14) calendar days in advance of their hearing.
- G. Each offender is encouraged to participate and prepare for the offender's Parole Eligibility Hearing. In face-to-face hearings, an offender shall be given an opportunity to express the offender's views and describe the offender's release strategy.
- H. The offender, offender's family, friends, potential home placements, or employers are encouraged to provide information regarding the release strategy for review by the Parole Board.
- I. All offender face-to-face or video hearings shall be open to the public, subject to the limitations and requirements of KRS 439.340(5) through (10). The deliberation phase of the face-to-face or video hearings shall be closed. File reviews shall be closed.
- J. Offender files and materials related to the offender's case shall be reviewed before a final decision is rendered.
- (1) Each Parole Board member assigned to a hearing panel shall review the results of the respective risk and needs assessment prepared by the Department of Corrections pursuant to KRS 439.335 and 439.340(1). The Parole Board members on the hearing panel shall have access during the hearing to the Kentucky Offender Management System ("KOMS").
 - (2) A Parole Board member may ask questions of the offender including to clarify information contained in the report or in the file.
 - (3) A Parole Board member 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 hearing.
- K. Before recommending or denying parole, the Parole Board shall consider one (1) or more of the following factors to an inmate:
- (1) Current offense – seriousness, violence involved, weapon (firearm, deadly weapon or dangerous instrument) used, life taken, or death occurred during commission;
 - (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;

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- (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 violations while on parole or any other form of supervision;
 - (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.
- L. An offender shall be provided with the Parole Board decision sheet identifying the reasons for the decision. The period of deferment , serve out time or parole conditions shall be recorded as applicable.
- (1) Exceptions to this may be:
 - (a) Reports and information shall be deemed confidential due to their personal nature in accordance with KRS 61.878(1); or
 - (b) In the judgment of the Parole 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

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confidential was used in making a decision.

- M. The initials of the Parole 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 decision as follows:
- (1) In face-to-face and video hearings:
 - (a) If a full Parole Board hearing is not necessary, the offender shall be notified immediately of the Parole Board's decision and provided a written copy of the decision sheet, unless an exception applies from Subsection N(1) of this policy; and
 - (b) If a full Parole Board vote is necessary, the offender shall be notified that the decision will be made by vote of the full Parole Board, and that a written copy of the Parole Board's decision shall be delivered to the offender within ten to fourteen days of the full Parole Board hearing.
 - (2) In cases decided by file review:
 - (a) The Parole 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 by institutional staff, typically within twenty-four to forty-eight hours after the decision has been entered into KOMS;
 - (b) The offender shall be advised which Parole Board members participated in the file review; and
 - (c) The Parole 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 providing the vote or any program recommendations or other suggestions made by the Parole Board members who reviewed the file.
 - (3) The Parole Board Chair or designee may extend the time periods established in paragraphs (1) and (2) of this subsection for good cause. In calculating any time established in paragraphs (1) and (2) of this section, 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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N. If the Parole Board makes a parole recommendation:


- (1) The recommendation may be rescinded 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.

O. A detainer shall not automatically bar an offender from being granted parole.

- (1) The Parole Board member shall examine the basis for any detainer. The Parole Board member shall identify the pending charges and may question the offender regarding the detainer.
- (2) An offender may be paroled to a detainer.

P. The status of the offender as a foreign national shall not preclude access to parole consideration.

- (1) The Parole Board Member may question the offender regarding being in the United States legally.
- (2) The offender may be paroled to an Immigration and Customs Enforcement Detainer (ICE). If the offender is released from ICE custody prior to being deported, the offender shall be responsible for contacting the Division of Probation & Parole to begin parole supervision.

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References/Authority CPP 27-12-04; 501 KAR 1:030, 1:080; KRS 119.025, 196.075, , 346.185, 439.320 439.330, 439.335, 439.340, 439.3406 439.346, 439.480, 439.561, 439.562, 439.563, 439.570, 532.043	Subject <p style="text-align: center;">CONDITIONS OF SUPERVISION</p>	

POLICY and PROCEDURE:

A. The Parole Board shall avoid unnecessary conditions of supervision to reduce or minimize the potential for failure by the offender based on technical violation of conditions that are not substantially related to public safety or reduction of recidivism. Certain conditions may be imposed to fulfill a court order, a correctional program recommendation or a statutory mandate, or as a protection to the community or victim.

B. Conditions of Release.

(1) General conditions of release.

The supervisee shall:

- (a) Report to the supervisee's supervising officer immediately upon arrival at the supervisee's destination and submit in writing once a month, or more often if directed by the supervising officer a report on forms prescribed by the Division of Probation and Parole ;
- (b) Permit his Parole Officer to visit his home and place of employment at any time;
- (c) Not indulge in the use of a nonprescribed controlled substance;
- (d) Submit to random drug and alcohol testing at the supervisee's expense if ordered by the Parole Board or the supervising officer;
- (e) Work regularly and support the supervisee's legal dependents; if unemployed, the supervisee shall report this fact to the

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supervisee's officer and make every attempt to obtain other employment;

- (f) Not associate with a convicted felon except for a legitimate purpose, including family, residential, occupational, or treatment;
- (g) Not visit with an inmate of a penal institution without permission of the supervisee's supervising officer;
- (h) Not leave the state, district, residence, or place of employment without written permission of the supervisee's supervising officer;
- (i) Not purchase, own, or have in the supervisee's possession a firearm or other weapon;
- (j) Not violate any law or city ordinance of this state, any other state, or the United States;
- (k) Not falsify any report to the supervisee's supervising officer including any monthly report;
- (l) Not have the right to register for voting purposes and may not hold office; if the supervisee registers or reregisters prior to restoration of the supervisee's civil rights, the supervisee shall be in violation of the law pursuant to KRS 119.025;
- (m) Comply with all rules and regulations prescribed by the Division of Probation and Parole; to the extent a rule, condition, or regulation from the supervising officer or the Division of Probation and Parole conflicts with a condition set forward here or otherwise provided by the Parole Board, the more restrictive condition applies;
- (n) Comply with 501 KAR Chapter 1 and any special instructions of the supervisee's supervising officer;
- (o) Pay a supervision fee unless expressly waived by the Parole Board;
- (p) Pay the balance of the restitution ordered pursuant to KRS 439.563; and
- (q) Pay the balance of the sum payable to the Crime Victims Compensation Fund pursuant to KRS 49.480.


