

# PROGRAM VALUATION

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## KENTUCKY'S PAROLE SYSTEM

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Research Report No. 257  
Legislative Research Commission

Frankfort, Kentucky

Program Review and Investigations Committee

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151190

# **PROGRAM EVALUATION KENTUCKY'S PAROLE SYSTEM**

## **Adopted Report and Recommendations of the Program Review and Investigations Committee**

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ACQUISITIONS

**Research Report No. 257**

## **Legislative Research Commission**

Frankfort, Kentucky

## **Committee for Program Review and Investigations**

November, 1991

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Under KRS Chapter 6, all state agencies are required to cooperate with the Committee by providing requested information and by permitting the opportunity to observe operations. The Committee also has the authority to subpoena witnesses and documents and to administer oaths. Agencies are obligated to correct operational problems identified by the Committee, and must implement the Committee's recommended actions or propose suitable alternatives.

Requests for review may be made by any official of the executive, judicial or legislative branches of government. Final determination of research topics, scope, methodology and recommendations is made by majority vote of the Committee. Final reports, although based upon staff research and proposals, represent the official opinion of a majority of the Committee membership. Final reports are issued after public deliberations involving agency responses and public input.

## FOREWORD

In July, 1990 the Program Review and Investigations Committee directed its staff to examine the state's parole system. This report was adopted by the Program Review and Investigations Committee on November 4, 1991, for submission to the Legislative Research Commission.

The report is the result of dedicated time and effort by the Program Review staff and secretaries, Susie Reed and Jo Ann Blake. Our appreciation is also expressed to the members and staff of the Parole Board, the Secretary and staff of the Corrections Cabinet, Probation and Parole officers and to all other persons interviewed for this study.

Vic Hellard, Jr.  
Director

Frankfort, KY  
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### MEMORANDUM

**TO:** The Honorable Brereton C. Jones,  
The Legislative Research Commission,  
and Affected Agency Heads and Interested Individuals

**FROM:** Representative C. M. "Hank" Hancock, Co-Chairman  
Senator Kim Nelson, Co-Chairman  
Program Review and Investigations Committee

**DATE:** December 11, 1991

**RE:** Program Evaluation: Kentucky's Parole System

Attached are the final report and recommendations of a study of Kentucky's parole system directed by the Program Review and Investigations Committee. The Committee's staff gathered data and information by literature, record and document reviews; interviews with current and former Parole Board members, applicants for Parole Board membership, Corrections officials and staff, representatives of the judiciary and law enforcement, advocates of victim's rights organizations, and parole officials from other states or professional organizations; and surveys of probation and parole officers.

Until 1986, the Parole Board established parole eligibility for most offenders. Since 1986, the General Assembly has limited the Parole Board's discretion regarding the parole eligibility of certain categories of crimes and offenders. The primary advantage of regulatory parole eligibility is the flexibility allowed the Parole Board to balance overall goals of parole, particularly with the goals of other components of the criminal justice system. The report recommends that the General Assembly consider whether the parole eligibility requirements for violent offenders in KRS

439.3401 impede the Parole Board's discretion to balance the overall public protection and rehabilitation goals of parole.

In general, parole systems have four key decision points: determining when to authorize the release of an offender prior to the expiration of the court-imposed sentence, setting conditions to govern the parolee's behavior and promote rehabilitation, providing post-release supervision and assistance to parolees, and revoking parole if a parolee violates conditions of parole or supervision. At each of these points discretionary decision-making authority provides entities involved in the parole system with the flexibility necessary to make individual case decisions based on the facts and circumstances of particular cases, and to respond to overall goals of the state's criminal justice system. Still, in some cases broad discretion allowed in Kentucky's parole system is unstructured and unchecked. Furthermore, the degree of accountability to which various entities in the parole system, and the system itself, are held is questionable.

The following study makes several recommendations aimed at adding structure to decision-making processes and accountability in the system. These include recommendations that discretionary decisions by the Parole Board in selecting and applying parole release criteria, and by the Corrections Cabinet in establishing post-release supervisory criteria be controlled through the use of guidelines and valid risk assessment tools; that parole release decisions by the Parole Board and revocation decisions by the Parole Board and Corrections Cabinet officials be documented more fully; that the Corrections Cabinet improve its monitoring and oversight of parole officers' decisions during post-release supervision; that communication and coordination of post-release resources by the Parole Board, the Corrections Cabinet, parole officers and the providers of community-based services be enhanced; that qualifications and nomination and selection procedures for Parole Board members be better defined and documented; and that the research capacities of the Corrections Cabinet and the Parole Board be enhanced to allow for the development of performance measures for assessing the effectiveness of the parole system.

For questions or further information please contact Joseph Fiala, Assistant Director, Office for Program Review and Investigations.

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## KENTUCKY'S PAROLE SYSTEM SUMMARY

Discretionary decision-making authority exists throughout Kentucky's parole system. Appropriately, it provides entities involved in the system with the flexibility to make individual case decisions based on the facts and circumstances of particular cases. It also gives these entities the ability to respond to overall goals of the state's criminal justice system. In several instances, however, the broad discretion allowed in Kentucky's parole system is unstructured and unchecked. Furthermore, the degree of accountability to which various entities in the parole system, and the system itself, are held is questionable.

Decision-makers have broad discretion in establishing parole eligibility criteria, selecting and applying parole release criteria, establishing and enforcing post-release and supervisory criteria, initiating and following through with the revocation process, and nominating and appointing Kentucky Parole Board members. Decisions at these various points are made by the Parole Board and its employees, the Corrections Cabinet, including Parole Officers, the Commission on Corrections and Community Services, the Governor, and the General Assembly.

### PAROLE ELIGIBILITY

Parole eligibility entitles an inmate to consideration for conditional release on parole, not automatic release. Usually, eligibility establishes the minimum period of incarceration for a specified crime. Parole eligibility requirements can positively or negatively impact general corrections and criminal justice goals.

Until 1986, the Parole Board established parole eligibility for inmates other than those convicted of Persistent Felony Offender I or sentenced to life without parole, life without parole for 25 years, or death. Since then, the General Assembly has eliminated Parole Board discretion over eligibility for certain categories of crimes and offenders. Administrative regulations promulgated by the Parole Board establish regular parole eligibility at 20% of the court imposed sentence. Statutory parole eligibility established by the General Assembly uses the nature of the crime, criminal history, or rehabilitation as factors in the eligibility formula. For example, KRS 532.080 requires first degree persistent felony offenders to serve a minimum of 10 years. KRS 439.340 (10) prohibits the parole of eligible sex offenders before successful completion of a special treatment program. Also, KRS 439.3401 requires that

a violent offender convicted of a capital offense or certain Class A or B felonies serve 12 years of a life sentence, or 50% of a sentence of a term of years before attaining parole eligibility.

Some current and former Parole Board members feel that the 50% eligibility rule for violent offenders works against some overall goals of parole. First, it virtually eliminates the possibility of parole in many cases and by that could have an adverse impact on institutional behavior and rehabilitation efforts. Second, it prevents the Parole Board from considering the release of particular inmates at the optimum time for their successfully completing parole.

#### **RECOMMENDATION 1: EVALUATE THE 50% RULE IN THE VIOLENT OFFENDER STATUTE**

The General Assembly should consider whether the punitive aspect of KRS 439.3401, which requires that violent offenders serve 50% of a term of years before parole eligibility, unduly limits the Parole Board's discretion to balance the overall public protection and rehabilitation goals of parole.

### PAROLE HEARINGS AND RELEASE DECISIONS

The parole release decision-making process in Kentucky is highly individualized from the perspective of both the inmate and the Parole Board member. Moreover, release decisions are made in a setting that is almost completely free of formalized policies, guidelines or structure. Each inmate is evaluated on the particular circumstances of his case by criteria that is selected and interpreted differently by individual Parole Board members. In evaluating inmates, a summary of an inmate's history by a case analyst, a cursory review of an inmate's file, and an interview with the inmate are synthesized during an average six- to ten-minute hearing process into a decision to release, defer, or deny parole.

Documentation of Parole Board decisions gives little indication of their basis or rationale. Furthermore, a review of the files of a statistical sample of inmates who have had parole hearings in the last three years yielded limited insight into which criteria are significantly related to parole decisions.

#### RECOMMENDATION 2: ESTABLISH STRUCTURED DECISION-MAKING GUIDELINES

The Parole Board should amend 501 KAR 1:030(5) to define more completely criteria for evaluating an inmate's readiness for parole which are reflective of the Board's overall policies and goals. In undertaking this project, the Board should seek assistance and funding from the National Institute of Corrections.

#### RECOMMENDATION 3: CONSTRUCT A RISK ASSESSMENT INSTRUMENT

The Parole Board should construct a risk assessment instrument to use as a factor in evaluating an inmate's readiness for parole. This instrument should be constructed to group inmates into risk categories based on characteristics and recidivism patterns of previous Kentucky parolees. In undertaking this project, the Board should seek assistance and funding from the National Institute of Corrections.

#### RECOMMENDATION 4: RECORD PAROLE RELEASE VOTES

The General Assembly should amend KRS 439.330 to require that the Parole Board record the votes of individual members on release decisions and have these votes available for public disclosure.

#### RECOMMENDATION 5: DOCUMENT RELEASE OR DENIAL CRITERIA

The General Assembly should amend KRS 439.330 to require that the Parole Board describe the reasons for the Parole Board's decision for or against parole.

### POST-RELEASE SUPERVISION

Kentucky's post-release supervision system has two integral components: supervision of parolees by the Corrections Cabinet, and a community-based support system of services geared toward easing the parolee's reintegration into society. The 229 probation and parole officers employed by the Corrections Cabinet have a great deal of discretion in carrying out responsibilities for both supervising parolees and arranging for rehabilitative services. However, high caseloads, inadequate training, and a need for clearer communications regarding the expectations of post-release supervision heighten the risks of inconsistencies and lapses in supervision. Furthermore, the Corrections Cabinet's evaluations of parole officers' performance are not geared toward minimizing these risks.

The Corrections Cabinet uses five active supervision levels to classify parolees and manage resources. Active supervision levels differ by the required amount of reporting and contact between the parole officer and the parolee. An inactive supervision level is available for parolees with 24 months of clear conduct under active supervision. Parole officers are not required to maintain contact with inactive parolees, and the Corrections Cabinet does not keep statistics on them.

**RECOMMENDATION 6: ACCOUNT FOR PAROLEES ON INACTIVE SUPERVISION**

The Corrections Cabinet's counting of the probation and parole population should include those on inactive supervision. The Corrections Cabinet should maintain accurate address and employment records and periodically assess the appropriateness of these parolees' inactive status.

Parolees are placed into supervision levels, either as a condition imposed by the Parole Board, or by a risk/needs assessment instrument administered by the Corrections Cabinet. The Cabinet's risk/needs assessment instrument judges the risks and needs of a parolee based on his personal and criminal history. The current instrument was adopted from the Wisconsin Model in 1978, and has never been validated to determine how well it applies to Kentucky parolees.

**RECOMMENDATION 7: VALIDATE RISK/NEEDS ASSESSMENT**

The Corrections Cabinet should validate the risk/needs assessment instrument used to classify parolees and probationers into levels of supervision to ensure its applicability to Kentucky parolees. The Cabinet should seek financial and technical assistance from the National Institute of Corrections to complete this project.

Three supervision levels, maximum, regular and specialized, are available in every county. Parole officers assigned to any of these levels may supervise parolees in all three levels. However, the top two levels of supervision, intensive and advanced, are special programs which cover only certain areas of the state, and which were originated as alternatives to incarceration for higher risk inmates. Since their inception, these programs have changed from their original use as alternatives to incarceration, to current use as levels of supervision applied by the Parole Board. Parole officers assigned to these programs handle cases in only one level of supervision. This policy diminishes the Corrections Cabinet's ability to manage the

caseloads of parole officers in different supervision levels efficiently.

**RECOMMENDATION 8: CHANGE INTENSIVE AND ADVANCED SUPERVISION PROGRAMS**

The Corrections Cabinet should change the status of the Intensive and Advanced Supervision Programs from special programs to supervision levels that are available statewide. As part of this change, the Cabinet should revise its workload formula so that a parole officer is not limited to supervising parolees in any one level. Parolee cases should be distributed according to the time requirements of the various levels of supervision and the geographic area that an officer covers.

Parole officers expressed a need for additional feedback from the Parole Board on their supervision of parolees. Both parole officers and Parole Board members feel that increasing the communication between them may enhance the effectiveness of supervision. This would particularly be useful in allowing parole officers to get a better understanding of the meaning of Parole Board directives. Due to the variable schedule of the Parole Board, members felt that this communication would best be achieved through formal meetings where several parole officers could ask general questions, rather than on an individual basis. The effectiveness of parole officers' supervision also may be enhanced by more constructive feedback from the Division of Probation and Parole.

**RECOMMENDATION 9: IMPROVE COMMUNICATION BETWEEN THE PAROLE BOARD AND PAROLE OFFICERS**

The Parole Board should conduct annual meetings with parole officers in each of the 11 probation and parole districts in the state. The meetings should cover such topics as the intent of conditions of parole, local availability of community resources, assigned supervision levels, and revocation decisions.

**RECOMMENDATION 10: REVISE AUDITS OF PAROLE OFFICERS**

The Corrections Cabinet should revise its semi-annual audit of parole officers to include a standardized evaluation format for all officers statewide, using the present intensive supervision audit format as a model. The semi-annual audits should also include a field supervision component, which should be used to evaluate parole officer performance and to give the officer feedback on how to improve the quality of his supervision.

The Parole Board often mandates participation in community-based support services as a condition of release when they feel this would be helpful to the parolee's successful reintegration into society. Theoretically, community-based services fulfill two purposes in post-release supervision. These services provide rehabilitation and treatment for social or medical disorders, and serve as alternatives to revoking the parole of technical violators.

In practice, however, these community-based support services may not serve parolees as effectively as they could. Once released on parole, a parolee may find his treatment options limited because of a lack of community resources in several areas of the state or a lack of sufficient slots in those services in existence. Furthermore, existing programs may provide limited services.

**RECOMMENDATION 11: AUTHORIZE A COMPREHENSIVE STUDY OF COMMUNITY RESOURCE NEEDS**

The 1992 General Assembly should authorize a cooperative study by the Legislative Research Commission, the Corrections and Human Resources Cabinets, and the Parole Board to:

Identify the need for rehabilitative and counseling services within geographic areas of the state by determining which services have a significant impact on successful reintegration of parolees and probationers into society;

Develop and propose to the General Assembly a long-range plan which prioritizes services and the geographic regions in which they are needed; and Estimate the fiscal impact of the proposed plan and provide the General Assembly with budgetary options for implementation.

For the most part, community-based services are provided by state and local governments, particularly through the comprehensive care system. Private sector providers also are available in some areas of the state. These services are not centrally coordinated by the Corrections Cabinet, and the responsibility for identifying and arranging for services lies solely with the parole officer.

The Corrections Cabinet identifies statewide services in a loose leaf directory compiled from reports submitted by local parole officers. This directory was compiled in the mid-1980's and has not been updated. Also, the directory is not formally published, and has no index or narrative guide. A copy of the directory is provided to each probation and parole office but not to individual officers. Furthermore, the Parole Board sometimes imposes participation in a community-based support service as a condition of an inmate's parole without definitive knowledge of that service's availability in the area to which the inmate is paroled.

**RECOMMENDATION 12: UPDATE AND DISTRIBUTE COMMUNITY SERVICES DIRECTORY**

The Corrections Cabinet should update its Community Services Directory annually and distribute copies and updates to all parole officers and all members of the Parole Board.

Several national studies point to a link between substance abuse and criminal activity. This relationship was also found in the Program Review staff's sample of inmate files. Parole officers, Parole Board members and other Corrections Cabinet officials state that enhanced treatment of substance abuse problems is important for increasing public safety.

The 1990 Kentucky General Assembly attempted to address this need by funding a 100-bed residential facility to be contracted from the private sector for parolees with substance abuse problems. The facility is to provide an option of 60 days of rehabilitation treatment for parolees facing preliminary revocation hearings and would offer an option of residential care as an alternative to reincarceration. Little progress has been made, however, in the development of this facility. On May 31, 1991, the Finance and Administration Cabinet released a request for proposal (RFP) for two 50-bed facilities to be provided by the private sector. To date, no contract has been awarded.

**RECOMMENDATION 13: REPORT STATUS OF PROPOSED SUBSTANCE ABUSE FACILITY**

The Finance and Administration Cabinet should report their progress on the substance abuse treatment facility funded by the 1990 Session of the General Assembly to the Appropriations and Revenue Committee by the 1992 Session. The report should include the rationale for any operational or geographic changes from the program funded by the 1990 General Assembly.

**PAROLE REVOCATION**

Parole revocation can be triggered by a technical violation of conditions of parole or supervision, or by committing a new crime. Unlike parole release hearings, the revocation process follows procedural due process safeguards, which generally entail a preliminary hearing to decide probable cause, and, if necessary, a second hearing to determine guilt or innocence and final disposition of the case. Discretionary authority is exercised by various entities throughout the revocation process.

Once a parole violation is suspected, parole officers, and sometimes district supervisors and the Division of Probation and Parole in the Corrections Cabinet, decide whether or not to initiate revocation proceedings. Monitoring of parolee activities during post-release supervision is usually effective for detecting parole violations. In addition, parole officers periodically check police, court or jail records to uncover new criminal activity by a parolee. Nevertheless,

communication among the Corrections Cabinet, law enforcement officers, and pretrial release officers of the Administrative Office of the Courts is not extensive enough to distribute information efficiently about a parolee's arrest, and it can easily be overlooked.

**RECOMMENDATION 14: DEVELOP A MORE EFFECTIVE SYSTEM TO SPOT ARRESTED PAROLEES**

The Corrections Cabinet, with cooperation from the Kentucky State Police and the Administrative Office of the Court, should develop a more effective system for detecting the arrests of parolees.

The Division of Probation and Parole allows parole officers and their supervisors considerable latitude in interpreting Corrections Cabinet Policies and Procedures regarding major and minor violations of parole, and in deciding whether to initiate revocation proceedings. Furthermore, data gathered by Program Review staff from surveys of parole officers and supervisors, and from a sample of revocation files indicate that parole officers are inconsistent in responding to technical violations. Since no two parolees are alike and violations occur under different circumstances, parole officers need some flexibility in handling suspected parole violations. However, proper monitoring and evaluation of their use of discretion in this area is necessary to contain inconsistencies at a level that does not jeopardize public safety.

**RECOMMENDATION 15: ESTABLISH PROCESS FOR MONITORING AND EVALUATING PAROLE OFFICER AND SUPERVISOR DISCRETION**

The Corrections Cabinet should establish management practices and procedures to monitor and evaluate parole officers and supervisors, in order to ensure that their use of discretionary authority is consistent and effectively applied.

Once a parolee has violated parole, he can be released back to supervision before revocation proceedings begin. The Director of the Division of Probation and Parole can withdraw a detainer or the Administrative Law Judge can grant a



leniency agreement at the request of the parole officer. Documenting the reasons in support of ending the process is not always required.

**RECOMMENDATION 16: REQUIRE DOCUMENTATION OF THE REASONS FOR RELEASING SUSPECTED PAROLE VIOLATORS**

The General Assembly should amend KRS 439.430(1) to require the director of the Corrections Cabinet Division of Probation and Parole to document reasons for not seeking revocation of a suspected parole violator, if the director does not submit a recommendation to the Parole Board.

