

 <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>
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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.