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- (r) Waive extradition to the State of Kentucky from any Jurisdiction in or outside the United States where they may be found and also agree that they will not contest any effort by any jurisdiction to return them to the State of Kentucky.
- (2) Special conditions of release.
 - (a) The Parole Board shall consider whether it is necessary to impose any special conditions of release.
 - (i) The Parole Board may order a supervisee to observe any special condition of release which the Board, in its discretion, deems necessary.
 - (ii) The Parole Board shall use and consider the results of the risk and needs assessment prepared by the Parole Board Support staff or by the Department of Corrections pursuant to KRS 439.335 and 439.340(1) in establishing any special conditions of release.
 - (b) Special conditions may apply for sex crimes.
 - (c) A supervisee may be prohibited from entering certain counties.
 - (d) A supervisee may be prohibited from contact with victims and victims' families.
 - (e) A supervisee may be restricted to driving only for work purposes; any treatment purposes for self or immediate family (as defined by KY DOC CPP 16:1); activities associated as necessary for daily living, i.e. grocery, court, etc., as approved by the P&P Officer in advance .
 - (f) A supervisee may be prohibited from consuming alcohol.
 - (g) The Parole Board may impose conditions mandated by the sentencing court.
 - (h) The supervisee shall be given a written copy and explanation of the special conditions set by the Parole Board or sentencing court.
- D. The supervisee shall have an opportunity to present his views regarding any condition of parole.

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- (1) A supervisee may request a modification or removal of a condition or fee through the supervisee's assigned supervising officer, or the Prerelease Coordinator for offenders who have not yet been released on parole, but have been recommended for parole by the Parole Board.
- (2) Any request for modification or removal of a condition or fee shall be decided by a full Parole Board vote and the decision shall be given to the supervisee or not yet released offender in writing.
- (3) The Parole Board may modify the rate or frequency with which restitution is paid but, consistent with KRS 439.3563, the Parole Board cannot remove the condition of payment of restitution if restitution was ordered by the sentencing court and is not yet paid in full. A request to remove a court-ordered restitution obligation shall be made in the sentencing court.
- (4) The Parole Board's decision shall be final. The Parole Board's denial of a request for modification or removal of a condition or fee shall not be subject to reconsideration pursuant to KYPB 10-00.

E. A supervisee shall comply with all applicable provisions of an Interstate Compact for Adult Offender Supervision.

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POLICY and PROCEDURE:

- A. If an offender paroled prior to July 15, 1998, reaches the maximum expiration date of the offender's sentence, a final discharge from parole shall be issued automatically by the Parole Board.
- B. If an offender paroled on or after July 15, 1998, owes restitution, the offender shall not automatically receive a final discharge from parole upon reaching the maximum expiration of his sentence.
 - (1) The Parole Board shall not issue a final discharge of parole until the offender pays restitution in full.
 - (2) An offender's parole status shall be extended for non-payment of Parole Board or court ordered restitution as provided in KRS 439.563(3)(d) and (5).
 - (3) Verification of payment of restitution shall be obtained by the supervising officer.
- C. The minimum expiration of sentence date and the maximum expiration of sentence date for an offender is calculated by the Department of Corrections pursuant to KRS 196.070(1)(d).
- D. After the Parole Board has granted final discharge to an offender, the Parole Board may rescind a final discharge if the Parole Board learns that the final discharge was issued in error. Rescission of a final discharge shall require a vote of a majority of the Parole Board members present at a meeting of a quorum of the Parole Board.


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References/Authority CPP 27-18-01 501 KAR 1:030, 1:040 1:080; KRS 439.330, 439.341, 439.430	Subject <p style="text-align: center;">REVOCATION OF SUPERVISION : ISSUANCE OF WARRANTS</p>	

POLICY and PROCEDURE:

- A. The Parole Board shall fairly administer all aspects of the parole revocation process as outlined by the following:
- (1) Kentucky Revised Statutes;
 - (2) Kentucky Administrative Regulations; and
 - (3) United States Supreme Court in *Morrissey v. Brewer* (408 U.S. 471, 1972).
- B. A parole violation warrant shall only be issued upon a majority vote of the Parole Board members in attendance at a meeting of a quorum of the Parole Board, except that:
- (1) If a case is referred to the Board by the Administrative Law Judge pursuant to 501 KAR 1:040(6)(5) with a finding of probable cause of a violation of a condition of parole, the Parole Board Chairperson or designee shall issue a parole violation warrant to bring the offender for a Final Revocation Hearing.
 - (2) If it appears that an offender has absconded from parole supervision or if it otherwise appears that an offender is a fugitive from justice, or if a parole violation warrant is necessary to effect the return of the offender to the state of Kentucky, the Parole Board Chairperson or designee may issue a warrant if:
 - (a) The Parole Board receives documentation from the supervising officer setting forth facts sufficient to conclude there are reasonable grounds to believe that some violation has occurred; and
 - (b) The Commissioner or designee submits to the Parole Board a written request or recommendation that a warrant be issued.