During the preliminary hearing phase, the Administrative Law Judge has few options other than to determine probable cause and/or grant a parole officer's request for leniency. Currently, the Parole Board is considering providing Administrative Law Judges with more options during preliminary hearings. Allowing Administrative Law judges to add conditions of parole to a leniency agreement would provide them with more flexibility and provide an additional check over a key area of discretion.

**RECOMMENDATION 17: ALLOW ALJ's TO ADD CONDITIONS OF PAROLE**

The Parole Board should amend 501 KAR 1:040(1), which allows ALJs to place additional conditions of parole on leniency agreements for parole violators. Any additional parole conditions imposed by an ALJ should be subject to Board approval.

**NOMINATION AND APPOINTMENT OF THE PAROLE BOARD**

The statutory directives outlined in the Kentucky Revised Statutes for nominating and appointing Parole Board members establish an independent board of citizens with diverse professional backgrounds and political affiliations. The statutes also outline qualifications for membership on the Board. Applicants are screened and nominated for gubernatorial appointment to the Board by an advisory commission that also is appointed by the Governor. Parole Board members are appointed to four-year staggered terms and can be removed

only for cause. Yet questions remain about the degree to which these measures provide a diverse and qualified Board, insulate the Board from political or undue influence, and protect Board continuity and experience.

In 1972, the General Assembly amended KRS 439.320 to require that Parole Board members have at least five years of actual experience in specified professions. The broad provisions of the statute have been liberally interpreted over the years. The results of this practice have been twofold. First, some Parole Board members' qualifications have been questioned. Second, legislative control over the discretion allowed in appointing the Board has been diminished. Even though the statute allows for a Board of diverse professional backgrounds, it does not ensure diversity on either the Board or its decision-making panels. Furthermore, Parole Board vacancies are not formally publicized or advertised. This practice could potentially limit Kentucky's ability to attract qualified applicants.

**RECOMMENDATION 18: SPECIFY STATUTORY QUALIFICATIONS FOR THE PAROLE BOARD**

The General Assembly should amend KRS 439.320 to better define the level of knowledge and experience required to qualify for appointment to the Parole Board. The statute should specify the type of academic credentials, recognized or special training, certification or licensure needed to qualify under the statutory disciplines. The nominating body should establish a policy of forwarding a statement of qualifications, signed by its Chairman, as part of the documentation submitted to the Governor's Office with the names of the three nominees.

**RECOMMENDATION 19: REFLECT DIVERSITY ON THE PAROLE BOARD, QUORUMS AND PANELS**

The General Assembly should amend KRS 439.320 to require that a minimum of three (3) disciplines or professions be represented on the Board at any time.

**RECOMMENDATION 20: ADVERTISE PAROLE BOARD VACANCIES**

The General Assembly should amend KRS 439.320 to require public notification of expired terms or vacancies on the Parole Board.

Kentucky uses staggered terms for Parole Board members, to enhance the continuity of the Board and provide some degree of political insulation. The General Assembly established four-year staggered terms for members in 1956, when the Board had only three members. However, the increase in Parole Board positions in 1963 and 1986 has created a situation in which the terms of four members expire within five weeks of each other. Furthermore, KRS 439.320 allows Parole Board members to serve until reappointed or replaced. This practice could adversely affect Board continuity. For example, in the Spring of 1991, the Governor could have appointed five new members to the Board.

**RECOMMENDATION 21: RE-STAGGER TERMS OF BOARD MEMBERS**

The General Assembly should amend KRS 439.320 to re-stagger terms of Parole Board members when the current terms expire. Upon the expiration of the terms of office of the two Board members whose terms expire June 30, 1994, the Governor should appoint two members to serve until June 30, 1995. Thereafter, all members would serve four-year terms. To ensure continuity, the statute should also require that terms be re-staggered each time there is an action that changes the configuration of the Parole Board.

**RECOMMENDATION 22: PLACE TIME LIMIT ON PAROLE BOARD APPOINTMENTS**

The General Assembly should amend KRS 439.320 to require that the Governor make appointments or reappointments to the Parole Board no later than 60 days after a term expires or a vacancy occurs.

Despite statutory attempts to insulate the Parole Board from political agendas, the role of

political patronage in the selection of Parole Board members remains a question and creates the perception that political responsiveness is an unwritten qualification for Board membership. The current nomination and appointment process does not insulate the Board from that criticism. Questions about the qualifications and political contributions of some Parole Board members, including current appointees, affect public confidence in the process. Moreover, questions about the political autonomy of the nominating body, the Commission on Corrections and Community Services, accentuate the problem.

Several other states use legislative confirmation of Parole Board members as a means of inserting checks and balances in the nomination and appointment process. At a minimum, confirmation opens the process and the nominees to public scrutiny. Although it may not remove politics from the process, it could make Parole Board members less vulnerable to political pressure. However, due to pending litigation concerning the constitutionality of legislative confirmation and other questions about the process, this report presents it as an option rather than a recommendation.

A second option for increasing the political autonomy of the process is to make the nominating body more independent of political ties by creating a new nominating entity or modifying the membership of the existing Commission on Corrections and Community Services. All members of the current nominating body are either directly appointed by the Governor, or indirectly appointed by virtue of appointed positions within the Corrections Cabinet or the Parole Board. The General Assembly could revamp the current nominating body, or create a new one with fewer ties to the appointing authority. The composition could include various combinations of specified elected state officials, professionals from selected areas recommended by their professional associations, a representative of persons employed in local law enforcement or corrections areas, a representative of local elected officials and victims organizations, or citizens-at-large appointed by the Governor.

**ADMINISTRATIVE OPERATIONS OF THE PAROLE BOARD**

The Parole Board holds parole release hearings, parole revocation hearings and victim hearings. Victim hearings are open to the public

but may be closed at the victim's request. The statutes exempt only the deliberative portion of parole release and revocation hearings from open meeting requirements for public agencies. However, in practice the Parole Board closes the entire hearing.

Opening parole hearings to the public is frequently mentioned as a way to add public accountability to the decision-making process. According to a survey conducted by the Kentucky Parole Board, 22 of 49 states open some portion of parole hearings. Open hearings would remove public perceptions of secrecy surrounding Parole Board decisions, and would allow the public to evaluate Board members based on their performance. Moreover, open hearings would provide greater insight into the basis of decisions.

Nevertheless, the benefits of open parole hearings must be weighed against the drawbacks. In order to accommodate the public, opening parole hearings would require substantial modifications at the facilities in which they are currently held. Also, hearing proceedings would be disrupted by a constant flow of spectators in and out of the hearing room as one hearing ends and another begins. Open and frank dialog between Parole Board members and the inmate could potentially be constrained in a public setting. Finally, publicity generated from open hearings could adversely affect victims, and a parolee's chances for successful reintegration into society.

Several entities make key discretionary decisions in Kentucky's parole system. Yet, no mechanisms exist to evaluate the performance of the parole system as a whole or any of its components. KRS Chapters 17 and 27A require that much of the data necessary to perform this type of evaluation be maintained. Although much of this information is kept by the Corrections Cabinet and the Parole Board, it is either not compiled or not easily accessible. The present system of data collection and analysis is not adequate to draw conclusions about the parole process or to even answer simple research questions. An improved system of data collection would allow the Parole Board and Corrections Cabinet to evaluate their decisions and the effects of their decision on the criminal justice system.

**RECOMMENDATION 23: DEVELOP RESEARCH CAPABILITIES**

The General Assembly should require the Parole Board and Corrections Cabinet to evaluate the effectiveness of the parole system and its individual components. Existing research capabilities should be expanded to enable the Parole Board and the Corrections Cabinet to jointly:

- collect data pertinent to the evaluation of the parole system,
- maintain the data in an accessible and useful format,
- analyze the data and identify trends, and
- report annual comparative data.

The Parole Board Chairman has multiple responsibilities. First as a member of the Parole Board, he is responsible for all of the duties outlined in KRS 439.330. Second, as the Chairman, he has various responsibilities inherent to that position. One of these includes sitting on the Commission that nominates persons for positions on the Board. Third, as Chief Administrative Officer of the Parole Board, he has responsibilities which cover organizational, administrative and personnel matters relating to the Board.

The Chairman's duties should be modified to allow him to devote more time to responsibilities as a Board member and policy maker. Establishing an administrative position responsible to the Board would achieve this objective. In addition to insulating the Chairman from potential conflicts created by multiple roles, this change would also provide for the administrative continuity of the Board.

**RECOMMENDATION 24: REMOVE PAROLE BOARD CHAIRMAN FROM SELECTION AND NOMINATING BODY**

The General Assembly should amend KRS 439.302 to remove the Chairman of the Parole Board from membership in the body responsible for screening and nominating future parole board members for gubernatorial appointment.

## CHAPTER I INTRODUCTION

The Parole System is one component of the criminal justice system, which includes law enforcement, prosecution, the judiciary and corrections. Each of these components can have multiple missions, which can be at odds with each other. Most often the conflict is between the protection of the community by incarceration of wrongdoers and their eventual rehabilitation and reintegration into the community. These diverse purposes are clearly recognized in the Parole Board's "Statement of Philosophy and Principles":

The Legislature plainly intends for the parole system to function for the best interest of society. Two of the primary concerns of the Parole Board are the protection of the community and the development of a reasonable belief that an inmate is able and willing to become a law abiding citizen. Rehabilitation and a successful reintegration into society are to be strived for during and after the period of incapacitation which removes a criminal offender from society.

Both purposes are important; the difficulty is in finding the right balance.

The balance between incarceration and reintegration is crucial to Kentucky's correctional system, which is facing critical problems related to costs and facilities. The state's prison population has increased significantly in the last ten years and is projected to steadily increase into the next century. Tables 1 and 2 of Appendix A contain statistics on Kentucky's prison population. This growth in prison population has resulted in a substantial increase in the Corrections Cabinet's capital construction and institutional operational budgets. Appendix B delineates prison construction and operating costs.

The parole system directly impacts the length of time prisoners are incarcerated and offers the criminal justice system an alternative to incarceration. However, the parole system also has an obligation to protect the public by insuring that parolees are a limited threat to the community. Strengthening the parole system through legislative and administrative changes that enhance its public credibility and effectiveness would make parole a more viable tool for dealing with some of the problems facing the state's correction system.

Discretionary decision-making in the parole process has come under intense scrutiny in the past ten years by the public, media, interest groups and state legislatures. Like Kentucky, several states have reviewed their parole system in depth and made significant changes. However, most recognize the benefits of a

supervision period immediately following a person's release from incarceration and have maintained some degree of discretionary parole release.

In general, parole systems have four key decision points: deciding when to authorize the early release of an offender, setting conditions to govern the parolee's behavior and promote his rehabilitation, providing supervision and assistance to released parolees, and revoking parole if a parolee violates conditions of parole or supervision. Discretionary authority is exercised at each decision point.

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### SCOPE OF STUDY

The Program Review and Investigations Committee directed staff to review Kentucky's laws and practices relating to the parole of adult criminal offenders. The objectives of the study were to determine the extent to which discretionary decision-making authority is exercised in the parole system, and the extent to which the various entities with discretionary authority are held accountable. In addition, the committee asked the Program Review staff to outline options for limiting or controlling discretionary authority where advisable, and to assess the impact of public parole hearings on the parole process.

### METHODOLOGY

In pursuing these objectives, Program Review staff interviewed current and former Parole Board members, Parole Board employees, Corrections Cabinet personnel, probation and parole officers, members of the Commission on Corrections and Community Services, judicial and law enforcement officials,

representatives of victims groups, applicants for Parole Board membership, and parole officials from other states or affiliated with national associations. Staff also observed and documented 435 inmate parole release and revocation hearings at various institutions in Kentucky, and reviewed the files of a statistical sample of inmates who had a parole hearing in the last three years. Finally, staff surveyed all probation and parole officers and their supervisors.

### OVERVIEW

Chapter II discusses the establishment of parole eligibility criteria; Chapter III discusses the parole hearing and release decision; Chapter IV discusses post-release supervision; Chapter V discusses the revocation process; Chapter VI discusses the nomination and appointment of Parole Board members; Chapter VII discusses accountability and the administrative operations of the Parole Board; and Chapter VIII delineates final action by the Program Review and Investigations Committee on the report and the recommendations.

## CHAPTER II PAROLE ELIGIBILITY

Attainment of parole eligibility status does not constitute automatic release from incarceration, but it does entitle inmates to consideration for release prior to serving their entire sentence. Parole eligibility is not an arbitrary matter. It is the first factor in the parole equation, and is usually expressed as a mathematical formula which, in most cases, establishes the minimum period of incarceration for specified crimes. In some states, parole eligibility is set by the courts through sentencing to minimum and maximum terms of incarceration. However, most states leave the determination of parole eligibility in the hands of either the legislature, the paroling authority, or a combination of the two. The choice between statutory or regulatory parole eligibility requirements depends on the degree of flexibility desired in the parole system and how much authority the legislature wishes to give the parole board.

Although parole eligibility is based upon different factors in various jurisdictions, the most common method of calculating eligibility is by using a time served formula. Various other factors, such as prior criminal history or institutional conduct, also may become part of the eligibility equation. For example, in Arkansas and New Jersey, a progressively higher percentage of the sentence must be served for each prior offense before an inmate can become eligible for parole consideration.

Parole eligibility requirements have an impact on the overall goals of a state's criminal justice system. Eligibility schedules can work for or against the overall objective of a jurisdiction's criminal justice system. Therefore, eligibility requirements should be consonant with a state's overall goals relative to punishment, deterrence, incapacitation and rehabilitation.

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### DETERMINATION OF PAROLE ELIGIBILITY

In Kentucky, until 1986, the Parole Board established parole eligibility, except for inmates convicted of Persistent Felony Offender I (PFO) or sentenced to life without parole, life without parole for 25 years, or death. Since then the General Assembly has eliminated the Parole Board's discretion for certain categories of crimes and offenders. The Parole Board maintains responsibility for establishing parole eligibility for early parole (parole consideration prior to one's initial eligibility date), and regular parole for most felony offenders. The General Assembly establishes parole eligibility criteria for specified categories of violent offenders.

In Kentucky, parole eligibility ranges from 20% to 50% of the court-imposed sentence. Determination of parole eligibility is based on both time served in the institution and credit for jail time served prior to institutional incarceration. In some cases, eligibility is also affected by the nature of the crime, previous criminal history and participation in special treatment programs. In Kentucky, institutional behavior is not a factor in establishing parole eligibility.

#### Early Parole Is Rarely Granted

Early parole is the sole mechanism for release prior to reaching initial parole eligibility. The Parole Board has the exclusive authority to consider inmates for early parole prior to their

regular eligibility date, if their eligibility date is established by regulation. Early parole does not apply to inmates whose eligibility is established by statute. According to a Parole Board official, early parole is used only for extraordinary circumstances, such as serious medical or family problems.

In December 1988, the Parole Board amended its administrative regulations to restrict requests for early parole. Prior to this time, early parole could be requested by any inmate or any person acting on behalf of the inmate. Under the amended regulation (501 KAR 1:030 (4)), an inmate may be considered for early parole, if:

- the inmate is qualified for the Corrections Cabinet's Intensive Supervision Program, or
- the Corrections Cabinet requests an early parole hearing on account of medical problems documented by the Cabinet's physicians; or
- the sentencing judge or prosecuting attorney makes a written request.

The policy change restricting requests for early parole attracted criticism from persons

concerned that it would increase undue pressure put on judges and prosecutors on behalf of particular inmates. However, the Parole Board reviews all requests for early parole in conjunction with the inmate file before voting on whether to grant a release hearing. If granted, this hearing does not ensure parole release.

Since the Parole Board does not keep a count of requests for early parole, Program Review staff were unable to determine the number of persons who have applied for early parole consideration. Only a small number of inmates, however, are released through this process.

Table 2.1 reflects the number of early parole hearings and releases by eligibility category for FYs '89, '90 and '91. Total early parole hearings have decreased from 68 in FY '89 to 21 in FY '91. Moreover, the number of hearings resulting from requests by prosecutors and judges has decreased by 75% (from 28 to 7) during that same period. In FY '89 approximately 84% (57) of the inmates qualifying for and receiving early release hearings were granted parole. This compares with 75% (40 inmates) in FY '90 and 80% (17 inmates) in FY '91. These figures represent 3.0%, 2.3% and .8% of the total parolees released in FYs '89, '90 and '91 respectively.

**TABLE 2.1**  
**Early Paroles FY '89—'91**

	FY '89		FY '90		FY '91	
	Hearings	Releases	Hearings	Releases	Hearings	Releases
Early Parole Requests of Prosecutors and Judges	28	24	19	16	7	6
Qualified for ISP	40	33	34	24	14	11
TOTALS	68	57	53	40	21	17
PERCENT RELEASED		84%		75%		81%

SOURCE: Compiled by the Program Review Staff from the Annual Reports of the Kentucky Parole Board.

### Parole Board Has Made Eligibility Requirements More Stringent

Eligibility for regular parole is based upon a time served standard calculated as a proportion of the court-imposed sentence. The current 20% of the sentence requirement outlined in 501 KAR 1:030 (4) is the result of a compromise reached by Parole Board members in 1980. At that time, some Board members favored a 30% standard. This was more in line with the 1/3 of the sentence served standard used by many states.

Table 2.2 shows eligibility requirements established by the Parole Board from December 1980 to date. In most instances, the Parole Board has increased the required periods of incarceration before an inmate is eligible for consideration for parole. For example, prior to 1980 an inmate receiving a sentence of 15 years was eligible for parole in two years. After the 20% rule was established in 1980, the same inmate would be eligible for parole in three years.

Prior to December 3, 1980, the amount of the sentence that had to be served before parole eligibility was not uniform. In some instances, the old regulations were lenient; in other cases, they were stringent. For sentences of more than nine years, up to and including 15 years, the percentage of the sentence which must be served prior to parole eligibility varied from 20% to 13%. For sentences of more than 21 years, up to and including life, parole eligibility is set at six years. From 22 years to 29 years, the percentage which must be served is greater than 20%. After 30 years, the percentage steadily decreases and is always less than 20%.

### Statutory Parole Eligibility Uses Broader Criteria

The General Assembly has limited the Parole Board's discretion in dealing with certain categories of crime: violent offenders, sex offenders, and persistent felony offenders. Parole eligibility established by the General Assembly now combines the time served standard with the nature of the crime, criminal history and rehabilitation.

Parole eligibility requirements established for violent offenders illustrate how the nature of the crime fits into the General Assembly's eligibility formula. Pursuant to KRS 439.3401, a violent offender convicted and sentenced to life for commission of a capital offense, or certain Class A or B felonies, must serve twelve years

before being eligible for parole consideration. If the sentence given for this offense is a term of years, however, the inmate must serve 50% of the sentence imposed before parole consideration.

The Corrections Cabinet has certified that the following crimes fall under KRS 439.3401: Murder, Manslaughter I, Rape I, Sodomy I, Assault I, Kidnapping, where there is serious physical injury or death, and Arson I, where there is serious physical injury or death.

The violent offender statute (KRS 439.3401), initially passed in 1986, has also affected Parole Board regulations regarding periods of deferment. The new Parole Board regulations, which became effective December 3, 1988, state that the maximum deferment that an inmate can receive at one time may exceed the minimum parole eligibility established statutorily for a life sentence. KRS 439.3401, requires that an inmate serve 12 years of a life sentence before he is eligible for parole. Therefore, the maximum deferment which an inmate may receive is 12 years. Prior to December 3, 1988, the maximum deferment that could be given an inmate was eight years.

