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|  <p style="text-align: center;">KENTUCKY PAROLE BOARD Policies and Procedures</p> | Policy Number <p style="text-align: center;">KYPB 10-01</p> | Total Pages <p style="text-align: center;">6</p> |
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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 <p style="text-align: center;">PAROLE ELIGIBILITY HEARINGS</p> | |

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.