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- C. If the offender is being supervised outside the state of Kentucky, the Parole Board Chair shall determine whether to issue a parole violation warrant based upon:
- (1) A written report from the supervising state setting forth facts sufficient to conclude that there are reasonable grounds to believe that a violation of a condition of parole has occurred; and
 - (2) The Commissioner of the Department of Corrections or designee submits to the Parole Board a written request or recommendation that a warrant be issued.
- D. Notwithstanding any other provision of this Policy, if an offender is being supervised in another state or jurisdiction pursuant to the Interstate Compact for Adult Offender Supervision, as enacted under KRS 439.561, the Parole Board may issue any warrant required to carry out any duty or obligation imposed pursuant to the Interstate Compact for Adult Offender Supervision, to issue or lodge a warrant as a detainer, or to facilitate the return of the offender to Kentucky if requested by the state or jurisdiction where the offender is being supervised.
- E. The Parole Board may decline any request for a warrant made pursuant to any provision of this Policy, except for subsection B(1) of this Policy.
- F. Warrants for the arrest and detention of offenders shall be issued only upon evidence which the Parole Board, in its discretion, deems adequate to indicate a serious violation or repeated pattern of violation of parole conditions, or a compelling need for detention pending the Parole Board's revocation decision.
- G. If parole violation charges are based on the alleged commission of a new crime, a warrant may be issued consistent with 501 KAR 1:040(7)(2).
- H. After the issuance of a warrant has been approved as provided under this Policy, any Board member may sign the warrant.
- I. Any warrant issued, under any section of this Policy, may be rescinded by majority vote of the Parole Board at any time.

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POLICY and PROCEDURE:

- A. Probable cause hearings for the revocation of supervision shall be conducted by an Administrative Law Judge of the Parole Board, who shall have control over the proceedings and the reception of evidence at these hearings.
- B. Charges of supervision violation shall be initiated by a Parole Officer of the Department of Corrections by serving the offender, if the offender's location is known, with a written Notice of Probable Cause Hearing pursuant to Corrections Policy and Procedure (CPP) 27-19-01 within seventy-two (72) hours of the offender being placed into custody.
 - (1) The written Notice of Probable Cause Hearing shall be a charging documents stating the purpose of the hearing and to contain the following:
 - (a) the alleged violation
 - (b) evidence to be presented at the hearing,
 - (c) witnesses upon whose statements revocation is based, if disclosure of that information will not create a risk of harm to that witness,
 - (d) time,
 - (e) date, and
 - (f) place of the hearing.
 - (2) The Notice of Probable Cause Hearing shall also:
 - (a) Inform the offender of his right to be present;
 - (b) Inform the offender of his right to speak on the offender's own behalf;

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- (c) Inform the offender of his right to call witnesses and present evidence in defense of the charges;
 - (d) Inform the offender that he may have counsel present;
 - (e) Inform the offender that the hearing shall not be held sooner than five (5) business days after the offender is served with the notice of hearing, unless the offender waives this time period; and
 - (f) Inform the offender that he may request a continuance of the hearing for good cause.
 - (g) Include a copy of a blank subpoena that may be used to request documents.
- (3) The notice may be amended at any time prior to the close of the record of the probable cause hearing, within the discretion of the Administrative Law Judge, if a finding is made that the substantial rights of the offender will not be prejudiced by the amendment.
- (4) If the notice is amended, a continuance of the proceeding may be granted if the interest of justice so requires.
- (5) Failure to object to any defect in the notice prior to the close of the hearing shall be deemed a waiver of this objection.
- C. A probable cause hearing shall not be conducted earlier than five (5) business days after service of the notice of the hearing, unless this period is waived by the offender.
- (1) An offender appearing at a probable cause hearing may be represented by counsel. The offender may have a continuance for the purpose of obtaining the presence of counsel by making a motion for this purpose. More than two (2) appearances for the hearing without counsel by an offender who is capable of retaining counsel may be deemed an implicit waiver of counsel.
 - (2) Any duly appointed Parole Officer of the Commonwealth of Kentucky may appear before the Administrative Law Judge as representative of the Department of Corrections in matters relating to the revocation of parole in the absence of an attorney pursuant to SCR 7.300 sub-rule 3.
- D. Except for offenders who are less than eighteen (18) years of age, an offender charged with a violation of supervision may waive the probable cause hearing by waiving his appearance before an Administrative Law Judge.

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- (1) An offender shall submit the waiver in writing to a Probation and Parole Officer who shall forward it to the Parole Board or its Administrative Law Judge for approval.
- (2) The waiver may be accepted at the discretion of the Parole Board or its Administrative Law Judge.
- (3) A waiver shall not be accepted unless it is found that the offender:
 - (a) Made the waiver:
 - (i) Knowingly; and
 - (ii) Voluntarily; and
 - (b) Understands that the offender admits probable cause exists for the violations charged.
- (4) Notwithstanding the submission and acceptance of a waiver of the probable cause hearing, the offender may still have a final revocation hearing.
- (5) After approval of the waiver, the matter shall proceed in the same manner as if a hearing was held and probable cause determined.
- (6) If an offender being supervised in another state signs a waiver of probable cause hearing in that state, the waiver shall be reviewed by an Administrative Law Judge to determine if the waiver meets the requirements of section (D) of this Policy. If the administrative law judge determines that the waiver does not comply with this section, the board chair or designee shall refer the matter back to the Division of Probation and Parole and request that it take action necessary to ensure compliance with 501 KAR 1:040(4) and Subsection (D) of this Policy.