Eligibility requirements established for persistent felony offenders illustrate the General Assembly's use of criminal history in the parole eligibility equation. The PFO status is used to add a number of years to the sentence of a felon with prior felony convictions. Pursuant to KRS 532.080, persons convicted of being first degree persistent felony offenders are not eligible for parole until they have served a minimum of 10 years in prison.

Rehabilitation is part of the eligibility equation set by the General Assembly for sex offenders. KRS 439.340 (10) prohibits eligible sex offenders from being granted parole prior to successfully completing a special treatment program. Moreover, sex offenders are not eligible for the sex offender program unless they admit guilt of the sex offense. Currently, seven inmates at the Kentucky State Reformatory who are required by law to join the sex offender program for parole purposes have chosen not to do so. However, they may enter the program at any time if they wish. Corrections Cabinet officials state that inmates rarely refuse to participate in the sex offender program.



TABLE 2.2

ADMINISTRATIVELY DETERMINED PAROLE ELIGIBILITY  
IN KENTUCKY

CRIME COMMITTED PRIOR TO DECEMBER 3, 1980		CRIME COMMITTED AFTER DECEMBER 3, 1980 -	
SENTENCE BEING SERVED	TIME SERVICE REQUIRED BEFORE FIRST REVIEW MINUS JAIL CREDIT	SENTENCE BEING SERVED	TIME SERVICE REQUIRED BEFORE FIRST REVIEW MINUS JAIL CREDIT
1 YEAR	4 MONTHS	1 YEAR, UP TO BUT NOT INCLUDING 2 YEARS	4 MONTHS
MORE THAN 1 YEAR AND LESS THAN 18 MONTHS	5 MONTHS		
18 MONTHS UP TO AND INCLUDING 2 YEARS	6 MONTHS		
MORE THAN 2 YEARS AND LESS THAN 2-1/2 YEARS	7 MONTHS	2 YEARS, UP TO AND INCLUDING 39 YEARS	20% OF SENTENCE RECEIVED FROM 4.8 MONTHS - 7.8 YEARS
2 1/2 YEARS UP TO 3 YEARS	8 MONTHS		
3 YEARS	10 MONTHS		
MORE THAN 3 YEARS, UP TO AND INCLUDING 9 YEARS	1 YEAR		
MORE THAN 9 YEARS, UP TO AND INCLUDING 15 YEARS	2 YEARS		
MORE THAN 15 YEARS, UP TO AND INCLUDING 21 YEARS	4 YEARS		
MORE THAN 21 YEARS, UP TO AND INCLUDING LIFE	6 YEARS	MORE THAN 39 YEARS, UP TO AND INCLUDING LIFE	8 YEARS

SOURCE: KY Administrative Regulations (501 KAR 1:030(4))

NOTE: For crimes committed on or after July 15, 1986, which involve violent offenders, see KRS 439.3401.

B:Parole\Karcomp

## CALCULATION OF PAROLE ELIGIBILITY

Parole eligibility is computed by adding the amount of time to be served to the final sentencing date and then subtracting the amount of jail time already served. After this computation is made, the correct percentage is applied to the sentence. "Good time", credit given for good behavior, is not a factor in parole eligibility determinations, but is subtracted from the sentence. Good time is a factor in the conditional release date of inmates who receive a serve-out from the Parole Board.

The form of a sentence affects the parole eligibility calculation. If two or more sentences are to run concurrently, the longest sentence will be used to calculate eligibility. If the sentences are to run consecutively, the sentences will be added together and eligibility will be based on that total. This presupposes that the crimes were committed before incarceration. In the event of escape, attempted escape or a new crime committed during imprisonment, the amount of time before parole eligibility is reached could increase. A few examples will illustrate the effect of concurrent and consecutive sentences on the mathematical time served eligibility formula. If Inmate A receives two sentences of five and ten years to run concurrently, he will be eligible for parole in two years (20% of the longest sentence). On the other hand, if he receives the identical sentences to run consecutively, he must serve three years before he is eligible for parole.

Table 2.3 illustrates how parole eligibility is calculated for both statutory and regulatory eligibility. The first three examples illustrate the application of the 20% rule formulated by the Parole Board. Examples 2 and 3 show the effect of concurrent and consecutive sentences on parole eligibility. The next two examples (numbers 4 and 5) show how the violent offender statute enacted by the General Assembly in 1986 affects parole eligibility. In cases which fall under the violent offender statute, parole eligibility differs with the type of sentence imposed. If the inmate receives a life sentence, he will be eligible for parole in 12 years. However, if the inmate receives a sentence of a term of years, he must serve 50% of the sentence before becoming eligible for parole. The last example illustrates the effect of the persistent felony offender statute on parole eligibility.

Without the PFO I conviction, parole eligibility would be attained in just four months. However, with the PFO I conviction an inmate must serve 10 years in order to be eligible for parole.

## REGULATORY PAROLE ELIGIBILITY

Parole eligibility is a very important element in the criminal justice system. Since the 1986 truth-in-sentencing legislation and a 1989 Kentucky Supreme Court decision, both the prosecutor and the defense may introduce minimum parole eligibility to judges and jurors. Moreover, parole eligibility has an impact on prison population and behavior. Decisions concerning who determines parole eligibility and what criteria are used in the determination are fundamental components of the criminal justice system.

Interviews with many persons within the criminal justice community uncovered a variety of opinions regarding who should establish parole eligibility requirements. Some proponents of statutory parole eligibility stated that the Parole Board is directly involved in the release process and therefore should not decide minimum periods of incarceration for offenses. Others felt that because the legislators are much closer to the general public and have primary responsibility for making public policy determinations, parole eligibility should be set by statute.

Other persons interviewed, particularly current and former Parole Board members, enumerated various reasons why parole eligibility requirements should be set by the Parole Board. The primary benefit of regulatory parole eligibility is the flexibility allowed the Parole Board to balance the overall goals of parole and other components of the state's criminal justice system.

### Fixed Parole Eligibility May Interfere with Rehabilitation

The Kentucky Parole Board's official statement of its philosophy and principles identifies rehabilitation and successful reintegration into society as goals of parole.

The current Chairman of the Parole Board feels that the goal of punishment is met when the inmate reaches parole eligibility. Therefore, the Parole Board focuses more on protection of the public and rehabilitation of the inmate. To balance these goals, the Parole Board needs to evaluate inmates, particularly young, first-time

TABLE 3

EXAMPLES OF PAROLE CALCULATIONS

CRIME	CIRCUMSTANCE	SENTENCE	ELIGIBILITY (less jail time)
1. Class C Felony	Property Nonviolent	10 years	20% rule 2 years
2. Class C Felony (2 counts)	Property Nonviolent	10 years 5 years concurrent	20% rule 2 years
3. Class C Felony (2 counts)	Property Nonviolent	10 years 5 years consecutive	20% rule 3 years

VIOLENT OFFENSES KRS 439.3401

4. Class A Felony	Serious Injury	30 years	15 years
5. Class A Felony	Serious Injury	Life	12 years

CAPITAL OFFENSES

6. Murder	Death	30 years	15 years
7. Murder	Death	Life	12 years

PERSISTENT FELONY  
OFFENDER I

8. Knowingly Receiving stolen property	Property	10 years 18 months	10 years
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B:\PAROLE\ELGTABLE

SOURCE: Compiled by Program Review from the applicable statutes and regulations

offenders, to determine whether continued incarceration will be detrimental to their successful rehabilitation. The Parole Board has the option to defer an inmate deemed unsuitable for parole at any time. Moreover, statistical evidence shows that inmates were released at the initial parole hearing only 23% of the time in FY '91.

Parole eligibility requirements set by the General Assembly may be somewhat punitive. According to some current and former Parole Board members, the 50% rule for violent offenders hinders rehabilitation efforts. Many inmates will not become eligible for parole under this rule during their lifetime. Even if they do, many contend that the window of opportunity for their successful rehabilitation may already have passed.

A statutory change increasing the Parole Board's discretion in these cases would give the Board an opportunity to assess an inmate's readiness for parole sooner or defer him for as long as the Board feels is necessary. The Board could then monitor the inmate's progress and institutional behavior, while allowing some hope of release for good progress towards rehabilitation. Moreover, the possibility of parole consideration provides an incentive for good institutional behavior.

#### **The 50% Rule Limits Alternatives to Incarceration**

The prisons are only beginning to feel the effects of the 50% rule, which was part of the truth-in-sentencing legislation passed in 1986. Although only five years have passed since its enactment, Corrections Cabinet officials state that a substantial number of inmates are under the 50% rule. Ten inmates have already received sentences in excess of 100 years and will be eligible for parole in a minimum of 50 years. Since the average age of these inmates at the time of their eligibility for parole will exceed their average life expectancy, these 10 inmates will have no chance for parole. In essence, these

inmates have received a life sentence without the possibility of parole, even though this sentence has been abolished. These inmates will remain a constant in the prison system for at least the next fifty years. In addition, more inmates may be added to this total each year. Instead of serving 20 years based on the 20% rule, they will have to serve 50 years before they become eligible for parole. The cumulative effect of such a trend for the next 10 or 20 years will be significant.

One Parole Board member suggested that after 25 years all inmates should be given the opportunity to be considered for parole. This option is in agreement with the Model Parole Act (MPA), which states that:

If an inmate sentenced to a specific term or term of years is eligible for parole on a date later than the date upon which he would be eligible if a life sentence had been imposed, then in such case the inmate shall be eligible for parole after having served 25 years.

Currently, the Task Force on Sentences and Sentencing Practices is reviewing the entire sentencing process. This Task Force is presently considering amendments to the violent offender statute which may affect parole eligibility.

#### **RECOMMENDATION 1: EVALUATE THE 50% RULE IN THE VIOLENT OFFENDER STATUTE**

The General Assembly should consider whether the punitive aspect of KRS 439.3401, which requires that violent offenders serve 50% of a term of years before parole eligibility, unduly limits the Parole Board's discretion to balance the overall public protection and rehabilitation goals of parole.

## CHAPTER III PAROLE HEARINGS AND RELEASE DECISIONS

In Kentucky, parole decision-making is a highly individualized process from the perspectives of both the inmate and the Parole Board member. Parole releases occur in a setting that is almost completely free of formalized policies or guidelines. Furthermore, Parole Board decisions are generally not subject to review. Although there are regulatory criteria for parole release, Parole Board members are free to consider different criteria and give individual definitions and weights to the criteria they use. In addition, the documentation of Parole Board decisions gives little indication of the means by which decisions were made. Because of the lack of formalized guidelines, it is very difficult to determine what factors the Board uses in granting parole release, or whether the Board uses proper criteria to judge inmates.

### THE PAROLE HEARING PROCESS

A parole hearing can yield one of three outcomes: parole for the inmate, a period of deferment, or an order to serve out the remainder of a sentence without the possibility of parole. Staff reviewed parole board hearings from fiscal year 1984 to 1991. Over this time period, the number of inmates paroled went down, the number of serve-outs increased and the number of deferments remained stable (Table 3.1). When staff examined only first time hearings, this trend continued. Table 3.2 shows that 43.6% of initial release hearings in FY '84 resulted in parole. This percentage declined to 22.8% in FY '91. These two tables also show that the workload of the Board, as measured by parole release hearings, has increased 33% from 1984 to 1991.

To gain an understanding of the parole process and factors used by the Parole Board in making release decisions, Program Review staff employed three methodologies. Staff attended 435 parole hearings from January to March of 1991 and reviewed the files of 266 inmates who had parole release hearings from January 1, 1988 through December 31, 1990. Six of the seven sitting Parole Board members and four former Board members were interviewed.

#### The Parole Hearing Has Two Parts

The Kentucky Parole Board, guided by vague statutory and regulatory criteria, has total discretion in parole decisions. Parole decisions result from how individual Parole Board members judge an inmate's worthiness for parole. Parole Board members consider infor-

mation contained in the inmate's institutional and central office files and the inmate's appearance and responses to questions at the parole release hearing. Additionally, the Board may consider input from victims of the crime or other members of the public. A board determination of parole requires a majority vote of the quorum (a minimum of three members).

Program Review staff witnessed 435 parole hearings held at various locations across the state in January, February, and March of 1991. During these hearings, staff observed space availability and security in the hearing rooms, the caseload of the Board and the amount of time taken for each hearing, the hearing process, results of the hearings, and criteria used by the Board in making their decisions.

The parole hearing process in Kentucky consists of two phases: the inmate interview, during which the Parole Board reviews the inmate's file and questions him, and the Board's deliberation on the disposition of the case. During the interview phase, one Board member, selected through rotation, assumes the leading role of questioning an inmate with the inmate's file in his possession. The inmate file typically contains a Pre-sentence Investigation Report (PSI) that gives a history of the inmate's life and criminal activity, the crime story and input from the prosecuting attorney and sentencing judge; institutional conduct reports of inmate misconduct; pre-parole progress reports that give a summary of the inmate's time in prison; psychological evaluations of the inmate; victim impact statements; and any correspondence from the

public. Other Board members have completed case analyst summary sheets detailing important information found in the complete file, and also participate in the questioning phase. In the present process, a Board member's first exposure to the file often occurs at the hearing. While one hearing is in progress, the lead Board member for the next case on the docket prepares to question the subject of that case.

Following questioning, the inmate may make a statement. The Board deliberates and attempts to reach a consensus on whether to parole, defer, or give a serve-out. The case may be referred to the full Board to settle a tie vote or upon request by any Board member. In the case of a deferment or serve-out, the inmate receives a copy of a form which shows the reasons for his denial. Inmates receive as a record of the parole proceeding, Release Hearing Sheets, which include any special conditions of parole that the Board imposes. These forms appear in Appendix C.

#### **Parole Board Caseload Averages 40 Hearings Per Day**

At hearings attended by Program Review staff, the Parole Board conducted an average number of 39.5 hearings in a day. However, the Board's caseload sometimes exceeded 50 per day. Presently, the Board holds hearings three or four days per week.

Most parole hearings attended by Program Review staff lasted from six to ten minutes. Generally, the Board spent the bulk of this time interviewing the inmate. Deliberations lasted only one or two minutes. When Board members were asked if this was an adequate amount of time in which to make an informed decision, they responded that with experience one quickly becomes attuned to the important papers in the file. They added that there is no time limit established for these hearings, and that they take as much time as necessary to conduct the interview and deliberate. Staff did observe parole hearings that lasted more than the six to ten minute average.

In 1985, Governor Collins signed Executive Order 85-795, which expanded the size of the Parole Board from five to seven members. This expansion allowed the Board to split and conduct simultaneous hearings at two different institutions, thus managing its workload more efficiently. Prior to this Order, the Board was hearing an average of over 50 cases a day. The

American Correctional Association recommends a maximum of 20 hearings a day. Program Review staff noted during their observations, that vacancies on the Board prohibited the Board from splitting into two panels. Although appointments made in the Spring of 1991 gave the Board a full complement of members, according to the Chairman, the Board is still averaging approximately 40 hearings per day per site. When asked why the Board has not reduced its average caseload, the Chairman said that having a full Board allows members more time in the office for training and allows him to maintain more flexibility to meet periodic demands for more hearings as they arise.

#### **FACTORS THAT INFLUENCE PAROLE DECISIONS**

Individual Board members vote on each individual parole case. Board members base these votes on individual interpretations of the inmate information in light of the statutory and regulatory criteria. Pursuant to KRS 439.340(3) the Parole Board has outlined 16 criteria for granting or denying parole to an inmate in 501 KAR 1:030(5). These include the inmate's criminal history, institutional conduct, and personal history; official and community attitudes; victim impact statements and hearings; and the adequacy of the inmate's parole plan. Board members are free to consider any or all of these criteria. Additionally, the final criterion states that the Parole Board may look at any other factors that relate to inmate needs and the safety of the public. There are no limitations on what the Board may consider.

The purpose of reviewing the files of 266 inmates who had parole release hearings between January 1, 1988, and December 31, 1990, was twofold. The first objective was to determine what criteria the Board uses most frequently in making their release decisions. The second objective was to detect relationships between different criteria and parole release. Program Review staff attempted to apply statistical tests to the data to identify these relationships. However, several factors that were available to the Parole Board while it was making its decision were not available to staff in this file review. For example, staff had no knowledge of how the inmate interview, the victims' hearings, or the inmate's psychological evaluations affected the Parole Board's decision. The statistical analysis, then, should be seen as

**TABLE 3.1**

Results of All Parole Hearings Fiscal Years 1984 - 1991							
YEAR	TOTAL INTERVIEWS	PAROLE RECOMMENDED		DEFERRED		SERVE-OUT TIME	
		NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
1983-1984	3,845	2,113	55	1,439	37.4	293	7.6
1984-1985	3,724	2,156	57.9	1,261	33.9	308	8.2
1985-1986	3,573	1,933	54.1	1,209	33.8	431	12.1
1986-1987	3,517	1,599	45.5	1,361	38.7	557	15.8
1987-1988	3,811	1,709	45	1,455	38	647	17
1988-1989	4,214	1,827	43	1,547	37	840	20
1989-1990	4,530	1,685	37	1,732	38	1,113	25
1990-1991	5,109	1,990	39	2,060	40.3	1,059	20.7

**TABLE 3.2**

Results of Initial Parole Release Hearings Fiscal Years 1984 - 1991							
YEAR	TOTAL INTERVIEWS	PAROLE RECOMMENDED		DEFERRED		SERVE-OUT TIME	
		NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
1983-1984	2,475	1,079	43.6	1,148	46.4	248	10
1984-1985	2,157	953	44.2	955	44.3	249	11.5
1985-1986	2,108	805	38.2	954	45.3	349	16.5
1986-1987	2,211	684	30.9	1,060	47.9	467	21.1
1987-1988	2,479	785	32	1,143	46	551	22
1988-1989	2,561	689	27	1,172	46	700	27
1989-1990	2,860	618	22	1,327	46	915	32
1990-1991	3,230	738	22.8	1,561	48.3	931	28.8

SOURCE: Parole Board Statistics, 1991.

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a partial picture of the factors that influence parole decisions.

### **Inconsistent Use of Statutory and Regulatory Criteria**

During Program Review staff interviews, current and former Parole Board members had different views on which criteria are most important in parole decisions. Often, they judged certain criteria differently. These facts make it difficult to determine what criteria the Board uses consistently to make release decisions. For example, education is one of the regulatory criteria that the Board may use in considering an inmate for parole release. In staff discussions with Board members, different members defined this criterion in different ways. While some Board members said they looked at progress in an education program, others considered mere participation in a program. Therefore, the criteria are the same for each inmate, but the criteria are defined and judged differently among Board members.

### **Many Victims Of Crimes Give Input to the Parole Board**

One of the major sources of information used by the Board in making parole decisions is the testimony given by the victim of the crime at a victim's hearing. KRS 439.340 mandates that the victims of all Class A, B, and C felonies be notified of the parole hearings involving individuals who perpetrated crimes against them. Victims may submit written comments via the Victim's Impact Statement or testify at a victim's hearing. Since 1986, the Board has received over 3,500 victim impact statements and conducted over 400 victim hearings. The Victim Coordinator for the Parole Board estimates that approximately 95% of the victim hearings are for violent crimes. These hearings are held at

the Parole Board's central office, usually in the same week as the inmate's parole hearing. The Parole Board documents the effects of this hearing in their annual statistics. The Board held 81 victims' hearings in fiscal year 1991. The inmates who were the subjects of these hearings received parole only 21% of the time, lower than the overall parole release rate of 30%.

