

 <p style="text-align: center;">KENTUCKY PAROLE BOARD Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
References/Authority	Subject	

KYPB 30-00

3

Amended 10/13/15

December 4, 2015

References/Authority
 ACA Standards 2-1099 through 2-1105;
 501 KAR 1:080;
 KRS 196.075, 197.440, 439.330, 439.340(3),
 439.341, 439.346, 439.430, 439.480,
 439.561, 439.562, 439.563, 439.570,
 532.043, 532.060(3), 532.400

**REVOCATION OF
 POSTINCARCERATION SUPERVISION:
 ISSUANCE OF WARRANTS**

POLICY and PROCEDURE:

- A. For offenders under postincarceration supervision pursuant to KRS 532.043 or KRS 532.400, postincarceration supervision violation warrants shall be issued by the Board as provided in this Policy.

- B. A postincarceration supervision violation warrant shall only be issued upon a majority vote of the Board members in attendance at a meeting of a quorum of the Board, except that:
 - (1) If a case is referred to the Board by the Administrative Law Judge pursuant to Subsection G(2)(a) of KYPB 30-01 for a Final Hearing, with a finding of probable cause of a violation of a condition of postincarceration supervision, the Board Chairperson or designee shall issue a postincarceration supervision violation warrant to bring the offender before the Board for a Final Hearing.

 - (2) If it appears that an offender has absconded from postincarceration supervision or if it otherwise appears that an offender is a fugitive from justice, or if a postincarceration supervision violation warrant is necessary to effect the return of the offender to the state of Kentucky, the Board Chairperson or designee may issue a warrant if:
 - (a) The Board receives documentation from the Commissioner of the Department of Corrections or designee 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 Board a written request or recommendation that a warrant be issued.

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- (3) If a vote of the Board would otherwise be required to issue a postincarceration supervision violation warrant, except there is not a quorum of the Board present to vote whether probable cause exists and the warrant should be issued, any member of the Board may issue a postincarceration supervision violation warrant if, upon review, the Board member determines that probable cause exists to issue the warrant.
 - (a) If a warrant is issued under these circumstances, the Board shall vote, as soon as reasonable at a meeting at which a quorum of the Board is present, on whether or not to concur in the issuance of the warrant.
 - (b) If a majority of the Board members in attendance at the meeting do not concur, the warrant shall be voided by the Board.

- C. If a case is referred to the Board by the Administrative Law Judge pursuant to Subsection G(2)(b) of KYPB 30-01 with a recommendation that the offender not be reincarcerated for a violation of a condition of postincarceration supervision, the Board may issue a postincarceration supervision violation warrant if upon review a majority of the Board members in attendance at a meeting of a quorum of the Board concur that probable cause exists to believe a postincarceration supervision violation has taken place and vote to issue the warrant.

- D. If the offender is being supervised outside the state of Kentucky, the Board may issue a postincarceration supervision violation warrant if:
 - (1) There is a vote of the Board based upon 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 postincarceration supervision has occurred; and
 - (2) The Commissioner or designee submits to the Board a written request or recommendation that a warrant be issued.

- E. Notwithstanding any other provision of this Policy, in the event 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 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.

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- F. The Board may decline any request for a postincarceration supervision violation warrant made pursuant to any provision of this Policy, except for Subsection B(1) of this Policy.
- G. Warrants for the arrest and detention of offenders shall be issued only upon evidence which the Board, in its discretion, deems adequate to indicate a serious violation or repeated pattern of violation of postincarceration supervision conditions, or a compelling need for detention pending the Board's initial revocation decision.
- H. If a report of a postincarceration supervision violation is based on the alleged commission of a new crime, a warrant shall not be issued unless the Board, in its discretion, deems the offender's presence in the community to present an unreasonable risk to public or individual safety.
- I. After the issuance of a warrant has been approved as provided under this Policy, any Board member may sign the warrant.
- J. Any warrant, issued under any section of this Policy, may be rescinded by majority vote of the Board at any time.