E. The probable cause hearing shall be held remotely with the offender in or near the community where one or more of the alleged violations occurred or at the location where the offender was taken into custody, except as follows:

- (1) The offender may waive the right to have the probable cause hearing held in a location at or near the community where the alleged violation(s) occurred or near the location where the offender was taken into custody.
 - (a) The waiver shall be voluntary and in writing and shall state that the offender consents to the location the probable cause hearing is to take place.
 - (b) If the waiver was not made before an Administrative Law Judge, the

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waiver shall be reviewed by an Administrative Law Judge to ascertain whether it was entered into voluntarily.

- (2) An offender's objection to the location of the probable cause hearing shall be deemed waived if the offender fails to raise the objection at or before the hearing.
 - (3) An offender supervised in another state or jurisdiction pursuant to the Interstate Compact for Adult Offender Supervision who waives his right to a probable cause hearing in the supervising state after being served notice of an alleged supervision violation and is then returned to Kentucky to the custody of the Department of Corrections without a probable cause hearing in the supervising state shall be deemed to have waived his right to have a probable cause hearing held in or near any community outside Kentucky where the alleged violation(s) occurred or at any location outside Kentucky where the offender was taken into custody.
- F. The probable cause hearing shall be conducted by an Administrative Law Judge who shall have control over the proceedings and the reception of evidence at the hearing.
- (1) The probable cause hearing shall be conducted on the record. The hearing may be recorded and preserved by any means practical including electronically, mechanically, or stenographically and maintained in accordance with the records retention schedule established by the Kentucky Department of Libraries and Archives.
 - (2) If requested by the Parole Board, the record of the proceedings shall be transcribed.
- G. Probable Cause Hearing Procedure:
- (1) The Administrative Law Judge may take judicial notice of acts of the Parole Board, including the conditions of supervision and all other matters that may be judicially noticed in the courts of this Commonwealth pursuant to KRE 201. Matters for which judicial notice was taken shall be included in the Administrative Law Judge's findings of facts.
 - (2) Witnesses appearing at the probable cause hearing to give testimony shall do so under oath, administered by the Administrative Law Judge, and shall be available for examination by the other party or the Administrative Law Judge, unless good cause dictates otherwise. The party arguing that a witness should not be available for examination shall submit documentation to the fact finder at least twenty-four (24) hours prior to the hearing date stating the name of the witness and the basis upon which the party argues the witness should not be made available for examination by the other party.
 - (3) Hearsay evidence may be presented and admitted into the record, at the discretion of the Administrative Law Judge, except that presentence investigation reports,

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special reports, and other reports prepared by a Parole Officer in the discharge of official duty that are privileged from disclosure pursuant to KRS 439.510 shall not be entered into evidence by the Administrative Law Judge unless ordered by the Parole Board.

- (4) The Parole Officer shall bear the burden of proof in establishing the elements of the violation.
- (5) The Parole Officer shall present evidence first, and the offender shall be given the opportunity to present evidence in defense or mitigation.
- (6) Any further proceedings shall be conducted at the discretion of the Administrative Law Judge.
- (7) The probable cause hearing may be continued or recessed with further proof to be taken at any time prior to the close of the record for good cause shown.
- (8) At the request of either party, the Administrative Law Judge may, within his or her discretion, leave the record open for reception of additional evidence if no substantial rights are prejudiced. The record shall not be left open for longer than fourteen (14) business days unless good cause is shown and approved by the Administrative Law Judge.
- (9) The Administrative Law Judge, in the absence of any specific statutory authorization, shall not consider matters of bail or any other form of release from custody for those persons accused of a violation of a supervision condition.

H. At the close of the hearing or within a reasonable time thereafter, the Administrative Law Judge shall make a determination, from the evidence produced at the hearing as well as any evidence of which judicial notice is taken, whether there exists probable cause to believe that the offender has committed any or all of the violations alleged in the Notice of probable cause hearing.

- (1) The Administrative Law Judge shall issue a written decision, which shall be provided to the supervising officer and offender or counsel, if the offender was represented by counsel at the probable cause hearing, within seven (7) business days after the hearing or the close of the record under subsection F(8) . The Parole Board may extend the time for good cause.
 - (a) The Administrative Law Judge shall verbally inform the offender of the decision immediately after the hearing, except that immediate verbal notification shall not be required if it would present a security risk, or if the Administrative Law Judge takes the case under submission and does not decide the case at the time of conclusion of the hearing.