### **Few Variables Statistically Relate to Parole Hearing Outcome**

Of the 266 inmates reviewed, 165, or 62%, received parole at their most recent parole hearing. This number is higher than the Parole Board's release rate of 40% to 45% because the Board looks at releases in relation to hearings, while this study looked at parole release in relation to numbers of inmates.

To determine what inmate attributes were major factors in the parole release decisions, staff performed simple correlation analysis. A dichotomous parole outcome measure (paroled or not paroled) was compared with the incidence of over 60 different attributes, including type and nature of crime, inmate's criminal and social history, institutional conduct, program participation, and several demographic characteristics. This analysis yielded seven variables that had significant relationships with parole decisions. These variables, shown in Table 3.3, are:

- Did inmate participate in expedient release program?
- Did inmate have an approved parole plan?
- Did crime involve a loss of life?
- Did crime involve property damage or loss?
- Is there evidence of family support?
- Did the inmate participate in a work release program?
- Has inmate ever had parole revoked?



TABLE 3.3

Relationship of File Search Variables With Parole Release Decisions			
VARIABLE		PAROLE DECISION	
		PAROLED	NOT PAROLED
Was Inmate in Expedient Release Program?	Yes	59 (95.2%)	3 (4.8%)
	No	101 (50.7%)	98 (49.3%)
Did Inmate Have Approved Parole Plan?	Yes	107 (87.7%)	15 (12.3%)
	No	55 (46.2%)	74 (57.4%)
Did Crime Involve Loss of Life?	Yes	6 (37.5%)	10 (62.5%)
	No	158 (63.5%)	91 (36.5%)
Did Crime Involve Property Loss?	Yes	86 (67.2%)	42 (32.8%)
	No	60 (53.6%)	52 (46.4%)
Is There Evidence of Family support?	Yes	121 (67.2%)	59 (32.8%)
	No	37 (52.1%)	34 (47.9%)
Was Inmate in Work Release Program?	Yes	15 (83.3%)	3 (16.7%)
	No	145 (59.9%)	97 (40.1%)
Has Inmate Previously Had Parole Revoked?	Yes	63 (75%)	21 (25%)
	No	101 (56.1%)	79 (43.9%)

SOURCE: Program Review staff sample of Corrections Cabinet 1988 - 1990 inmate files.

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### **Expedient Release Shows Strongest Relationship with Parole**

The Expedient Release Program allows certain inmates who are candidates for parole to have home and job placements pre-approved by the parole officer in the county of release within 30 days before the parole hearing. The Expedient Release Program enables the inmate to leave as soon as his parole is granted. Inmate participation in this program has the strongest relationship to parole. To be eligible for expedient release, medium and maximum security inmates must be deferred by the Board at least once, must have no write-ups involving good time loss since their last meeting with the Board, and must not have a total cumulative good time loss of more than 120 days. Of the 62 inmates in the file review who participated in the program, 59 (95%) received parole. Another variable with a strong relationship with parole outcome was the presence of an approved parole plan at the time of the hearing. Eighty-seven percent (107 of 122) of the inmates with approved parole plans received parole.

Using simple correlation analysis to assess the relationships between several individual variables and one outcome does not account for the effect of one independent variable on another. For example, both participation in the Expedient Release Program and an approved parole plan are significantly related to parole release. However, since every inmate in the expedient release program has an approved parole plan, the two variables affect one another. A statistical procedure known as regression can be used to examine the effects of different independent variables on each other. In this study, regression examines the relationship of every variable, taken together, with parole decisions.

Regression analysis shows that five variables had a significant relationship to parole release: approved parole plan, participation in expedient release, inmate having children, parole revocation and participation in Alcoholics Anonymous. Further analysis showed that if inmates were not in the Expedient Release Program, their parole decision outcome was most strongly related to the presence of an approved parole plan.

Inmate files reviewed by Program Review staff lacked information used by the Parole Board during the hearings, such as victim's hearing information and psychological evalua-

tions. This analysis can only be interpreted as a partial answer to the question of what factors most influence parole decisions. The file review showed no significant relationship between the filing of a victim impact statement and the granting or denial of parole. Similarly, the presence of a psychological evaluation did not have a significant relationship with the parole decision. The one totally unknown variable in this analysis is the parole hearing itself. Parole Board members have cited the hearing as being a major factor in their decisions, but because of their subjective nature, there is no quantifiable way to assess the effect of hearings on parole release decisions.

### **STRUCTURED PAROLE DECISION-MAKING**

Presently, each Parole Board member makes an individual judgment on an inmate's readiness for parole, using whatever criteria he wishes, defined in any way he wishes. The discretionary authority of the Parole Board is a key element in the decision-making process. Nevertheless, adding structure to the process would help ensure that the Board makes decisions consistently in similar cases. Other elements of the criminal justice system use either guidelines or objective factors to help guide decisions within a broad framework. Examples include guidelines covering pretrial release, sentencing, classification of inmates, and classification of parolees and probationers into levels of supervision. Several states have adopted Objective-Based Parole, objective risk assessments of potential parolees, and statutory guidelines in one form or another.

#### **Adding Structure to the Process Has Several Benefits**

Adding structured guidelines and objective components to the system would eliminate some discrepancies that arise from the differences in judgment among the Parole Board members. The Parole Board members would judge inmates on similar criteria having similar definitions. When Parole Board members have a clearer understanding of the basis for parole release, inmates will be assured of more consistent decisions.

The National Institute of Corrections (NIC), in the 1988 report, *Current Issues in Parole Decision-making*, endorsed the notion that parole guidelines would provide consistency in decision-

making. The report also identified other advantages to more structured guidelines. These advantages included providing a defensible basis upon which to make decisions in individual cases, establishing continuity over time as Parole Board membership changes, allowing the public greater understanding of the system, and allowing for more effective data collection and analysis to judge the effectiveness of release decision-making and supervision.

### **Two Options Would Add Structure to the Process**

There is a trend among states toward adding more structure to parole decision-making. Recent program evaluations of the parole systems of both Arizona and Virginia recommended incorporating such structure into their systems. Moreover, the NIC is currently working with Arizona to help implement guidelines. The NIC, in collaboration with COSMOS Corporation, also worked with nine other states during a 21-month-long technical assistance program which attempted to help parole boards make improvements in their decision-making systems. Overall, three major options exist for adding structure to the process: objective-based parole, objective components or decision-making guidelines.

Objective-Based Parole is a system in which an inmate automatically qualifies for parole through his participation in programs and appropriate institutional behavior. This method of parole decision-making eliminates discretion in that inmates' scores qualify them for parole. No states use this system at the present time because of several inherent problems. Objective-Based Parole removes the Parole Board's discretion to judge individual inmates on their own merits. More importantly, court cases have decided that Objective-Based Parole creates a liberty interest, and therefore a right to parole on the part of an inmate. Kentucky Parole Board members interviewed felt that even though inmates may meet the requirements for release under this system, they might pose a threat to public safety.

In lieu of Objective-Based Parole, several states have incorporated objective components into their parole decision-making process. The objective component most used is an objective based risk assessment that analyzes and scores factors in the inmate's criminal and personal history. The total score places the parolee into

a risk category. These risk categories are determined by analyzing previous parolees and identifying factors associated with successful and unsuccessful paroles. The objective score can be overridden by the parole board under aggravating or mitigating circumstances. Also, the objective score is just one part of the process; input would continue to come from many elements.

The use of objective measures is not foreign to Kentucky's criminal justice system. Objective instruments classify prisoners into security levels and determine individual parolee and probationer supervision levels, while allowing discretion through the use of override mechanisms. Other states have implemented objective-based risk assessments with very positive results. An analysis of a new risk assessment instrument in South Carolina by the National Council on Crime and Delinquency showed that use of the instrument to determine parole for a sample of inmates would have resulted in more paroles. Also, these parolees would have committed fewer offenses than inmates released by the board.

The establishment of more structured decision-making guidelines would add structure to the process with the least amount of change. These guidelines would be similar to the criteria already in existence, with some changes. Primarily, the standards for evaluating the inmate would be more defined, meaning that an individual member's latitude in interpreting the criteria would be more limited. The major benefit of this change would be to help ensure that the Parole Board's stated policies are not lost in the individualized decisions of members. As with risk assessment instruments, several states have gone to more structured guidelines, and agencies such as the NIC are available to assist Kentucky's Board in achieving this objective.

### **RECOMMENDATION 2: ESTABLISH STRUCTURED DECISION-MAKING GUIDELINES**

The Parole Board should amend 501 KAR 1:030(5) to define more completely criteria for evaluating an inmate's readiness for parole which are reflective of the Board's overall policies and goals. In undertaking this project, the Board should seek assistance and funding from the National Institute of Corrections.

The original staff recommendation proposed establishing structured decision-making guidelines that prioritize, as well as define, criteria for evaluating inmates for parole. The committee amended the recommendation to alleviate concerns that prioritizing criteria would establish a liberty interest and dramatically increase litigation for persons not paroled.

**RECOMMENDATION 3: CONSTRUCT A RISK ASSESSMENT INSTRUMENT**

The Parole Board should construct a risk assessment instrument to use as a factor in evaluating an inmate's readiness for parole. This instrument should be constructed to group inmates into risk categories based on characteristics and recidivism patterns of previous Kentucky parolees. In undertaking this project, the Board should seek assistance and funding from the National Institute of Corrections.

**Documentation of Board Decisions Would Increase Accountability**

Documentation of Board proceedings often does not give any indication of the specific reasons for the decision. If an inmate is deferred or served-out, the reasons for denial are expressed by checking one or more categories on the prescribed form that may apply to the inmate. As is the case with the release criteria, these undefined reasons for denial can be interpreted differently by different Board members. When an inmate is paroled, no reasons are given.

Until September, 1990, Parole Board members' individual votes were not recorded. Recognizing that accountability and the public's perception that decisions are prudent and fair are important, the Parole Board started making individual Board member's votes on parole release available for public disclosure. The practice of recording and making available the individual member's votes promotes accounta-

bility to the public. Nevertheless, this is a voluntary practice of the current Parole Board and could be changed at its discretion.

**RECOMMENDATION 4: RECORD PAROLE RELEASE VOTES**

The General Assembly should amend KRS 439.330 to require that the Parole Board record the votes of individual members on release decisions and have these votes available for public disclosure.

Documentation of the criteria and supporting information used by the Parole Board to reach a decision can strengthen the release decision process. Staff observations at parole hearings and a review of inmate files revealed that the documentation of Board proceedings does not give any indication of the reasons for the release decision. By allowing public access to these records, questions surrounding Parole Board accountability and release decisions can be addressed without jeopardizing the quality of the release hearing. Not only will this documentation provide the public the opportunity to evaluate the Parole Board's decision-making process, it also could provide useful information to others. A detailed explanation of a parole release decision could help the supervising parole officer determine and foster strengths of the parolee. In the case of a deferral, the inmate could use the detailed reasons to prepare for his next hearing and potential release.

**RECOMMENDATION 5: DOCUMENT RELEASE OR DENIAL CRITERIA**

The General Assembly should amend KRS 439.330 to require that the Parole Board explicitly document the criteria used to evaluate an inmate's readiness for parole and the reasons for the Parole Board's decision for or against parole.

## CHAPTER IV POST-RELEASE SUPERVISION

Kentucky's system of post-release supervision has two integral components: the supervision of parolees by the Corrections Cabinet, and a system of community-based support services, such as counseling and substance abuse programs. Supervision of parolees protects the public through restricting and monitoring parolee activities. Community-based support services aid in rehabilitating the parolee and facilitating his reintegration into society.

A parolee is supervised by the Division of Probation and Parole, located within the Department of Community Services and Facilities in the Corrections Cabinet. The parolee is personally monitored by one of 229 probation and parole officers in one of the 11 probation and parole districts across the Commonwealth. An additional 49 parole officers work with inmates in prisons and clients in community service centers, do pre-sentence investigations, and handle fugitive cases. Parole officers have the most direct contact with the parolee and are responsible both for supervisory duties and for arranging for community support services. In pursuing these dual responsibilities, parole officers are given a great deal of discretion. This discretion allows for inconsistencies in supervision. This problem is exacerbated by questions about role identification, high caseloads, inadequate training, outdated assessment tools, and proper guidance and feedback. Post-release supervision also relies on community-based support services that are designed to help reintegrate parolees into society. However, questions have been raised about the availability and effectiveness of these programs.

Parole officers also supervise probationers for the Courts. Over the past five years, the number of people on parole supervision has decreased, while the number of people on probation supervision has increased. Table 4.1 shows the number of people under active probation and parole supervision from 1986 to 1991. As of June 30, 1991, 10,856 people were on active probation or parole supervision in the state of Kentucky. Of these, 3,168, or approximately 29%, were parolees.

Parole officer discretion is tempered somewhat by conditions placed on parolees by both the Parole Board and the Corrections Cabinet. The Parole Board establishes conditions of parole and allows the Corrections Cabinet to decide how to monitor the conditions. The Cabinet may then impose supervisory conditions on a parolee. Standard conditions of parole outlined in 501 KAR 1:030(7), established by the Parole Board, dictate social behavior by restricting a parolee from certain activities and associations. Parolees also are required to pay a supervision fee set by the Parole Board. Supervision fees are usually set at a minimum of \$10 per month and may be waived by the Board at the request of a parole officer. Payment of such fees is monitored by the parole officer; the Circuit Court Clerk submits them to the General Fund.

**TABLE 4.1**  
**Parolees And Probationers**  
**Under Active Supervision**  
**1986 - 1991**

FISCAL YEAR ENDING	TOTAL POPULATION	PROBATION POPULATION	%	PAROLE POPULATION	%
JUNE 30, 1986	9,128	5,434	60%	3,694	40%
JUNE 30, 1987	9,480	5,809	61%	3,671	39%
JUNE 30, 1988	9,441	6,076	64%	3,365	36%
JUNE 30, 1989	9,467	6,197	65%	3,270	35%
JUNE 30, 1990	10,167	7,045	69%	3,122	31%
JUNE 30, 1991	10,839	7,675	71%	3,164	29%

SOURCE: Data from the Corrections Cabinet, 1991.

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Special conditions of parole imposed by the Board can limit the discretion of the parole officer in many ways. For example, the Board may require greater contact between the officer and the parolee or may mandate that the parolee be cited as a parole violator for his first violation of one of the conditions of his parole. The Board may also mandate that a parolee participate in some sort of treatment or educational program. In the staff's review of inmate files, the most frequently imposed special condition of parole was placement in the Intensive Supervision Program, given to 77, or 54.6%, of the 141 parolees. Mandatory attendance at alcohol treatment programs was imposed on 18.5% of the parolees in the study, and attendance at Community Mental Health Center programs was imposed on 25% of parolees. Other special conditions of parole imposed less frequently include release to other states, prohibition of contact with a victim and his family, and an automatic citation as a parole violator for the first drinking violation.

## LEVELS OF SUPERVISION

The Corrections Cabinet uses supervision levels to classify parolees and to manage parole officers' caseloads and other resources. Each supervision level has particular requirements for reporting and contact between the parolee and the parole officer. Kentucky uses five levels of active supervision for parolees and probationers. Parolees are eligible for an inactive supervision level after completing 24 months on active supervision with clear conduct. The complete conditions of supervision for each of these levels is shown in Appendix D. Table 4.2 highlights the differences among the five active levels of supervision in their requirements for parolee/officer contact, record checks, employment verifications, and curfews. The general conditions of parole mentioned previously apply to all parolees. Both the intensive and advanced levels of supervision are special programs, covering only certain areas of the state, and employing officers who handle clients only in those particular supervision levels. Intensive Supervision, the most stringent level, requires weekly home and office visits, weekly record checks, and a 10 P.M. to 6 A.M. curfew. Advanced Supervision requires three office visits per month. Regular supervision is available in every county across the state and consists of three levels: maximum, regular, and specialized. Officers assigned to regular supervision may have a caseload composed of all three levels.

A parolee's level of supervision is decided in one of two ways: by placement in a particular level by the Parole Board as a condition of parole, or by assignment based on the score attained on an objective based risk/needs assessment instrument administered by the parole officer. In the inmate file sample reviewed by Program Review staff, the Parole Board determined the supervision level of 71.5% of the 141 parolees released to supervision in Kentucky. More specifically, 54.6% of the parolees were assigned to Intensive Supervision, 2.8% to Advanced Supervision and 3.5% to maximum supervision. The Parole Board assigned an additional 10.6% of the parolees to the highest level of supervision available in the county to which the parolee was released.

## The Intensive Supervision Program Has Changed in Focus

The Intensive Supervision Program (ISP) was created by the 1984-86 Budget Bill, HB 747, which appropriated \$1.3 million over the biennium for the creation of the program. This program was originally designed to serve 500 offenders who "... would if not for the availability of this program be incarcerated in a state facility." One of the original intents of Intensive Supervision was to help reduce the prison population by using the program as an early parole program. However, the Parole Board grants a very small number of early paroles in a given year, not nearly enough to put the program at capacity.

The majority of parolees who are assigned to Intensive Supervision are assigned by the Parole Board at regularly scheduled hearings. This option is given to the Board in the Corrections Policies and Procedures Manual, and it was used in 55% of the cases in the file review sample. Although the ISP program exists in only 43 of the 120 counties, it still covers a large portion of the potential parolee population. Statistics from the Corrections Cabinet show that in June of 1991, the home counties of 77% of all inmates (7,150 of 9,184) were covered by the program. Moreover, in the Program Review sample of inmate files, 91.2% (83 of 91) of the inmates assigned to ISP or the highest available level of supervision were paroled to a county with ISP.

Some inmates are assigned to Intensive Supervision where it is not available or where the program is overcrowded. Current Board members say that the lack of ISP in some areas is not a problem, however, since parolees who are released to counties without ISP are assigned to the highest level of supervision available. Furthermore, members felt that the presence of a good home and job placement sometimes outweighed the need for intensive supervision. Board assignment of parolees also affects parole officer caseloads. Fifty-two percent of the respondents to the Parolee Officer Supervisor Survey indicated that Parole Board assignments of specific supervision levels often resulted in an increase in parole officer caseloads. When questioned about the caseload problems that can arise from the board assigning Intensive Super-

**Table 4.2**  
**Requirements for Various**  
**Levels of Parole Supervision**

LEVEL OF SUPERVISION	INTENSIVE PROGRAM	ADVANCED PROGRAM	REGULAR MAXIMUM	REGULAR MEDIUM	REGULAR SPECIALIZED
OFFICE VISITS	1 PER WEEK	3 PER MONTH	2 PER MONTH	1 PER MONTH	1 PER QUARTER MAIL-IN REPORTS IN MONTHS WHEN PAROLEE DOES NOT REPORT IN PERSON
HOME VISITS	1 PER WEEK 2 VISITS IN ANY MONTH MUST BE DURING CUR- FEW HOURS, 1 OF THESE VIS- ITS MUST BE ON A WEEKEND	1 PER MONTH AT LEAST ONE VISIT PER QUARTER MUST BE WITH A FAMILY MEMBER	1 PER MONTH	1 PER QUARTER	NONE
ADDITIONAL OFFICER CONTACT	1 PER MONTH FAMILY, COMMUN- ITY, TREATMENT PROGRAMS	NONE	NONE	NONE	NONE
RECORD CHECKS	1 PER WEEK	1 PER WEEK	1 PER MONTH	1 PER MONTH	1 PER MONTH
EMPLOYMENT VERIFICATION	1 PER WEEK	2 PER MONTH	1 PER MONTH	NONE	NONE
CURFEW	YES, 10 P.M. TO 6 A.M.	NO	NO	NO	NO
AVAILABILITY	43 COUNTIES (MOST URBAN)	29 COUNTIES	STATEWIDE	STATEWIDE	STATEWIDE

SOURCE: Compiled by Program Review staff from Corrections Policies & Procedures Manual.



vision, most Board members stated that the officers' caseloads were not their concern.