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- (b) The written decision shall record all findings and conclusions of the Administrative Law Judge and summarize the evidence presented at the hearing, as well as any evidence of which judicial notice is taken.
- (c) If probable cause is not found by the Administrative Law Judge:
 - (i) The offender shall continue on supervision without further action by the Parole Board, if no supervision violation warrant has been issued; or
 - (ii) If a supervision violation warrant has been issued, the matter shall be referred to the Parole Board for the warrant to be rescinded.
- (2) If probable cause is found to exist, the case shall be referred to the Parole Board. If a supervision violation warrant has not already been issued, the matter shall be referred to the Parole Board for issuance of a warrant. The Parole Board chair shall issue the warrant. A vote of the Parole Board shall not be necessary.
- I. If the alleged violation of supervision, as set forth in the Notice of Probable Cause Hearing, is new criminal conduct that does not also constitute a technical violation of the conditions of supervision, the case shall not be referred to the Parole Board for supervision revocation consideration unless it is shown that the offender has received a conviction in a court of law or there exists some other form of judicial admission, such as a plea of guilty, concerning the alleged criminal conduct, or it is found that the criminal conduct or a substantial part of it, was committed in the presence of a duly appointed Parole Officer of the Commonwealth of Kentucky. Nothing in this subsection shall prevent revocation of parole for a technical violation, which also happens to partially or wholly involve criminal conduct.
- J. For any Kentucky offender being supervised in another state or jurisdiction pursuant to the Interstate Compact for Adult Offender Supervision who is charged with violating one or more conditions of supervision:
 - (1) If a probable cause hearing is held by the supervising state for an offender being supervised in another state, and the supervising state concludes as a result of the hearing that a violation has occurred, the case shall first be reviewed by an Administrative Law Judge of the Parole Board, who shall determine whether the proceedings held in the supervising state complied with due process.
 - (a) If the Administrative Law Judge determines that the proceedings held in the supervising state did not comply with due process, the Administrative Law Judge shall schedule the offender for a probable cause hearing in Kentucky as provided under subsection J(2) of this Policy.


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- (b) If the Administrative Law Judge determines that the proceedings held in the supervising state did comply with due process, the Administrative Law Judge shall refer the case to the Parole Board as set forth in subsection H(2) of this Policy.
 - (2) A probable cause hearing shall be conducted pursuant to sections A through H of this Policy, if:
 - (a) A parole violation warrant has been issued for an offender without a probable cause hearing; and
 - (b) The parolee is apprehended in Kentucky or returned to Kentucky from another state or jurisdiction without a probable cause hearing, or a probable cause hearing determined under subsection I(1)(a) not to have met due process, having taken place in the other state or jurisdiction .
 - (3) Except as provided in subsection J(4) of this Policy, following the probable cause hearing, the offender shall be ordered returned to the appropriate institution of the Department of Corrections for further consideration by the Parole Board if the Administrative Law Judge finds there is probable cause to believe that:
 - (a) The offender committed any of the violations contained in the warrant; and
 - (b) The warrant was validly issued as to any of the charges contained in it.
 - (4) If the Administrative Law Judge finds no probable cause, the case shall be referred to the Parole Board which shall withdraw the warrant and return the offender to supervision.
 - (5) If probable cause is found, the Administrative Law Judge shall refer the case back to the Parole Board.
 - (6) If the Parole Board decides to withdraw the warrant, the offender shall be returned to normal supervision, subject to any additional conditions the Parole Board may impose.
 - (7) If the Parole Board decides to exercise the warrant, the offender shall be ordered returned to the appropriate institution.
- K. Notwithstanding any other provision of this Policy, a probable cause hearing shall not be required under the following circumstances:
- (1) A probable cause hearing shall not be required if an offender's parole has been automatically terminated pursuant to KRS 439.532 because the offender has been

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recommitted to prison under the custody of the Department of Corrections on a new sentence received for commission of a crime while on parole.

- (a) Upon receipt by the Parole Board of a written request for issuance of a warrant accompanied by proof of the offender's recommitment on a new sentence pursuant to KRS 439.352, the Parole Board shall schedule a final disposition hearing for the offender in accordance with KYPB 13-02 section (K) and a probable cause hearing shall not be required.
 - (b) The Parole Board shall then conduct a final disposition hearing pursuant to KYPB 13-02 section (K) to determine whether the offender has been recommitted to prison on a new sentence pursuant to KRS 439.352.
 - (c) If the Parole Board determines that the offender has been recommitted to prison on a new sentence pursuant to KRS 439.352, the Parole Board shall issue an order documenting the final disposition that the offender's parole has been revoked pursuant to KRS 439.352.
- (2) A probable cause hearing shall not be required if an offender has waived his right to a probable cause hearing pursuant to 501 KAR 1:040(4) and section D of this Policy.

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	Date Filed <p style="text-align: center;">MAY 29 2024</p>	Effective Date
References/Authority CPP 27-18-01, 27-19-01, 27-21-01; 501 KAR 1:040, , 1:080; KRS 439.3106, 439.330, 439.341, 439.352, 439.430, 439.440	Subject <p style="text-align: center;">REVOCATION OF SUPERVISION: FINAL REVOCATION HEARINGS AND DISPOSITIONS</p>	

POLICY and PROCEDURE:

- A. A final revocation hearing shall be held by the Parole Board, or a panel of the Parole Board, within sixty (60) days after the return of the offender to a state institution. The offender may request a delay or continuance for good cause may be approved by the Parole Board Chair or designee.
- B. Procedural and substantive rights shall be afforded to the offender to ensure due process at a final revocation hearing. An offender shall be provided an opportunity at the final revocation hearing to demonstrate that even if supervision conditions have been violated, mitigating circumstances may exist which suggest that the violations do not warrant revocation or if supervision is revoked, do not warrant returning the offender to prison.
- C. Following a finding of probable cause or a waiver of the probable cause hearing, the final revocation hearing process shall be initiated by service of a Notice of Final Revocation Hearing.
 - (1) The parole officer shall complete the following for the notice:
 - (a) Alleged violations;
 - (b) Evidence against the offender to be presented at the final revocation hearing;
 - (c) Witnesses upon whose statements revocation is based if disclosure of that information will not create a risk of harm to the witness;
 - (d) Time;
 - (e) Date;
 - (f) Location of the final revocation hearing; and

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- (g) The notice shall include a copy of a blank subpoena that can be used to request documents.
- (2) The notice shall also inform the offender that:
 - (a) A final revocation hearing will be conducted on the alleged violations;
 - (b) The standard of proof for the final revocation hearing shall be a preponderance of the evidence;
 - (c) The offender may call witnesses and present evidence in defense and mitigation of the charges;
 - (d) The offender may be entitled to have counsel present at the final revocation hearing; and
 - (e) If the offender wants to have counsel present at the final revocation hearing, he shall request the presence of counsel at the hearing in writing prior to the hearing date. The fact finder shall respond to his request within five (5) business days of receipt.
- D. A determination of whether the offender may have counsel present at the final revocation hearing shall be made on a case-by-case basis by the Parole Board within five (5) days after the request is received by the fact finder. In making this determination, the Parole Board shall consider whether the offender:
 - (1) Has articulated a timely and colorable claim that the offender did not commit the alleged violation of the conditions of supervision;
 - (2) Has articulated substantial reasons that:
 - (a) Justify or mitigate the violation;
 - (b) Make the revocation inappropriate; and
 - (c) Are complex or otherwise difficult to develop or present; and
 - (3) Appears to be capable of speaking effectively for himself.
 - (4) If the offender is allowed counsel at the final revocation hearing, the offender may have a continuance for the purpose of obtaining the presence of counsel by making a motion for this purpose. More than two (2) appearances for the hearing without counsel by an offender who is capable of retaining counsel may be deemed an implicit waiver of counsel.
- E. With the exception of offenders who are less than eighteen (18) years of age, an offender

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being held pursuant to a parole violation warrant may request to waive the final revocation hearing, after the probable cause hearing or acceptance of a waiver of the final revocation hearing.

- (1) An offender shall submit the waiver in writing to the Parole Board or its fact finder for approval.
- (2) The waiver may be accepted at the discretion of the Parole Board or its fact finder.
- (3) A waiver shall not be accepted unless it is found that the offender:
 - (a) Made the waiver:
 - (i) Knowingly; and
 - (ii) Voluntarily; and
 - (b) Understands that the offender admits the violations charged occurred.
- (4) In the event that waiver of the final revocation hearing is accepted, the final decision on the revocation of the offender's supervision shall be made by the Parole Board without any further proceedings.

F. Final Revocation Hearing

- (1) The charges of violations and the evidence against the offender shall be explained to offender.
- (2) The offender shall then have the opportunity to present evidence in defense and mitigation of the charges.
- (3) The standard of proof shall be a preponderance of the evidence.
- (4) The final revocation hearing may be continued or recessed with further proof to be taken at any time prior to the close of the record for good cause shown and provided no substantial rights are prejudiced.
- (5) The final revocation hearing shall be conducted on the record and may be recorded and preserved by any means practical, including electronically, mechanically, or stenographically. If requested by the Parole Board, the record of the proceedings shall be transcribed.

G. The fact finder shall provide the offender with written findings of fact concerning the alleged violations within twenty-one (21) days of the final revocation hearing. The Parole

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Board Chair or designee may extend the time for good cause. Notice of an extension shall be sent to the offender. The fact finder shall include a:

- (1) Determination of whether the fact finder found the offender to have committed the alleged violations by a preponderance of the evidence; and
- (2) List of:
 - (a) Mitigating evidence presented at the final revocation hearing; and
 - (b) Any findings of fact made concerning mitigating evidence presented at the final revocation hearing.

H. Revocation Decision

- (1) The Parole Board shall issue a decision in writing to determine whether parole is revoked based on:
 - (a) The findings of fact determined at the final revocation hearing; or
 - (b) Its own review of the facts and reasoning; and
- (2) The Parole Board's decision shall include an analysis of whether:
 - (a) The offender's violation constitutes a significant risk to the offender's victim or the community at large; and
 - (b) The offender can be appropriately managed in the community.
- (3) A copy of the decision shall be provided to the offender.

I. At the Parole Board's discretion, alternatives to further imprisonment may be used in decision making on supervision violations.

- (1) The offender may be continued on supervision status;
- (2) Further conditions may be imposed on the offender's supervision in lieu of incarceration; or
- (3) Pursuant to KRS 439.3106(2) the Parole Board may elect to subject a supervised individual to a supervision continuation sanction for a period of up to nine (9) months or until the completion of the individual's sentence, whichever is shorter.
 - (a) Upon completion of the Parole Board sanction, the offender shall be released to continue supervision under the same conditions as previously


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imposed.

- (b) If the Parole Board sanction is not successfully completed, the offender shall be rescheduled for a final revocation hearing.
 - (c) If the offender reaches expiration of the offender's sentence before the completion of the Parole Board sanction, the offender shall be processed for discharge.
- J. Future parole possibilities on the original charges shall not be forfeited if incarceration is determined necessary after the final revocation hearing for offenders specifically on parole supervision, but this shall not apply for offenders on Mandatory Reentry Supervision, Sex Offender Conditional Discharge, Post Incarceration Supervision, or Sex Offender Post Incarceration Supervision.
- K. A final revocation hearing shall not be required if supervision has been automatically revoked by operation of KRS 439.352 due to recommitment of an offender to prison or jail in Kentucky under the custody of the Department of Corrections on a new sentence received for a crime committed by the offender while on supervision. If requested in accordance with this section, the Parole Board shall hold a final disposition hearing to confirm whether an offender's supervision has been automatically revoked by operation of KRS 439.352.
- (1) To request a final disposition hearing, the Commissioner of the Department of Corrections or designee shall submit to the Parole Board a written request for issuance of a warrant to bring an offender before the Parole Board for a final disposition hearing. The request shall be accompanied by proof of the offender's recommitment on a new sentence pursuant to KRS 439.352.
 - (2) If the Parole Board votes to issue the warrant, the final disposition hearing shall take place within sixty (60) calendar days. The Parole Board Chair or designee may extend the time for good cause.
 - (3) At the final disposition, upon review of proof and establishment of the offender's conviction and recommitment on a new sentence for commission of a crime while on supervision, the Parole Board shall issue a final disposition order stating the offender's supervision has been automatically terminated by operation of KRS 439.352.
- L. After a final revocation hearing or final disposition hearing, the Parole Board shall inform the offender of the next parole eligibility date, if any, for the offender. If the offender has pending criminal charges or outstanding sentences to be served, the Parole Board shall not be required to inform the offender of a tentative release date at the time of the final revocation hearing or final disposition hearing.