### **Parolees on Inactive Supervision are Not Monitored**

Inactive supervision does not require any home or office contacts. A parolee stays on inactive supervision from the time he is removed from active supervision until he either receives an early final parole discharge or reaches the maximum expiration of his sentence.

Normally, a parolee is discharged from parole supervision upon reaching his maximum expiration date. However, an inmate with any sentence other than life may apply to the Parole Board for an early final discharge from parole upon completing two years on active or inactive supervision. A parolee with a life sentence must complete five years on active or inactive supervision before he can apply to the Parole Board for an early final discharge. All discharges from inactive supervision are subject to a complete record check on the parolee. Parolees who have been arrested for crimes at any time while under inactive supervision will generally be brought back to active supervision, and, depending on the seriousness of the crime, may have their parole revoked.

Presently, the Division of Probation and Parole does not keep statistics on the number of probationers and parolees on inactive supervision. Although these inmates are subject to record checks, they are not directly supervised and therefore do not count towards the caseloads of parole officers. The lack of oversight of parolees in this area could pose major problems, since these parolees are not in contact with a parole officer who can determine whether they are at the proper supervision level or should go to a higher supervision level.

#### **RECOMMENDATION 6: ACCOUNT FOR PAROLEES ON INACTIVE SUPERVISION**

The Corrections Cabinet's counting of the probation and parole population should include those on inactive supervision. The Corrections Cabinet should maintain accurate address and employment records and periodically assess the appropriateness of these parolees' inactive status.

The original staff recommendation proposed that probationers and parolees on inactive supervision have an annual review with a parole officer. The committee deleted this provision after hearing the Corrections Cabinet's concerns that it would require a substantial increase in manpower.

### **Risk/Needs Assessment Instrument Has Never Been Tested**

All parolees are given an initial risk/needs assessment, even if their level of supervision is determined by the Parole Board. A parolee's risk is assessed by his history of employment, substance abuse and criminal activity. Needs are assessed on individual characteristics such as physical and mental health, educational or vocational capabilities, and problems with substance abuse. In all cases, the parole officer may override the results of the risks/needs score and place the parolee in a higher or lower level of supervision. Parolees are then reassessed at six-month intervals. This reassessment deals more with the parolee's behavior during supervision than with prior criminal behavior.

The present risk/needs assessment was adopted in 1978 from the Wisconsin Model. The Model's questions were not changed in the Kentucky instrument. The scoring classifications, however, were changed, to provide a more equitable distribution of clients into maximum, medium and specialized supervision levels. Since the Model's adoption, Kentucky has not validated the risk/needs instrument to see how well it predicts the risks and needs of Kentucky parolees. Scholars in the corrections profession feel that timely validation of objective based assessment instruments is vital to their effectiveness. When asked, Probation and Parole officials agreed that the instrument needs to be tested. However, they feel that the validation would cost approximately \$10,000.

Massachusetts, which adopted the Wisconsin Model in 1982, attempted to validate the model in 1985. The validation, outlined in Richard Lunden's *Risk/Needs Assessment and Parole Outcome in Massachusetts*, was done by sampling parolees, gathering demographic data, risk/needs scores, criminal history, and parole outcome on the parolees, and then testing to determine the relationship between the risk/needs score and outcome of parole. Additionally, individual variables that comprised the risk/

needs assessment were tested to determine their relationship with outcome on parole.

Lunden's study showed that five of the eleven items on the risk scales and six of nine items on the need scale were significantly related to parole outcome. Several other items on both scales also appear to be good predictors. The instruments were not without problems, however. Some of the items showed no relationship to parole success. In addition, the instrument as a whole did a poor job of separating parolees into risk categories, because 90% of the parolees were assigned a maximum risk score and the failure rates for maximum and medium risk inmates were identical. The results of this study, which was undertaken with assistance from the National Institute of Corrections, strengthen the position that Kentucky should validate its risk/needs assessment.

#### **RECOMMENDATION 7: VALIDATE RISK/NEEDS ASSESSMENT**

The Corrections Cabinet should validate the risk/needs assessment instrument used to classify parolees and probationers into levels of supervision to ensure its applicability to Kentucky parolees. The Cabinet should seek financial and technical assistance from the National Institute of Corrections to complete this project.

#### **PROBATION AND PAROLE OFFICERS**

Parole officers are responsible for all aspects of parolee supervision, including monitoring the conduct of the parolee, completing and maintaining necessary paperwork, monitoring payment of supervision fees and coordinating community-based support services. Parole officers are also responsible for investigating parole violations, arresting parole violators and testifying at parole revocation hearings. Corrections literature says that parole officers' jobs often are compounded by role confusion, political interference, high caseloads and inadequate community resources. Kentucky parole officers agree that some of the problems cited in other states are also present in Kentucky; however, they concur on their primary mission and downplay political interference in their day-to-day functions. The main problems cited by Kentucky parole officers involve caseloads, training and guidance.

Parole officers are given a great deal of latitude and discretion in performing supervisory tasks and managing their caseloads. Discretion is necessary if parole officers are to effectively work with each client on an individual basis. Nevertheless, it is this discretion that leads to questions about whether parole officers have the proper tools and direction to handle their responsibility.

To ascertain the opinions of parole officers in the areas of work environment, supervising parolees, cabinet and supervisor guidance and support, and community services, Program Review staff sent a *Program Review Survey of Kentucky Parole Officers on the Supervision of Parolees* (Parole Officer Survey) to all 252 parole officers in Kentucky and a *Program Review Survey of Supervisors and Assistant Supervisors of Kentucky Parole Officers* (Supervisor Survey) to all 36 supervisors and assistant supervisors of parole officers in the eleven districts in February and March of 1991. Responses were received from 170 (68%) of the officers and 25 (75%) of the supervisors and assistant supervisors. The complete results of the surveys are found in Appendix E. In addition, Program Review staff held two round-table discussions and conducted telephone interviews with selected parole officers across the state to gain more insight into parole officers' opinions on their roles and duties.

#### **Parole Officers Espouse a Public Protection Mission**

Parole officers, district supervisors, and officials in the Division of Probation and Parole agree that public protection is the primary mission of post-release supervision. Furthermore, all seem to concur that protection of the public and rehabilitation of the parolee are complementary goals that are difficult to separate. Program Review staff interviews with parole officers and the results of the Parole Officer Survey show that officers at all supervision levels feel that protecting the public by closely controlling the parolee is their most important role. Table 4.3 presents officers' responses to the survey question concerning their roles. Of those responding, 70.3% rank protection of the public as most important, and 15.1% rank rehabilitation of the parolee as most important. The third choice overall is reforming the parolee so as to reduce the likelihood of repeat offenses.

**TABLE 4.3**  
**Parole Officers' Perceptions Of Their Roles**  
**(In Percents)**

ROLE	% OFFICERS WHO CHOSE AS MOST IMPORTANT	% OFFICERS WHO CHOSE AS 2ND MOST IMPORTANT	TOTAL
1) Protect the public through close control of the parolee	70.3	16.6	86.9
2) Assist with the rehabilitation of the parolee	15.1	42	57.1
3) Assist with reformation of parolee to reduce likelihood of repeat offenses	10.5	28	38.5
4) Function as the correctional authority during the final stage of a parolee's sentence	3.5	10.8	14.3

SOURCE: Program Review Survey of Kentucky Parole Officers, 1991.  
 B:Parole\Table4-3

Supervisors and assistant supervisors surveyed expressed similar views about the roles of parole officers, but placed more emphasis on the control model of supervision. Table 4.4 reflects supervisors' perceptions of parole officers' roles. Of those supervisors responding, 92% feel that the most important job of a parole officer is to protect the public. The other 8% feel that rehabilitation of the offender is most important.

#### **Parole Officers Downplay Effects of Political Pressure**

Political pressure does not appear to interfere with parole officers' work environment. The Parole Officer and Supervisor Survey also asked whether political pressure had ever influenced the handling of a case. The percentage of parole officers responding affirmatively ranged from 10% to 15%. In follow-up discussions, some parole officers stated that political pressure is more likely to be directed at officials in the Division of Probation and Parole. This presence of political pressure at higher levels is reflected in responses to a similar question on the supervisors' survey. When supervisors and assistant supervisors were asked whether they or their officers had ever been exposed to political pressure, almost half replied affirmatively. The supervisor survey did not ask how often decisions were affected by this pressure.

#### **High Caseloads Cited as Most Serious Problem**

Parole officers were asked in the survey to list three factors that limit or impede their ability to adequately supervise parolees. The results are shown in Table 4.5. In addition to high caseloads being mentioned as a problem by 31.6% of the officers, 46% of the officers responding to a different survey question felt that their caseload was too high to effectively supervise parolees. These responses indicate that from the parole officers' perspectives, caseload pressures impede a parole officer's ability to supervise parolees more than any other factor.

The perception that officer caseloads are high is borne out by responses to the survey question which asked officers for the numbers of parolees and probationers in their caseloads. Table 4.6 shows the average caseload for officers who responded to the officer survey. Corrections Policies and Procedures limit caseloads at the

Intensive Supervision level to 25 cases per officer, and at the Advanced Supervision level to 50 cases per officer. Yet, Table 4.6 shows that Intensive officers responding to the survey had an average caseload of 27.8 clients, with 22 of the 43 respondents having a caseload above 25. The average caseload of Advanced Supervision officers responding to the survey was 49.8 clients, which is just at the regulatory maximum of 50. At this level, four of the 16 responding officers reported caseloads above the maximum. The average caseload for regular officers responding to the survey was 71 clients. There is no regulatory limit on caseloads for regular officers.

In the 1990 regular session, the General Assembly attempted to help reduce officer caseload and at the same time allow for more parolees to be supervised, through an appropriation to fund 75 additional probation and parole officer positions. The biennial budget enacted by the General Assembly included appropriations of \$1.972 million and \$1.905 million in FY '91 and FY '92 respectively. According to the Legislative Research Commission Budget Review Office, this money was not included in the agency request, but was inserted in the Corrections Cabinet budget by the Senate Appropriations and Revenue Committee. Despite the availability of funding, these positions were not filled in an expeditious manner. Table 4.7 shows the hiring totals for these 75 positions for each of the first 13 months of the 1991-92 biennium. The Corrections Cabinet hired 13 probation and parole officers in July of 1990 and five more in the remainder of the calendar year. After eight months only 26 of the 75 positions had been filled. In the next five months, however, the Cabinet hired 40 officers, so that at the end of the first fiscal year only nine of the positions were vacant.

Although some parole officers have high caseloads, some officers have caseloads that are too low. In some areas of the state, Intensive and Advanced parole officers do not have enough clients for a full caseload. Corrections Cabinet regulations limit these officers to 25 clients and 50 clients respectively. Since these officers cannot handle clients in other levels of supervision or do pre-sentence reports, they are usually assigned to transport parolees. This apparent underutilization of officers raises the question as to whether restricting Intensive and Advanced officers to one supervision level is an efficient use of resources. According to super-

**TABLE 4.4**  
**Supervisors' Perception Of Parole Officers' Roles**  
**(In Percents)**

ROLE	% OFFICERS WHO CHOSE AS MOST IMPORTANT	% OFFICERS WHO CHOSE AS 2ND MOST IMPORTANT	TOTAL
1) Protect the Public through close control of the parolee	92	8	100
2) Assist the rehabilitation of the parolee	8	40	48
3) Assist reformation of parolee to reduce likelihood of repeat offenses	0	52	52
4) Function as the correctional authority during the final stage of a parolee's sentence	0	0	0

SOURCE: Program Review Survey of Supervisors and Assistant Supervisors of Kentucky Parole Officers, 1991.

B:Parole\Table4-4

**TABLE 4.5**  
**Impediments To Job Performance**  
**Of Parole Officers**  
**(In Percents)**

PROBLEM	OFFICERS WHO MENTIONED PROBLEM AMONG TOP THREE
1) HIGH CASELOAD	31.6
2) PAPERWORK	29.7
3) LACK OF EQUIPMENT	22.6
4) PERFORMING NON-SUPERVISORY TASKS	21.3
5) NO DRUG TESTING	17.4

SOURCE: Program Review Survey of Kentucky Parole Officers, 1991.

B:\Parole\Table4-5

**TABLE 4.6**  
**Parole Officer Caseload By Supervision Level**

SUPERVISION LEVEL	# OF RESPONSES	AVERAGE CASELOAD	# OF RESPONDENTS WITH CASELOADS ABOVE THE REGULATORY MAXIMUM
INTENSIVE	43	27.9	22
ADVANCED	16	49.8	4
REGULAR	94	71.9	N/A

SOURCE: Program Review Survey of Kentucky Parole Officers, 1991.  
B:Parole\Table4-6

**TABLE 4.7**  
**Hiring Of Parole Officers**  
**By The Corrections Cabinet**  
**July 1990 - July 1991**

MONTH	POSITIONS FILLED
JULY '90	13
AUGUST '90	1
SEPTEMBER '90	1
OCTOBER '90	0
NOVEMBER '90	4
DECEMBER '90	0
JANUARY '91	4
FEBRUARY '91	4
MARCH '91	10
APRIL '91	9
MAY '91	10
JUNE '91	7
JULY '91	4
<b>TOTAL JULY 1990 - JULY 1991</b>	<b>67</b>

SOURCE: Compiled by Program Review Staff from Corrections Cabinet Memo, July 12, 1991.

B:Parole\Table4-7



visors, allowing these officers to supervise other parolees would help the morale problems that stem from disparate caseloads without adversely affecting the Intensive and Advanced officers' performance. Moreover, this change would effectively expand the Intensive and Advanced Supervision Programs to every county in Kentucky at little or no additional cost.

The Parole Officer Survey identified instances in some parts of the state where Intensive officers are already handling clients on two levels. Seven Intensive officers responding to the survey had caseloads of fewer than 20 probationers and parolees. Of these seven, five reported carrying a regular caseload in addition to their intensive caseload. Three Advanced officers also reported carrying a regular caseload. In light of this, the Cabinet should examine the policy of segregating officers into separate classifications based on caseload.

Since their inception, the Intensive and Advanced Supervision Programs have been used more as levels of supervision than as alternatives to incarceration. In fact, a former Parole Board Chairman stated that the ISP has been overused and diluted through the assignment of large numbers of parolees to the program by the Board. The policies of the original program that limit officers to one level of supervision diminish the Corrections Cabinet's ability to manage the caseloads of officers in all supervision levels.

#### **RECOMMENDATION 8: CHANGE INTENSIVE AND ADVANCED SUPERVISION PROGRAMS**

The Corrections Cabinet should change the status of the Intensive and Advanced Supervision Programs from special programs to supervision levels that are available statewide. As part of this change, the Cabinet should revise its workload formula so that a parole officer is not limited to supervising parolees in any one level. Parolee cases should be distributed according to the time requirements of the various levels of supervision and the geographic area that than officer covers.

#### **Training Cited as a Problem Area by Both Officers and the Cabinet**

Another impediment to effective job perfor-

mance, according to officers, is the training provided by the Corrections Cabinet. In the Parole Officer Survey, 67% of the respondents rated the Corrections Cabinet's training program as either "not at all useful" or "not very useful". New parole officers receive 40 hours of initial training, which encompasses the last week of the three-week basic academy program for corrections personnel provided by the Cabinet's Office of Corrections Training. This training deals with supervised firearms training, the use of force, and arrest and transportation procedures. New officers also receive 40 hours of training credit for their completion of an on-the-job orientation training manual.

Experienced officers receive 40 hours of in-service annually, with the program varying from year to year. This year's program includes 16 hours of a communication skills seminar, taught by the Governmental Services Center. Eight hours of firearm training and certification is required of officers. Firearms training is supervised by the range masters at the various correctional institutions throughout the state. Eight hours of training is accomplished in a district meeting, and a tri-district meeting accounts for the final eight hours of training. These meetings are used to discuss topics relevant to the parole officer's supervision of parolees.

Officers expressed a need for more field training and less classroom instruction. Intensive Supervision officers said in interviews that they had attended a one-week training program at the Kentucky State Police Academy that was very helpful and offered the type of training that is needed by all parole officers statewide. The Cabinet agrees that training has been an area of concern for some time and that improvements are needed.

#### **Parole Officers Want More Communication With the Parole Board**

As in most states, the supervision of parolees in Kentucky is handled independently of the Parole Board. In releasing inmates under specified conditions, the Parole Board, in essence, sets the goals for supervision. However, the responsibility of achieving these goals is left to the Corrections Cabinet, and more specifically to parole officers. When officers were asked about communication with the Parole Board on the Parole Officer Survey, 80% responded that increased communication with the Parole Board

would be helpful. Program Review staff followed up on that point in interviews with parole officers and Parole Board members. The parole officers said that they do not always understand Parole Board directives regarding supervision and would like some direction from the Board on pursuing revocation. Presently, officials in the Division of Probation and Parole act as liaisons between the officers and the Board. Most Parole Board members supported increased communication between the Board and parole officers, but worried about the possibility of a deluge of calls from parole officers with specific questions about specific cases. These members, however, did not object to general meetings with groups of officers.

The American Correctional Association (ACA) strongly endorses continuing communication between parole board members and parole officers. The ACA states that such communication is necessary for the parole board to be aware of conditions in the community, the availability of community resources, and the consequences of its policies. Furthermore, the ACA emphasizes the importance of a cooperative effort between the paroling authority and the supervisory authority, in order to give the parolee the best possible supervision and to give the parole board feedback on its decision-making process.

**RECOMMENDATION 9: IMPROVE COMMUNICATION BETWEEN THE PAROLE BOARD AND PAROLE OFFICERS**

The Parole Board should conduct annual meetings with parole officers in each of the 11 probation and parole districts in the state. The meetings should cover such topics as the intent of conditions of parole, local availability of community resources, assigned supervision levels, and revocation decisions.

**Monitoring and Oversight of Parole Officers is not Uniform**

In performing their duties, parole officers are guided by district supervisors, assistant supervisors, and supervision guidelines outlined in the Corrections Policies and Procedures Manual (CPP). Still, within these limitations, parole officers have considerable discretion in

such areas as monitoring parolees, determining when violations have occurred, and initiating revocation proceedings. These responsibilities and the discretionary environment in which they are carried out suggest a need for effective guidance and oversight from persons in supervisory positions.

On the Parole Officer Survey, officers generally gave their supervisors high marks. Seventy-five percent responded that they receive proper guidance and direction from them. Still, 13% of the officers thought their supervisors gave them too little guidance and direction. A large portion of these officers were concentrated in one district.