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- M. An offender whose supervision is revoked and ordered returned to prison by the Parole Board, or the offender's legal representative, may request reconsideration of the decision pursuant to section F of KYPB 10-00.


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	KYPB 14-00	2
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References/Authority	Subject	
KRS 11A.005, 61.800, 61.870, 61.878, 197.025, 439.310, 439.320, 439.330, 439.340	PUBLIC AND LEGISLATIVE RELATIONS	

POLICY and PROCEDURE:

- A. Subject to KRS 197.025, KRS 61.878, and any other applicable limitations on disclosure of information, the Chairperson of the Kentucky Parole Board shall provide accurate information to the following:
- (1) Public or interested persons who have requested information;
 - (2) Other agencies of the Criminal Justice System;
 - (3) Legislators;
 - (4) Victims Information and Notification Everyday (VINE) via Department of Correction victim's advocates;
 - (5) Other Kentucky agencies; and
 - (6) Research organizations and universities.
- B. Subject to the Kentucky Open Records Law, Open Meetings Law and other applicable statutes and regulations pertaining to confidentiality issues, the Kentucky Parole Board shall strive for transparency of operations.
- C. The Parole Board Chairperson shall maintain information and the mission statement on the Kentucky Parole Board website. (<https://justice.ky.gov/Boards-Commissions/paroleboard/Pages/default.aspx>).
- D. The Parole Board shall annually produce a Parole Board Report including information on the following:
- (1) Parole releases;
 - (2) Discharges;

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- (3) Revocations;
 - (4) Issues;
 - (5) Plans;
 - (6) Priorities;
 - (7) Mission statement, philosophy, goals and core values; and
 - (8) Any additional information deemed necessary.
- E. The Parole Board shall be proactive in informing the public and the media of events within the Board's scope of responsibility.
- F. The Parole Board Chairperson shall issue any emergency and non-emergency communications regarding Board decisions and actions.
- (1) If the request concerns a facility, the media or public shall be referred to the appropriate personnel at the facility.
 - (2) Parole Board members shall refer all requests from the media to the Chairperson.
 - (3) The Parole Board members shall adhere to this policy.
- G. The Parole Board Chairperson or designee shall serve as the Parole Board's liaison with the Kentucky Legislature and pertinent Legislative Committees. The Parole Board Chairperson or designee shall provide information, opinions, and advice to the appropriate Legislative Committees upon request.

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	Date Filed <p style="text-align: center;">MAY 29 2024</p>	Effective Date
References/Authority CPP 17.4, 27-10-02 501 KAR 1:080; KRS 196.070, 196.075, 197.045, 439.320, 439.330, 439.3406, 439.346, 439.561, 439.562 439.570	Subject <p style="text-align: center;">MANDATORY REENTRY SUPERVISION ORDERS</p>	


POLICY AND PROCEDURE:

- A. The Parole Board shall order mandatory reentry supervision pursuant to KRS 439.3406.
- B. Issuance of Mandatory Reentry Supervision Release Orders by the Parole Board
 - (1) Pursuant to KRS 439.320(1) and 439.340(1), the Department of Corrections shall identify on or before the 15th day of each calendar month any offenders who will become eligible for mandatory reentry supervision pursuant to KRS 439.3406 during the next calendar month. If a change in an offender’s minimum expiration of sentence date occurs that impacts the offender’s eligibility for mandatory reentry supervision, the Department of Corrections shall update the minimum expiration of sentence date.
 - (2) For each offender identified by the Department of Corrections as being eligible for mandatory reentry supervision pursuant to KRS 439.3406, the Parole Board shall issue an order for the release of the offender to mandatory reentry supervision.
 - (3) After the Board has issued the order, the Parole Board may rescind a mandatory reentry discharge order if the Parole Board learns the order was issued in error. Rescission of a mandatory reentry supervision order shall require a vote of majority of the Parole Board members present at a meeting of a quorum of the Parole Board.
 - (4) The Parole Board’s issuance of a mandatory reentry supervision order and the rescission of an order shall not be subject to reconsideration pursuant to Subsection F of KYPB 10-00.
 - (5) The minimum expiration of sentence date is determined by the

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Department of Corrections pursuant to KRS 196.070 and KRS 197.045.
An offender who desires to contest the Department of Corrections' calculation of the minimum expiration of sentence shall appeal the calculation to the Department of Corrections pursuant to Corrections Policy and Procedure 17.4.

- C. Following the issuance of the Parole Board's order releasing an offender to mandatory reentry supervision pursuant to KRS 439.3406, the offender shall be notified of the order and given a copy of it.
- D. The release of an offender to mandatory reentry supervision pursuant to an order of the Board shall be administered by the Department of Corrections pursuant to the Department of Corrections policies and procedures.