Parole officers expressed more concerns over the usefulness of the CPP. Twenty-five percent of the officers surveyed felt that it was either "not at all" or "not very" useful. When asked about this in interviews, several officers said that the CPP gives more direction on clerical matters, such as filling out paperwork, than on questions regarding supervision of parolees. In contrast, supervisors gave higher marks to the usefulness of the CPP. Only 4% of supervisors responding to the Supervisor Survey rated the CPP as either "not at all" or "not very" useful.

On the Supervisor Survey, supervisors and assistant supervisors were asked to enumerate the important aspects of their jobs. Of those responding, 80% said that their most important role is overseeing parole officers. To a lesser degree, supervisors also felt it important to serve as liaisons for parole officers with the Cabinet, ensure that officers make decisions on a consistent basis, and distribute caseloads in a manner that provides for effective supervision.

Parole officers and supervisors gave different responses about the types of monitoring and oversight routinely used. Table 4.8 compares the answers of supervisors and officers to the question concerning the means by which a parole officer's performance is evaluated. While there was general agreement regarding the types of methods used to evaluate parole officer's performance, there were some notable differences between officers' and supervisors' responses to individual items. The largest difference was reflected in item four, "observations of field supervision techniques". While only 33% of officers report being evaluated in this way, 80% of the supervisors report using this method to evaluate officers. The CPP directs supervisors and assistant supervisors to perform a semi-

**TABLE 4.8**  
**Evaluation Methods Used By Supervisors**

EVALUATION METHOD	% OF SUPERVISORS WHO SAID METHOD WAS USED	% OF OFFICERS WHO SAID METHOD WAS USED
1) SEMI-ANNUAL AUDITS	100	89
2) SCHEDULED PERFORMANCE EVALUATIONS	92	71
3) INFORMAL CONVERSATIONS	88	79
4) OBSERVATION OF FIELD SUPERVISION	80	37
5) SCHEDULED STAFF MEETINGS	68	41
6) SCHEDULED REVIEWS OF OFFICERS' DECISIONS IN SELECTED CASES	32	28

SOURCE: Program Review Survey of KY Parole Officers, 1991, and Program Review Survey of Supervisors and Assistant Supervisors of Kentucky Parole Officers, 1991.

B:Parole\Table4-8

annual audit of each regular officer's caseload. Intensive and Advanced officers are evaluated on the same time schedule by one of two regional coordinators statewide. This evaluation is crucial in that it provides the most direct opportunity for supervisors to discuss supervision tactics with their officers. It is also an important safeguard for spotting problems in supervision and remedying the situation before public safety is threatened.

The audits for Intensive and Advanced officers and the audits for regular officers are very different in format. Audits for regular officers do not follow a standard form. They carry only notations of problems summarized in memorandum format for the entire audit of 10 to 15 cases. The Intensive Supervision officer audits are much more extensive, with the evaluator filling out and turning in a worksheet for each case reviewed. This worksheet covers all aspects of supervision that are contained in the paper trail: contacts, record checks, risk/needs assessments, supervision reports, etc. The audit form for Intensive and Advanced officers gives a much better picture of the officer's performance than the audit presently performed on regular officers.

As comprehensive as any paper audit may be, it can only assure that the paperwork requirements are met; it does not give any idea of the quality of an officer's supervision in the field. Supervisors can give a parole officer high marks on the present audit forms without having a true picture of the quality of the officer's supervision of parolees. To that end, the Cabinet should incorporate a field audit component into its evaluations of parole officers. In addition to being an extra check on parole officers' performance, a field audit would allow the officers to receive help in managing their caseloads, would allow the supervisors to be more aware of the day-to-day job of a parole officer, and could serve as a field training component for officers.

#### **RECOMMENDATION 10: REVISE AUDITS OF PAROLE OFFICERS**

The Corrections Cabinet should revise its semi-annual audit of parole officers to include a standardized evaluation format for all officers statewide, using the present intensive supervision audit format as a model. The semi-annual audits should also include a field supervision component, which should be used to evaluate parole officer performance and to give the officer feedback on how to improve the quality of his supervision.

#### **COMMUNITY-BASED SUPPORT SERVICES**

The Parole Board often mandates participation in a community-based program as a condition of release, when it feels it would be helpful to the parolee's successful reintegration into society. Theoretically, community-based programs serve two purposes in post-release supervision. These programs provide rehabilitative and treatment centers for social or medical disorders, and serve as alternatives to revoking the parole of technical violators.

In practice, however, these community-based support services may not serve parolees as effectively as they could. Once released on parole, a parolee may find his treatment options limited because of the lack of community resources in several areas of the state or lack of sufficient slots in existing services. Furthermore, many corrections professionals feel that existing programs are limited in their effectiveness.

#### **Community Services Are Perceived as Unavailable and Ineffective**

Program listings in the Corrections Cabinet's Community Services Directory reflect

heavy concentrations of community services in Jefferson and Fayette Counties and in Northern Kentucky. In contrast, the availability of these programs in the rural counties is limited. This lack of available programs in many areas of the state was examined in more detail in the Parole Officer Survey. Table 4.9 shows the percentage of parole officers who indicated that various community services were not available in their jurisdiction. From this table, it appears that many services provided outside the Community Mental Health Center (CMHC) are limited in availability. In addition, 17% of the survey respondents listed job placement and employment training services as the most needed services, 11% listed inpatient substance abuse programs, and 7% listed drug testing. The lack of community services was cited by many parole officers as an impediment to their job performance, with 17% of respondents to the Parole Officer Survey mentioning a lack of drug testing as a major problem.

In addition to a lack of programs, the effectiveness of existing programs is also a concern. The Parole Board continues to release a limited percentage of parolees who are required to participate in many of these programs as conditions of parole. Although these conditions are imposed by the Parole Board, evidence suggests that they could be applied more frequently. Table 4.10 compares the frequency of being given the condition of an alcohol treatment program with an inmate's history of substance abuse. Among inmates with such a history, only 23% (30 out of 130) were required to attend alcohol treatment programs. Table 4.11 shows that only 35% (18 of 51) of the parolees who were under the influence at the time of the crime received the condition of attending an alcohol treatment program. These results show that, for many reasons, parolees who could be helped by these community-based programs may not be receiving this help.

In interviews with Program Review staff, many corrections professionals, including parole officers and Parole Board members, concurred that Kentucky needs to expand community-based programs for parolees. Increasing the number of these programs and expanding successful programs may have a positive impact on reintegrating parolees into communities and enhancing public safety. A move in this direction may also have a broader impact on the state's corrections system by alleviating the demand for

prison space. For example, 67% of parole officers responding to the Program Review survey agreed that increased community services could reduce rates of reincarceration of parolees. Therefore, additional services could be used as intermediate sanctions and allow parolees who have committed technical violations to continue under supervision with more restrictions. Several of these intermediate sanction programs exist in Kentucky. Their availability is shown in Table 4.12. However, before any substantive steps can be taken to acquire adequate funding for improvements in this area, a study is needed to identify the program areas and geographic areas in which these needs are most critical.

#### **RECOMMENDATION 11:**

##### **Authorize a Comprehensive Study of Community Resource Needs**

The 1992 General Assembly should authorize a cooperative study by the Legislative Research Commission, the Corrections and Human Resources Cabinets, and the Parole Board to:

- Identify the need for rehabilitative and counseling services within geographic areas of the state by determining which services have a significant impact on successful reintegration of parolees and probationers into society;
- Develop and propose to the General Assembly a long-range plan which prioritizes services and the geographic regions in which they are needed; and
- Estimate the fiscal impact of the proposed plan and provide the General Assembly with budgetary options for implementation.

#### **Community Resources Are Not Centrally Coordinated**

Community services are provided primarily by state and local governments, particularly through the Community Mental Health Centers. In addition, private sector providers are available in some areas of the state. These services are not centrally coordinated by the Corrections Cabinet, and the responsibility for identifying and contacting these service agencies lies solely with the parole officer.

**TABLE 4.9**

**Availability of Community Support Services**

Service	% of Officers Indicating that Services Were Not Available In Their Area
1. Mental Health Services at CMHCs	6%
2. Substance Abuse Services at CMHCs	6%
3. Academic/Vocational Education	9%
4. Employment Counseling	15%
5. Employment Training	17%
6. Private Substance Abuse Treatment	19%
7. Private Mental Health Providers	33%
8. Housing Assistance	34%
9. Sex Offender Counseling	35%
10. Financial Counseling	58%

SOURCE: Program Review Survey of Kentucky Parole Officers, 1991.  
B:\Parole\Table4-9

**TABLE 4.10**  
**Frequency of Parolee Being Given a Condition**  
**of Alcohol Treatment by the Inmate's**  
**History of Substance Abuse**

Condition of Alcohol Treatment Program?	History of Substance Abuse?	
	No	Yes
No	29 (100%)	100 (77%)
Yes	0 (0%)	30 (23%)

SOURCE: Program Review survey of Corrections Cabinet inmate files, 1991.  
B:\Parole\Tab14-10

**TABLE 4.11**  
**Frequency of Parolee Being Given a Condition**  
**of Alcohol Treatment by Whether the Inmate**  
**Was Under the Influence When the Crime**  
**Was Committed**

Condition of Alcohol Treatment Program?	Inmate Under the Influence?	
	No	Yes
No	97 (89%)	33 (65%)
Yes	12 (11%)	18 (35%)

SOURCE: Program Review survey of Corrections Cabinet inmate files, 1991.  
B:\Parole\Tab14-10

**TABLE 4.12**  
**Availability of Intermediate Sanction Programs**  
**in Kentucky**

PROGRAM	AVAILABLE IN KENTUCKY	COMMENTS
POST-RELEASE SUPERVISION	YES	NOT ALL LEVELS ARE AVAILABLE IN LESS POPULATED AREAS OF THE STATE
ALCOHOLICS ANONYMOUS	YES	
BOOT CAMPS	NO	
DRUGS TESTING	YES	ONLY IN LOU., LEX., AND COVINGTON
ELECTRONIC MONITORING	YES	LOU., MISDEMEANOR POPULATION ONLY
HOUSE ARREST	YES	LOU., MISDEMEANOR POPULATION ONLY
SEX OFFENDER PROGRAM	YES	LOUISVILLE AND COVINGTON
INTENSIVE SUPERVISION	YES	43 COUNTIES
NARCOTICS ANONYMOUS	YES	MORE POPULATED AREAS
RESIDENTIAL PROGRAMS	NO	REQUEST FOR BIDS OUT FOR DIVERSION CENTER FOR PAROLEES
RESTITUTION	YES	OVER \$1 MILLION RECEIVED IN 1989
SUBSTANCE ABUSE TREATMENT	YES	(CMHC) ONLY

SOURCE: Compiled by Program Review staff from Corrections Cabinet data, 1991.

B:\Parole\Table 4-12



Presently, the identification of statewide services is provided in a loose leaf directory compiled by the Corrections Cabinet from reports submitted by local parole officers. This Community Service Directory is not formally published and has no index or narrative guide. A copy of the Directory is provided to each probation and parole office but not to individual officers. According to the Corrections Cabinet, the Directory was first developed in 1988. However, a copy of the Directory furnished by the Cabinet shows that the most current information reflected is from 1985. Cabinet officials agree that this Directory should be updated, printed, and distributed to every parole officer in the state and to Parole Board members.

At parole hearings observed by Program Review staff, the Parole Board did not have access to this or any other directory of community services. Therefore, they were not fully aware of the availability of programs in the areas of the state to which they were paroling inmates. Supplying the Parole Board with an updated copy of this Directory would improve the Board's knowledge of the availability of community services.

**RECOMMENDATION 12: UPDATE AND DISTRIBUTE COMMUNITY SERVICES DIRECTORY**

**The Corrections Cabinet should update its Community Services Directory annually and distribute copies and updates to all parole officers and all members of the Parole Board.**

**Progress Is Slow on Substance Abuse Facility**

Several studies have established a link between substance abuse and criminal activity. This relationship was also found in the Program Review staff's review of inmate files. The review showed that 32% of the inmates in the sample were under the influence of drugs or alcohol at the time of the crime, and that 82% of inmates had a history of substance abuse. The theory that the treatment of substance abuse is important to increasing public safety is supported by parole officers, Parole Board members, and Corrections Cabinet officials.

The 1990 Kentucky General Assembly attempted to rectify this need for substance abuse treatment by appropriating funds for the Corrections Cabinet to contract with a private provider for a 100-bed residential facility for parolees with substance abuse problems. The facility was to provide a 60-90 day residential substance abuse treatment program. Clients would be limited to parolees facing revocation who were offered this program as an alternative to incarceration. After the completion of the program, the Board could review a parolee's progress and consider his return to parole.

The present Parole Board is supportive of the establishment of an inpatient substance abuse treatment facility within the corrections system. Board members confirmed in interviews that many parole violations are due to substance abuse problems. Parole Board members also supported the option of placing these parole violators in an inpatient substance abuse treatment facility for two or three months rather than reincarcerate them for 12 to 18 months. If successful, this strategy might prevent future crimes or parole violations and reduce the demand for prison beds.

Little progress has been made, however, in the implementation of this program. On May 31, 1991, the Finance and Administration Cabinet released a request for proposal (RFP) for two 50-bed facilities, to be provided by a private provider. As of September 1, 1991, the Cabinet is still reviewing proposals and has no schedule to finalize contractual agreements.

**RECOMMENDATION 13: REPORT STATUS OF PROPOSED SUBSTANCE ABUSE FACILITY**

**Finance and Administration Cabinet should report their progress on the substance abuse treatment facility funded by the 1990 Session of the General Assembly to the Appropriations and Revenue Committee by the 1992 Session. The report should include the rationale for any operational or geographic changes from the program funded by the 1990 General Assembly.**

## CHAPTER V PAROLE REVOCATION

Discretionary authority in the revocation process is shared between the Parole Board and Corrections Cabinet probation and parole officials. Once a violation is suspected, parole officers decide whether or not to initiate the revocation process. Unlike parole release hearings, the revocation process adheres to procedural due process safeguards. This generally entails a preliminary hearing to determine whether probable cause exists and, if necessary, a second hearing to determine guilt or innocence and final disposition of the case.

### KENTUCKY'S REVOCATION PROCESS

Discretionary authority in the revocation process is given to parole officers and their supervisors, the Division of Probation and Parole (the Division) within the Corrections Cabinet, the Parole Board and Administrative Law Judges (ALJs) employed by the Board. This discretion is spread throughout the entire revocation process. Parole officers have the most opportunities to exercise discretion at the beginning of the process. Sometimes district supervisors and the Division are involved in the officers' decisions to detain a client or initiate revocation proceedings. Once preliminary hearings are initiated, however, discretionary authority passes to the Administrative Law Judges and the Parole Board. Chart 5.1 shows the revocation process in Kentucky and the discretionary points in the system. At each discretionary point, the revocation process could end and parole could be reinstated. Following Chart 5.1, the steps in the revocation process are described below:

- Once a parole officer detects a suspected parole violation, he has 72 hours to investigate the alleged violation. Officers vary their investigations depending on the situation. If the violation is for new criminal conduct, the case is deferred to the court.
- For criminal violations, the court determines the parolee's innocence or guilt and then the parole officer is supposed to report the disposition of the case to his supervisor, the Division of Probation and Parole and the Parole Board. If the court finds the parolee innocent, parole supervision is reinstated. If the parolee is found guilty, a parole officer may

either pursue revocation or alternatives to revocation.

- For technical violations, a parole officer may or may not report the violation. This depends upon the parole officer's interpretation of whether the alleged violation is major or minor, as defined in the CPP. The CPP requires that major violations be reported; however, minor violations are noted in the officer's casebook.
- Once a technical violation is reported, a parole officer is supposed to confer with his supervisor about whether to initiate revocation proceedings. Revocation proceedings are initiated by serving the parolee with a notice of preliminary hearing. If the officer and supervisor choose not to initiate these proceedings, parole supervision is reinstated.
- Between the time notice of preliminary hearing is served and the preliminary hearing is completed, a parole officer may request the Administrative Law Judge to give his client another chance at parole by requesting leniency. Leniency may be requested for various reasons.
- If the Administrative Law Judge grants leniency, the charges against the parolee are held in abeyance and parole supervision is reinstated. The parole officer may impose additional conditions of supervision. The leniency agreement is signed by the parolee, his counsel (if any) and the parole officer. Copies of the agreement go to the ALJ, the parolee, his attorney, the parole officer and the Division of Probation and Parole.

- If no leniency is granted, the ALJ determines whether probable cause exists to believe the parolee has violated conditions of parole or supervision, based on the weight of the evidence presented. If no probable cause is found, the parole supervision is reinstated. If there is probable cause, the ALJ refers the case to the Parole Board for final disposition. In addition, the ALJ may recommend to the Parole Board that a parolee be released or reincarcerated. The Board is not bound by the ALJ's recommendation.
- The Parole Board has authority to issue or withdraw parole violation warrants. If a parole violation warrant is issued, the parolee is ordered by the Board to return to prison for a final revocation hearing. By choosing not to issue a parole violation warrant or withdrawing a warrant already in effect, the Board grants the parolee leniency.
- The Parole Board conducts a final revocation hearing to determine the innocence or guilt of the parolee. Here, the Board makes the final determination regarding whether the parolee is reimprisoned or returned to parole supervision.

#### DETECTING PAROLE VIOLATIONS

The revocation process begins with the detection of possible parole violations. Parole officers learn about parole violations in several ways. To detect technical violations, officers maintain contact with the parolee, his friends, family members and employer. Although contacts increase with higher levels of supervision, it is impossible for parole officers to detect all technical violations unless they supervise clients around-the-clock.

To detect new criminal activity, parole officers not only maintain contacts, but also periodically refer to records kept by local police, court and jail officials. These record checks, however, are not timely or comprehensive enough to detect all instances where a parolee has been arrested or even convicted of a new crime. Furthermore, due to the lapse of time between record checks, a parolee could be arrested, released and commit another crime without the parole officer's knowledge. Police and pretrial officers could help, but due to the

lack of communication between police, pretrial and parole officers, parolee arrests can go undetected by all.