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References/Authority CPP 16.1 501 KAR 1:080; KRS 49.480, 119.480, 439.320, 439.330, 439.3406, 439.346, 439.430; 439.480, 439.561, 439.562, 439.563, 439.570, 532.032	Subject <p style="text-align: center;">CONDITIONS OF MANDATORY REENTRY SUPERVISION</p>	

POLICY and PROCEDURE:

A. The Parole Board shall avoid unnecessary conditions of mandatory reentry supervision to reduce or minimize the potential for failure by the offender based on technical violation of conditions that are not substantially related to public safety or reduction of recidivism. Certain conditions may be imposed to fulfill a court order, a correctional program recommendation, or a statutory mandate or as a protection to the community or victim.

B. Conditions of Mandatory Reentry Supervision Release

(1) General Conditions for Release

The mandatory reentry supervision offender shall:


- (a) Report to his Parole Officer immediately upon arrival at the offender's destination and submit a report on a form prescribed by the Division of Probation and Parole once a month or more if directed by the officer;
- (b) Permit his Parole Officer to visit the offender's home and place of employment at any time;
- (c) Not use a non-prescribed controlled substance;
- (d) Submit to random drug and alcohol testing at the offender's expense if order by the Parole Board or supervising officer ;
- (e) Work regularly and support the offender's legal dependents; if unemployed, the offender shall report this fact to his officer and make every attempt to obtain other employment;

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- (f) Not associate with a convicted felon except for a legitimate purpose, including family, residential, occupational, or treatment purposes;
 - (g) Not visit with an inmate of a penal institution without permission of the offender's Parole Officer;
 - (h) Not leave the state, district, or residence, or place of employment without written permission of the offender's Parole Officer;
 - (i) Not be permitted to purchase, own, or have in the offender's possession a firearm or other weapon;
 - (j) Not violate any law or city ordinance of this state, any other state, or the United States;
 - (k) Not falsify any report to the offender's Parole Officer, including the offender's monthly report;
 - (l) Not have the right to register for voting purposes and may not hold office; if the offender registers or reregisters prior to restoration of the offender's civil rights, the offender shall be in violation of the law pursuant to KRS 119.025;
 - (m) Comply with all rules and regulations prescribed by the Division of Probation and Parole, 501 KAR Chapter 1, and special instructions of the offender's Parole Officer; to the extent a rule, condition, or regulation from the supervising officer or the Division of Probation and Parole conflicts with a condition set forward here or otherwise provided by the Parole Board, the more restrictive condition applies;
 - (n) Pay a supervision fee unless expressly waived by the Parole Board;
 - (o) Make reasonable efforts toward paying court ordered restitution, as directed by the Department of Corrections pursuant to KRS 439.3406(6); and
 - (p) Make reasonable efforts toward paying any sum payable to the Crime Victims Compensation Fund pursuant to KRS 49.480 as directed by the Department of Corrections pursuant to KRS 439.3406(6).
- (2) Special Conditions of Mandatory Reentry Supervision Release

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- (a) If the results of the risk and needs assessment determine the offender has less than a GED, the offender shall work toward the offender's GED/literacy while on mandatory reentry supervision.
 - (b) If the offender has a conviction for Driving Under the Influence (DUI) fourth or subsequent offense, the offender shall not drive a motor vehicle while on mandatory reentry supervision except for work purposes; any treatment purposes for self or immediate family (as defined by Corrections Policy and Procedure (CPP) 16.1); or activities associated as necessary for daily living, i.e., grocery, court, etc., as approved by the Parole Officer in advance.
- C. An offender shall comply with all applicable provisions of the Interstate Compact for Adult Offender Supervision.

 <p style="text-align: center;">KENTUCKY PAROLE BOARD Policies and Procedures</p>	Policy Number <p style="text-align: center;">KYPB 22-00</p>	Total Pages <p style="text-align: center;">1</p>
	Date Filed <p style="text-align: center; color: blue; font-weight: bold;">MAY 29 2024</p>	Effective Date
References/Authority CPP 17.4 501 KAR 1:050, 1:080; KRS 439.320, 439.330, 439.3406, 439.346, 439.561, 439.562, 439.563, 439.570, 532.032	Subject <p style="text-align: center;">FINAL DISCHARGE FROM MANDATORY REENTRY SUPERVISION</p>	

POLICY and PROCEDURE:

A final discharge shall be issued automatically by the Parole Board for an offender released to mandatory reentry supervision pursuant to KRS 439.3406 upon the offender reaching the minimum expiration of sentence calculated by the Department of Corrections pursuant to KRS 196.070(1)(d), provided that the offender has not been returned to prison by the Parole Board for violation of the conditions of supervision pursuant to KRS 439.3406(3) and has paid any restitution in full.

- A. Pursuant to KRS 439.320(1) and 439.340(1), the Department of Corrections shall identify on or before the 15th day of each calendar month, any mandatory reentry supervision offenders who, as calculated by KRS 196.070(1)(d), will or are expected to reach their minimum expiration of sentence date during the next calendar month and have paid any restitution in full. If a change in an offender’s minimum expiration of sentence date occurs, the Department of Corrections shall update the minimum expiration of sentence date as soon as possible.
- B. After the Parole Board has granted final discharge to an offender, the Parole Board may rescind a final discharge if the Parole Board learns that the final discharge was issued in error. Rescission of a final discharge shall require a vote of a majority of the Parole Board members present at a meeting of a quorum of the Parole Board.
- C. The rescission of final discharge pursuant to section B of this Policy shall not be subject to reconsideration pursuant to section F of KYPB 10-00.
- D. An offender who desires to contest the Department of Corrections’ calculation of the minimum expiration of sentence shall appeal the calculation to the Department of Corrections pursuant to Corrections Policy and Procedure 17.4.