#### A Parole Officer May Not Know A Parolee Has Been Arrested

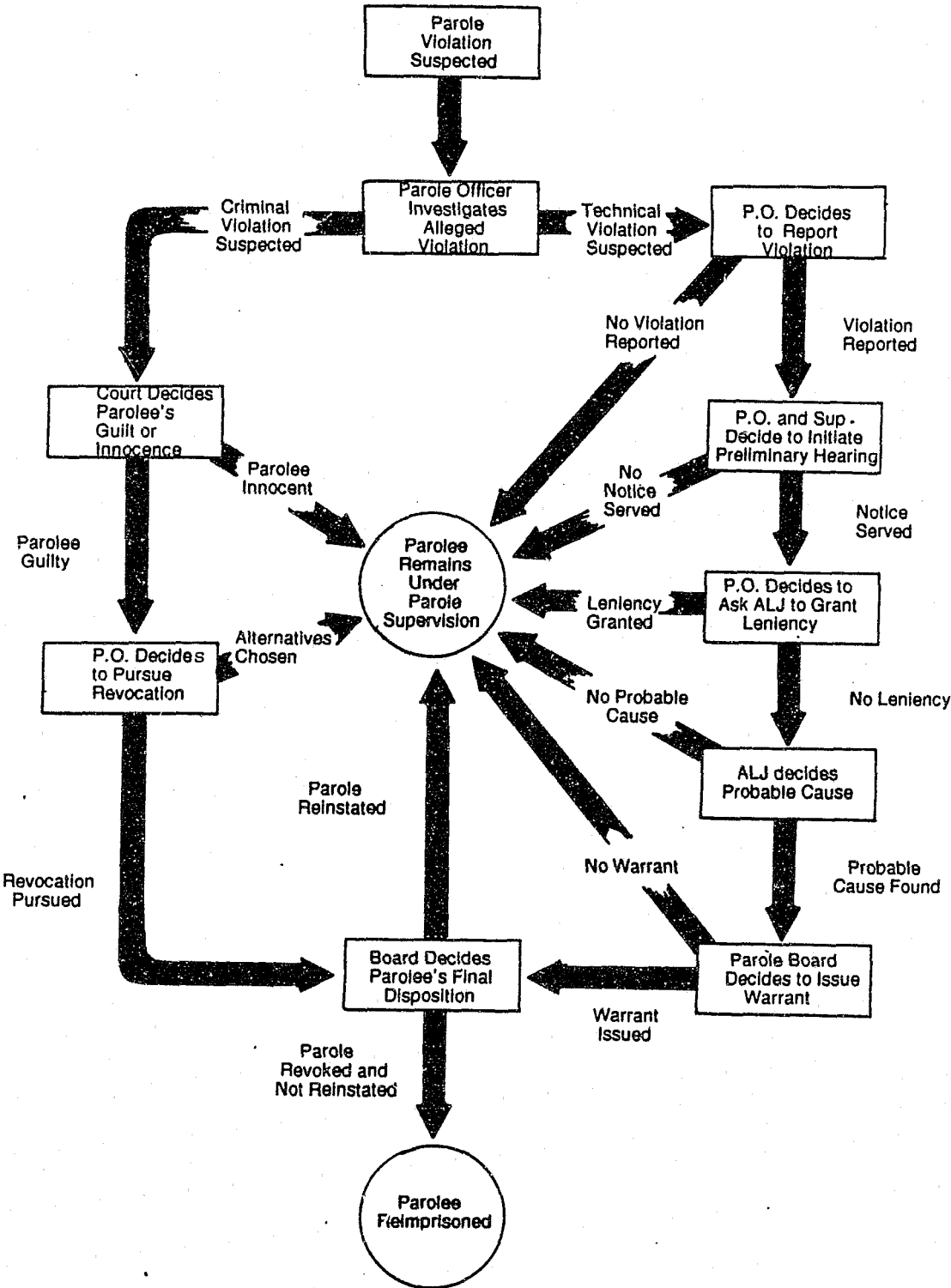
The Corrections Policies and Procedures Manual requires parole officers with Intensive or Advanced Supervision cases to perform local record checks every week. Officers with regular caseloads are required to check records monthly. However, these record checks are not enough to spot all instances where a parolee has been arrested or even convicted. Because record checks are done periodically, a parolee's arrest may go undetected for weeks. In this period of time, the parolee could commit another crime or abscond from supervision. A parolee's arrest may remain undetected if his arrest occurs outside the region covered by the local record check. In fact, an arrested parolee under medium or specialized supervision may be convicted of a misdemeanor and sentenced to a short jail term without the parole officer's knowledge.

The Administrative Office of the Courts employs pretrial officers to interview all arrestees. Part of pretrial officers' interviews entail determining whether arrestees are on parole. Yet, pretrial officers are instructed not to inform parole officers that their clients have been arrested unless the parolee requests that they notify the officer. Rules of Criminal Procedure stipulate that the information gathered by the pretrial officer during the arrestee interview is confidential. According to an official from the Administrative Office of the Court, interview information is kept confidential to encourage the arrestee to be more forthcoming. This court official also stated that requiring pretrial officers to notify parole officers might aid the parole system at the expense of the bail system.

Additionally, Kentucky State Police officers are not required to notify parole officers when parolees have been brought into custody. A Kentucky State Police official indicates that no such requirement is contained within their policies and procedures manual. Given the number of local law enforcement agencies across Kentucky, Program Review staff was unable to determine whether other police authorities generally notify parole officers of a parolee's arrest as either a matter of policy or practice.

CHART 5.1

FLOWCHART OF THE REVOCATION PROCESS



Some parole officers voluntarily check the Kentucky State Police National Crime Information Center (NCIC) system. This system lists individuals with outstanding felony and major misdemeanor warrants from every state and across Kentucky. Still, the NCIC system has its limitations. First, if a parolee has been arrested but is cooperating with the police, his name does not appear on the NCIC system. Second, the NCIC system omits certain misdemeanors.

Parole officers' inability to detect arrests of parolees is not always attributable to communication gaps between the officers and pretrial officers or law enforcement personnel. Police officers and even the courts are limited in their ability to determine whether an arrestee is on parole. For example, a police officer may conduct an NCIC check on an arrestee but an NCIC check does not list an arrestee as a parolee unless an outstanding parole violation warrant has been issued. Police officers may also check state files kept in the Kentucky State Police Central Repository, which usually indicate whether an arrestee is currently on parole in Kentucky. However, according to some police officials, police officers may not check state files if a person has been arrested for a misdemeanor.

District Court Judges rely on pretrial officers to interview arrestees regarding their possible parole status. In some instances, no pretrial interview is held because the arrestee is capable of posting bond at the jail. In other instances, an interview is not held because the arrestee is uncooperative.

Even if an interview is conducted, a pretrial officer may not ascertain that an arrestee is on parole, because his record checks are insufficient. When pretrial officers interview suspected felons or transients, they are required to verify the person's criminal history by checking the state files kept by the Kentucky State Police Central Repository. Although these checks usually uncover an arrestee's parole status, pretrial officers do not check state files when a person is arrested for a misdemeanor. Instead, they check the Pretrial Services Court Disposition System, which does not indicate whether the person is currently on parole.

No system can ensure that all parolee arrests will be detected by criminal justice officials. Nevertheless, parole and arrest information shared between the Division of Probation and Parole, the Kentucky State Police and the

Administrative Office of the Courts would enhance the chances that pertinent information regarding an arrestee's parole status will reach the appropriate persons.

**RECOMMENDATION 14: DEVELOP A MORE EFFECTIVE SYSTEM TO SPOT ARRESTED PAROLEES**

**The Corrections Cabinet, with cooperation from the Kentucky State Police and the Administrative Office of the Courts, should develop a more effective system for detecting the arrests of parolees.**

**DISCRETION IN THE REVOCATION PROCESS**

The Division of Probation and Parole allows parole officers and supervisors considerable latitude in deciding to initiate revocation proceedings. As a result, parole officers and supervisors vary in responding to technical violations. Given the differences in individual parolees and in resources available in each district, however, the Division of Probation and Parole feels that a great deal of latitude is important for districts to operate effectively.

Once begun, the revocation process may be stopped by parole officers, the Director of the Division of Probation and Parole or the Administrative Law Judges. However, only the ALJ documents his reasons for ending the process when he finds that probable cause does not exist.

**Parole Officers and Supervisors Need More Oversight**

The CPP Manual gives some guidance to parole officers and supervisors, but still leaves considerable discretion to initiate revocation. Parole officers not only decide how to conduct an investigation, they often decide whether to go forward with an investigation. Under the CPP, parole officers and supervisors may decide which violations to report, when to impose alternatives to revocation, and whether to initiate a preliminary hearing against a parolee. All these decisions may be made independently from the Division of Probation and Parole and the Parole Board.

Through a survey of parole supervisors and parole officers, Program Review staff found that such discretion may lead to inconsistent deci-

onmaking among parole officers and supervisors. Staff asked parole officers and supervisors how many times certain technical violations should be noted in a casebook before pursuing revocation. The results are presented in Tables 5.1 and 5.2. Of the 25 supervisors and 170 parole officers responding to the survey, most say that if a parolee absconds or commits a firearm violation, parole should be revoked immediately. Table 5.1 shows that 19% of parole officers would revoke parole after the first occurrence of substance abuse violations, 52% at the second occurrence, 19% at the third occurrence and one percent after four or more occurrences. Supervisors responded similarly on Table 5.2. Overall these tables show that parole officers and supervisors, in general, differ over when they pursue revocation. Program Review staff also looked at 85 revocation files and found that parole is revoked for anywhere from one to nine technical violations. In one case, a parole officer allowed a parolee to remain on supervision for ten months even though the parolee admitted to a \$300 per week cocaine habit, was unemployed, had children, and attended drug treatment only 48% of the time.

For practical reasons, parole officers and supervisors should be given some latitude to use their discretion. No two parolees are alike and each violation occurs under different circumstances. Furthermore, each officer handles different caseloads, covers different amounts of territory and has access to different community resources.

Such findings suggest, however, the need to place some controls on parole officer and supervisor discretion. The Division of Probation and Parole voluntarily reviews all supervision reports prepared by parole officers and meets with supervisors on a quarterly basis. However, the Division has no formal way of knowing whether supervisors are conducting thorough, random audits of their parole officers' casebooks or even whether districts are reporting all major parole violations.

Without proper monitoring and evaluation of parole officer and supervisor discretion, inconsistent handling of revocations across Kentucky can magnify. More importantly, parole officers and supervisors can become lax on supervision to the point of jeopardizing public safety.

**RECOMMENDATION 15: ESTABLISH PROCESS FOR MONITORING AND EVALUATING PAROLE OFFICER AND SUPERVISOR DISCRETION**

**The Corrections Cabinet should establish management practices and procedures to monitor and evaluate parole officers and supervisors, in order to ensure that their use of discretionary authority is consistent and effectively applied.**

**Ending the Process Is Not Always Documented**

As in Chart 5.1 indicates, the revocation process begins well in advance of the actual revocation proceeding. Once a parolee is arrested, but before revocation proceedings are initiated, the Director of Probation and Parole may order the release of the suspected parole violator. Under KRS 439.430(1), the Director may do so without documenting reasons. Parole officers may ask an ALJ to stop the revocation process by granting the parolee leniency. The CPP places no restrictions on a parole officer's leniency request, except that leniency should not endanger public safety. However, because the CPP does not indicate what constitutes endangerment to the public safety, the officer is left to decide for himself whether to pursue leniency. Furthermore, parole officers are not always required to document their reasons for pursuing leniency on behalf of their clients. An Administrative Law Judge states that parole officers request leniency in 35-45% of the cases scheduled for preliminary hearing. When leniency is requested, the Administrative Law Judge seldom rejects a parole officer's request. The ALJ defers to the parole officer the same way a court judge defers to the prosecutor. Parole officers may pursue leniency even though the Administrative Law Judge has found probable cause that a violation has occurred.

Given the considerable control that both the Director and parole officers have over stopping the revocation process, lack of documentation diminishes accountability for their decisions.

TABLE 5.1

Parole Officers were asked:  
 "In general, how many times do you record the following technical violations in your casebook narratives before you pursue revocation?"

	ONE TIME	TWO TIMES	THREE TIMES	FOUR OR MORE TIMES	NO RESPONSE
Substance Abuse Violation	19%	52%	19%	1%	9%
Absconding	85%	1%	1%	0%	13%
Possession of Firearm	84%	1%	1%	0%	15%
Failure to Report	4%	35%	36%	14%	10%
Curfew Violation	2%	18%	24%	14%	42%
Change of Address without Permission	11%	49%	16%	12%	12%
Leaving District without Permission	19%	55%	9%	5%	11%
Failure to Attend or Comply with Program	18%	38%	25%	8%	11%
Failure to Maintain or Seek Employment	2%	22%	26%	36%	13%

SOURCE: Program Review Survey of Kentuckys Parole Officers, 1991.

B:\Parole\RgTab1

TABLE 5.2

Parole Supervisors were asked:  
 "In general, how many times would you allow  
 a parole officer to make note of the following  
 technical violations without pursuing revocation?"

	ONE TIME	TWO TIMES	THREE TIMES	FOUR OR MORE TIMES	NO RESPONSE
Substance Abuse Violation	24%	52%	16%	0%	8%
Absconding	76%	0%	0%	0%	24%
Possession of Firearm	76%	0%	0%	0%	24%
Failure to Report	8%	48%	36%	0%	8%
Curfew Violation	4%	20%	56%	8%	12%
Change of Address without Permission	28%	36%	16%	12%	8%
Leaving District without Permission	36%	40%	12%	4%	8%
Failure to Attend or Comply with Program	12%	68%	8%	4%	8%
Failure to Maintain or Seek Employment	12%	44%	16%	20%	8%

SOURCE: Program Review Survey of Supervisors and Assistant Supervisors of  
 Kentucky Parole Officers, 1991.

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**RECOMMENDATION 16: REQUIRE CENTRALIZED DOCUMENTATION OF THE REASONS FOR RELEASING SUSPECTED PAROLE VIOLATORS**

The General Assembly should amend KRS 439.430(1) to require the Director of the Corrections Cabinet, Division of Probation and Parole, to document reasons for not seeking revocation of a suspected parole violator, if the director does not submit a recommendation to the Parole Board.

The committee amended the original staff recommendation to clarify the intent that all action by the Director of Probation and Parole relating to a suspected parole violator be documented, even if it occurs before initiation of formal revocation proceedings. The staff recommendation went a step further, however, by proposing that similar activity by parole officers be documented and that all documentation be maintained in a central file.

**Administrative Law Judges Have Limited Options**

Administrative Law Judges have few options during the revocation process. The ALJ may stop the process when there is no probable cause that a parole violation occurred. If probable cause exists, the ALJ either sends the case to the Parole Board for final revocation or, if the parole officer requests, grants the parolee leniency.

Currently, the Parole Board is considering providing Administrative Law Judges with more options during preliminary hearings. The Board could allow an ALJ to place additional parole conditions on parolees who receive leniency. As a result, ALJs could order that parole violators receive certain treatment or reside in a halfway house as a precondition to granting leniency.

Allowing Administrative Law Judges to impose conditional leniency has advantages. First, it provides another check on parole officer supervision. For example, if an ALJ deems a parole officer's action too lenient, the ALJ may impose tougher conditions before granting leniency. Second, it provides the ALJ with the flexibility to tailor sanctions to the parolee's violation.

**RECOMMENDATION 17: ALLOW ALJ TO ADD CONDITIONS OF PAROLE**

The Parole Board should amend 501 KAR 1:040(1) to allow Administrative Law Judges to place additional conditions of parole on leniency agreements for parole violators. Any additional parole conditions imposed by an ALJ should be subject to Board approval.

**Final Discretion Used by the Parole Board**

By the time a case reaches the parole board for its final revocation decision, it has been scrutinized by parole officers, their supervisors, the Division of Probation and Parole, and Administrative Law Judges. Given that the charges against the parolee have withstood such scrutiny, it is not surprising the Board revokes many paroles at final hearings.

The Parole Board may issue parole violation warrants, which order the parolee back to prison to face a final revocation hearing. Parole violation warrants may be requested through the Division of Probation and Parole or by the Administrative Law Judge. Warrants are usually requested after probable cause is found that a parole violation occurred. The Parole Board may also either not issue or withdraw a parole violation warrant, but it rarely grants the parolee leniency at this stage in the process. Ninety-eight percent of the time the Parole Board issues the warrants requested.

In the end, the Parole Board members conduct a final revocation hearing, to determine whether the parolee is innocent or guilty of violating conditions of parole or supervision. The Parole Board has four options at the final revocation hearing: it may find the parolee guilty of violating parole, revoke parole and order reincarceration for a specified period; it may find the parolee in violation of parole, revoke parole and reinstate him on parole supervision; it may find the parolee guilty of violating parole, but not revoke at all; or it may find the parolee innocent of the charges and reinstate parole. If a parolee is revoked but reinstated, he loses credit for the time he was out on parole. With this option, the Parole Board is able to prolong the time a parolee is kept under supervision.

For FY' 91 the Board conducted 1,169 final revocation hearings. Ninety-five percent of these parolees were sent back to prison. The remaining five percent were released back to supervision. Program Review staff attended 51 final revocation hearings. The results of those hearings were: 20 parolees were ordered to serve out the remainder of their sentences; 29 were returned to prison, with their cases deferred an average of 23 months; two parolees had their parole revoked but were immediately reinstated to intensive supervision.

## CHAPTER VI NOMINATION AND APPOINTMENT OF THE PAROLE BOARD

Professional organizations such as the American Correctional Association (ACA) and sponsors of model parole legislation emphasize that the nomination and appointment of Parole Board members should yield experienced, competent people, capable of making unbiased, independent decisions about parole cases and parole policy. Parole board members also should be able to work and conduct their business in an atmosphere that promotes independent decision-making, minimizes political and other influences, and provides for continuity of policy and experience.

In Kentucky, measures designed to achieve some of these objectives have been incorporated into the parole system. For example, qualifications for membership on the Board are outlined in the statutes and a bipartisan membership is required. An advisory commission, appointed by the Governor, screens and nominates applicants for gubernatorial appointment to the Parole Board. Parole Board members are appointed to four-year staggered terms and members can be removed only for cause by the Governor. Finally, decisions of the Parole Board are generally not subject to review. Still, questions remain about the degree to which these measures provide a qualified and diverse Board, insulate the Board from political and other outside influences, and protect continuity of Board policy and experience.

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### QUALIFICATIONS FOR PAROLE BOARD MEMBERSHIP

In many states, the discretionary appointment of parole board members is tempered by statutory qualifications against which applicants are screened. Generally, states tailor qualifications for board membership to meet their needs and expectations of parole. Thus, states may delineate required levels of educational attainment, experience or training in specified professions. In addition, states may require that members be appointed with regard to racial, ethnic, gender, or geographic considerations.

Kentucky's statutory qualifications emphasize experience and diversity. In 1972, the General Assembly amended KRS 439.320 to require that Parole Board members have at least five years experience in specified areas. Prior to 1972, the statute required that

- . . . persons named to the board by the governor shall be those who have demonstrated their knowledge and experience in correctional treatment or crime prevention and shall be appointed without regard to their political affiliation.

The current statute requires that parole board members:

- have at least five (5) years of actual experience in the field of penology, correction work, law enforcement, sociology, law, education, social work, medicine or a combination thereof; or
- have served at least five (5) years previously on the parole board.

In addition, only four members may be of the same political party.

### Statutory Qualifications Are Broadly Interpreted

Although KRS 439.320 sets forth qualifications required for Parole Board membership, the statute is written in general terms. Furthermore, the broad language of the statute has been subjected to varying interpretations regarding the types of experience required to sit on the Board. As a result, governors have had wider latitude in making appointments and the qualifications of some persons appointed to the Parole Board have been questioned.

Although similar concerns have been expressed about former Parole Board members, the makeup of the current Board can be used as an example. Profiles of the current Board members are found in Appendix F. The seven persons on the Board come from at least six different occupational backgrounds. In addition, some members have a combination of experience. Since none were formally nominated for the Board under a designated profession specified in KRS 439.320, linking them to one of these professions is conjectural. However, one might assume that a former college professor represents education and a former juvenile probation officer and two former probation and parole officers represent law enforcement. Program Review staff were unsure about which disciplines or professions the other three Board members represent. However, the Chairman of the Parole Board advised that the former employee of the Cabinet for Human Resources' Office of the Inspector General and the former Coroner represent law enforcement. The remaining Board member, a former Legislative Research Commission staff person, said that he represents law.

Using the current Parole Board to illustrate the latitude with which the provisions of KRS 439.320 can be applied is not meant to imply that current members of the Board are not capable. Rather the implication is that persons with more remote experiences in the professional areas specified in the statute could be appointed to a future Parole Board. One way to assure that Parole Board members have diversity and a reasonable depth of knowledge in the disciplines represented on the Board is to require an academic credential or other recognized training or certification in the particular field.

Public confidence in the Parole Board's use of its discretion to release persons who have

committed serious crimes and to prescribe conditions necessary for their successful reintegration into communities is crucial to the stability of the parole system. The public should not have to wonder about whether a person meets the statutory qualifications for the Parole Board. Strengthening statutory qualifications and requiring the nominating body to document an applicant's qualifications before forwarding the name to the Governor would add accountability to the nomination process and could prevent some of the criticisms that these appointments are based on political considerations.

#### **RECOMMENDATION 18: SPECIFY STATUTORY QUALIFICATIONS FOR THE PAROLE BOARD**

The General Assembly should amend KRS 439.320 to better define the level of knowledge and experience required to qualify for appointment to the Parole Board. The statute should specify the type of academic credentials, recognized or special training, certification or licensure needed to qualify under the statutory disciplines. The nominating body should establish a policy of forwarding a statement of qualifications, signed by its Chairman, as part of the documentation submitted to the Governor's Office with the names of the three nominees.

### Parole Board Statutes and Practices Do Not Ensure Diversity

The General Assembly's amendment of KRS 439.320 in 1972 increased the professional representation allowed on the Parole Board from two disciplines to eight. Many persons interviewed for this study concurred with the move to a more diverse Board. Theoretically, it allows a state to evaluate inmates from different perspectives and sensitivities. While Kentucky's current Board reflects experience in at least three of the professional categories named, nothing in the statute ensures that this diversity will remain. In fact, the current representation on the Board, which is dominated by members with law enforcement backgrounds, suggests a return to pre-1972 conditions. Since the 1972 amendment, Board composition at two periods of time appears to have been more diverse than it is now. These previous Boards appear to have

represented at least four, and possibly five, of the statutory disciplines.

Some states protect the diversity of their Parole Boards. For example, Arizona's statute limits the number of board members from a particular discipline that can serve at the same time. Alaska's statutes require that at least one person have experience in the field of criminal justice, and the California Parole Board is required to reflect the diversity of the state's population.

Professional diversity should also be reflected on quorums or panels selected to conduct parole hearings. KRS 439.320 allows the Parole Board to break down into three-member quorums to conduct parole hearings. These panels are selected at the discretion of the Chairman of the Board. Other than the number of persons required, there are no rules governing the make-up of quorums. Therefore, quorums could be composed of Parole Board members with the same background. This circumstance diminishes Kentucky's ability to capitalize on the strength of diversity and use broad-based expertise in evaluating inmates. If an objective of the statute is to ensure that inmates are broadly assessed during the hearings, then diverse representation should be encouraged.

**RECOMMENDATION 19: REFLECT DIVERSITY ON THE PAROLE BOARD, QUORUMS AND PANELS**

**The General Assembly should amend KRS 439.320 to require that a minimum of three (3) disciplines or professions be represented on the Board at any time.**

The original staff recommendation proposed requiring the parole board to amend its administrative regulations to provide that the Board's diversity be reflected on its quorums and panels. With the committee's approval, staff responded to the Parole Board's concerns about scheduling flexibility by deleting this provision from the recommendation.

**NOMINATION FOR PAROLE BOARD POSITIONS**

The Commission on Corrections and Community Services (the Commission) nominates potential appointees to the Parole Board. The Commission is appointed by the Governor and is composed of five ex-officio state officials and

eleven representatives of various segments of the criminal justice community and the state at large. Briefly, the Commission receives applications for Board membership through informal solicitation, screens applicants by multiple criteria selected by each Commissioner, and submits three names to the Governor for consideration.

Still, the use of an advisory body to screen and recommend nominees has not removed the perception that political responsiveness carries a great deal of weight in the nomination and appointment process. This is due in part to the informal manner in which Parole Board applications are obtained. In addition, the independence and autonomy of the Commission are questioned.

**Vacancies for Parole Board are Not Advertised**

Vacancies on the Parole Board are not advertised or formally announced. In fact, the responsibility for seeking applicants for positions on the Board is often undertaken by either commissioners on the Commission for Corrections and Community Services, or members of the Parole Board. Furthermore, certain former and current Parole Board members and applicants for positions on the Board advised Program Review staff that they learned of a vacancy or impending vacancy by word of mouth or knowledge of Parole Board activities.

The application process should be more open. Advertising or other public dissemination of information about vacancies should attract more diverse and qualified persons and counter the perception of political intervention.

**RECOMMENDATION 20: ADVERTISE PAROLE BOARD VACANCIES**

**The General Assembly should amend KRS 439.320 to require public notification of expired terms or vacancies on the Parole Board.**

**Perception of Politics Affects Confidence in Nomination Process**

The 15 members on the Commission on Corrections and Community Services are all appointed by the Governor. Four of these members are ex-officio and serve by virtue of

their appointment by the Governor to various positions within the Corrections Cabinet or the Parole Board. Commissioners serve during the term of the Governor who appoints them. The most frequent concern expressed about the nominating Commission by former Parole Board members and applicants for positions on the Board was whether the Commission can act independently of a governor. The current Commissioners interviewed for this study were unaware of any communication between the Governor's office and the Commission during the screening process. The Chairman of the Commission (also the Secretary of Corrections), stated that the only communication with the Governor's Office during the screening process is to get names of possible candidates for the Parole Board. This occurs because applicants often submit resumes to the Governor's Office. However, former Parole Board members and applicants for the Board felt that governors have influenced the process by making their preferences known to Commissioners.

Campaign contributions made by members of the Parole Board may also create the perception that political activity is necessary to get appointed to the Board. At least four of the current Parole Board members or their spouses made campaign contributions to either the 1991 Wilkinson campaign for governor or the political action committee, Kentuckians for a Better Future. One Parole Board member made a contribution a little over two months prior to the expiration of his term. Another member made a contribution approximately two weeks after his term expired. Both members were later reappointed. One new member made a contribution approximately five weeks after his appointment to the Board. One former Parole Board member, whose term expired June, 1990, and his spouse contributed to the 1991 Jones' primary campaign in Fall 1990. This Board member was replaced in March, 1991.

Some applicants who were not accepted for Parole Board positions also contributed to various candidates. Since resumes are not retained by the Commission on Corrections and Community Services, telephone numbers or street addresses of applicants were not obtainable. However, it appears that three applicants contributed to the Jones and Hopkins campaigns and possibly two others contributed to the Forgy and Baesler campaigns. None of these applicants were appointed.

### **Legislative Confirmation is an Option, but Constitutionality Unclear**

Legislative confirmation of Parole Board members is often mentioned as a way of inserting checks and balances into the nomination and appointment process. Legislative confirmation is recommended in the Model Parole Act, and is used in several other states. Legislative confirmation would allow more public scrutiny of the nomination process and could lead to a more deliberate process for selecting qualified appointees. Legislative confirmation could balance a governor's influence over the nomination process and also make Parole Board appointees less vulnerable to a single political agenda. Finally, legislative confirmation may encourage governors to appoint or reappoint members in a more timely manner.

On the other hand, many of the Commission members and current and former Parole Board members interviewed by Program Review staff feel that legislative confirmation would increase the political nature of the nomination and appointment process. Furthermore, legislative confirmation may delay the appointment process if time limits are not established. Delays could ultimately affect the workload, and possibly the quality of decision-making, by creating an understaffed Parole Board. Finally, questions about the constitutionality of legislative confirmation have arisen. Litigation challenging the legislature's authority to confirm executive appointees is pending before the State Supreme Court.

### **An Independent Nominating Commission Could Provide Board Oversight**

A second option for strengthening the nomination and appointment process is to give the nominating body more political autonomy. This could be accomplished by either creating a new selection and nominating body or modifying the existing one to limit direct ties to the Governor. This, theoretically, would allow more independence in the screening and nomination process.

Other states (Alabama, Florida, Hawaii) using nominating committees do not have persons associated with the administration of the state's correction or parole system on the nomination commission. In the past, however, Florida has had corrections representatives on its qualifications committee. Representatives on

nominating commissions of other states include: the Lieutenant Governor, Chief Justice of the Supreme Court, a presiding Judge of the Court of Criminal Appeals, members of law enforcement agencies, the Director of the Department of Social Services, representatives of professional and social service organizations and members of the general public.

A new or revamped nominating commission could be composed of nine members, with a limited number appointed by the Governor. The membership could include various combinations of specified elected state officials, professionals from selected areas, recommended by their professional associations, a representative of persons employed in local law enforcement or corrections areas, a representative of local elected officials and victims organizations, or citizens-at-large appointed by the Governor. Specified representation from political parties and geographic regions could also be required. Members could serve four-year staggered terms and be reappointed.

A new nominating commission would primarily be responsible for nominating persons for gubernatorial appointment to the Parole Board. Other duties would include establishing policies and procedures for publicly announcing Parole Board vacancies, certifying qualifications and evaluating applicants. The new commission could also conduct hearings and recommend the removal of Board members. In addition, the new Commission could be responsible for having background investigations conducted on the nominees and for conducting any other investigatory work necessary to perform its duties.

#### **APPOINTMENT OF BOARD MEMBERS**

The ACA and other national bodies say that parole boards should operate independently of political pressure or other outside influence, and that boards should be appointed in a manner that protects continuity of policy and experience. One strategy used to achieve these measures is to stagger the terms of Parole Board members. Nationwide, Parole Board terms range from four to seven years. In Kentucky, Parole Board members serve four year terms, the maximum allowed under the Kentucky Constitution.

#### **Current Parole Board Terms Threaten Continuity**

The four-year staggered terms for Parole Board members were established in 1956, when

the Board had only three members. However, the addition of Board positions established by executive order or created by the General Assembly in 1963 and 1986 has resulted in a situation in which the terms of four board members expire within five weeks of each other. Table 6.1 shows the time frame for appointments and reappointments for current Parole Board members. Column 3 shows that two terms will expire on May 23, 1994, and two terms will expire on June 30, 1994. This pattern will be repeated every four years; it threatens the Parole Board's continuity of both policy and experience, in that several experienced members could leave the Board at the same time.

#### **RECOMMENDATION 21: RE-STAGGER TERMS OF BOARD MEMBERS**

**The General Assembly should amend KRS 439.320 to re-stagger terms of parole board members when the current terms expire. Upon the expiration of the terms of office of the two Board members whose terms expire June 30, 1994, the Governor should appoint two members to serve until June 30, 1995. Thereafter, all members would serve four-year terms. To ensure continuity, the statute should also require that terms be re-staggered each time there is an action that changes the configuration of the parole board.**

KRS 439.320 also allows Parole Board members to serve until they are replaced or reappointed. Gubernatorial appointment practices have resulted in a lag time for appointing or reappointing Parole Board members that ranges from two days to nine months. Table 6.1, column 4, shows the time it has taken for Board members to be appointed and reappointed. The consequences of allowing untimely appointments to the Board threaten not only the continuity of policy and experience, but also the political insulation of the Board. The last appointment cycle reflects some of these concerns. Table 6.1, columns 2 and 3, show the dates of appointments and expiration of terms for current Parole Board members.

During March and May of 1991, five of the seven Parole Board members were appointed or reappointed. One of the vacancies was created by a resignation; however, the other four vacancies resulted from expired terms that had not been

filled. Accordingly, four of the seven Board members have less than two years of experience. Three members have less than six months of experience. Had the Governor not reappointed two members, the current Parole Board could have had five new members.

**RECOMMENDATION 22: PLACE TIME  
LIMITS ON PAROLE BOARD  
APPOINTMENTS**

**The General Assembly should amend KRS 439.320 to require that the Governor make appointments or reappointments to the Parole Board no later than 60 days after a term expires or a vacancy occurs.**



TABLE 6.1

Lag Time in Parole Board  
Appointment and Reappointments

Previous Term Expired (1)	Appointment/ Reappointment Date (2)	Current Term Expires (3)	Lag Time (4)
03-01-89	03-03-89	03-01-93	2 days
01-02-91 <sup>2</sup>	04-09-91 <sup>3</sup>	06-30-92	4 months
03-01-89	09-22-89	03-01-93	6 months
06-30-90	03-11-91	06-30-94	8 months
06-30-90	03-11-91	06-30-94	8 months
05-23-90	03-11-91 <sup>4</sup>	05-23-94	9 months
05-23-90	03-11-91 <sup>4</sup>	05-23-94	9 months

NOTES:

- Lag time refers to the length of time that elapsed after Parole Board terms expired or became vacant and the Governor appointed or reappointed someone to fill the positions. Totals for the number of months have been rounded.
- Parole Board member resigned.
- Appointed to serve the remainder of the term from which a Parole Board member resigned.
- Reappointed to a second term.

SOURCE: Compiled by Program Review staff from data supplied by the Parole Board.

B:Parole\Table6-1

## CHAPTER VII ACCOUNTABILITY AND ADMINISTRATIVE OPERATIONS OF THE BOARD

Public scrutiny of the parole system often intensifies whenever a parolee violates parole or commits a serious crime. Given the public protection mission espoused by the system, the public looks for someone to hold accountable for parole failures. Each entity with a role in Kentucky's parole system is separate and autonomous. This administrative structure dilutes direct lines of accountability and makes problems in the system difficult to attribute. Nonetheless, initial criticism is usually directed at the Parole Board for its decision to release the parolee.

Program Review staff asked current and former Parole Board members about their accountability. Some felt accountable to the Governor; some felt accountable to the public; one felt accountable to no one. Parole is an executive function arising from the Kentucky Constitution. The Kentucky Parole Board, however, is created by statute and therefore is accountable to the General Assembly. The Governor is empowered by KRS 439.320 to appoint Parole Board members and remove them for documented cause. This establishes an accountability link to the Governor. Finally, KRS 439.340 requires that Parole Board decisions be made in the best interest of society. Therein lies the Parole Board's accountability to the public.

Current and former Parole Board members offered advice on ways to add accountability to the decision-making process and to judge Board performance. Suggestions included more scrutiny of Board members' and applicants' qualifications, opening parole hearings to the public, publicizing Board members' votes, and disseminating parole statistics on a regular basis. These measures are either already being used to some extent or their is possible implementation discussed in this report. Nevertheless, the parole system lacks internal performance measures for self-assessment.

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### OPEN PAROLE HEARINGS

The Parole Board holds parole release hearings, parole revocation hearings and victim hearings. Meetings of the Parole Board are closed for the most part. Pursuant to KRS 439.340 (7), victims' hearings may be open unless persons authorized to appear before the Board, at the hearings, request that they be closed. KRS 61.810 specifically exempts the deliberations of the Parole Board from the open meetings requirements for public agencies; however, in practice the entire hearing is closed.

### Open Hearings Allow More Public Scrutiny

Several points can be made in support of opening hearings to the public. First, open hearings would provide the opportunity for oversight and evaluation of public officials (Parole Board members) functioning in a public capacity. Moreover, open hearings would provide greater insight into the basis of Parole Board decisions and remove public perceptions of secrecy surrounding Board activities.

### **Open Hearings Present Security and Facility Problems**

Still, the benefits of open parole hearings must be weighted against the possible impact on the institutions, the hearing proceedings, and the participants. Program Review staff surveyed wardens and jailers of correctional institutions where parole hearings are held about some of these concerns. Appendix G summarizes their responses.

Parole hearings are held in sixteen correctional institutions across the state. Currently none of these institutions have adequate physical facilities to accommodate open hearings, and only five indicate available space that can be modified. Transporting inmates to other facilities for parole hearings is an option, but would require additional staffing and vehicles. In addition, open hearings would pose security risks for both inmates and observers and may increase the liability of the institutions.

### **Open Hearings May Restrain Candor of Questions and Answers**

Open hearings could negatively affect the hearing proceedings by disrupting the hearing process and constraining the free flow of information between the Parole Board and the inmate. The Parole Board holds approximately 40 hearings a day and operates at a fast pace. The average time span of hearings observed by Program Review staff was six to ten minutes. Hearing proceedings would be disrupted by a constant flow of spectators in and out of the hearing room as one hearing ends and another begins. In addition, the Parole Board engages in frank dialogue with inmates during the interview portion of the hearing and uses statutorily confidential information during the entire proceedings. A public setting could reduce the effectiveness of both the inmate interview and inhibit the discussion of confidential documents in the decision-making process.

Open hearings also may reduce victim input in parole hearings. Victims submitted 1,682 Victim Impact Statements in FYs '90 and '91, and participated in 181 victims hearings. The Victim Coordinator for the Parole Board stated that victims often inquire about whether the inmate will be informed of their comments, and estimates that only two victims hearings have been opened. Although victims hearings may be closed, information from the hearing is shared

among Board members during deliberations in the release hearing. Open parole hearings may force a victim to choose between loss of privacy and participation in the parole process.

Finally, open hearings may adversely affect an inmate's chance of successfully reintegrating into the community to which he is paroled. An inmate's potential success on parole will depend largely on his ability to reintegrate into society. However, negative exposure or the replay of a crime story by the media could be detrimental to his chance for acceptance in a community.

Because of the adverse effect that open hearings would have on correctional institutions, participants and the hearing, it is not included among this report's recommendations. However, there are other ways to allow more public scrutiny of parole hearings and maintain the quality of the parole hearings process. In calling for open hearings, many groups, including The Kentucky Press Association, requested access to Parole Board records and documentation, as well as hearings. Recommendations in other parts of this report address this issue by requiring that the Parole Board document criteria used to evaluate an inmate, the reasons for allowing or denying parole and the votes of individual members on release decisions.

## **PAROLE SYSTEM PERFORMANCE MEASURES**

The same problems in attributing the causes of failures in a parole system apply to measuring the success of a system. The measure used most often is recidivism, the rate at which parolees are returned to prison for violating the conditions of parole. Recidivism rates relate to both the release and supervision components of a parole system and can be affected by a number of factors. These include changes in economic conditions, state demographics, government priorities, corrections' policy, parole board practices and sentencing guidelines. Moreover, recidivism rates have to be considered in accordance with the individual components of particular systems. For example, Nebraska has one of the lowest recidivism rates in the country. However, their parolees remain under supervision for only nine months, compared to a nationwide average of two years.

### **Data Collection and Analysis Are Inadequate**

Improved research capabilities may be a key to developing internal performance measures for

assessing components of Kentucky's parole system, and the criminal justice system as a whole. The state's current system of data collection and analysis is not adequate to draw conclusions about the parole process or even answer basic research questions. The manner in which recidivism rates are reported in the Parole Board annual reports suggests that data currently collected and reported may not provide an accurate basis on which to assess the system. For example, in FY '90, the Parole Board reported that 86% of the parolees whose parole was revoked had committed technical violations, and only the remaining 14% had committed new felony convictions. However, more parolees may be involved in new criminal activity than the revocation classification indicates. The Parole Board classifies parolees who commit misdemeanors as technical violators. Also, parolees who commit both a technical violation and a felony are classified as technical violators, if they have not been convicted of the felony at the time of the final revocation hearing.

To better ascertain the number of parolees revoked for purely technical reasons versus new criminal activity, Program Review staff reviewed 85 revocation files spanning two years. This review shows that only 42% of the parolees in the sample were revoked for purely technical reasons. Twenty-five percent had been revoked for committing misdemeanors, nine percent had committed technical violations and new crimes, and 23% had been revoked for new felonies. When reviewed in this detail, these figures reflect a different picture than the Parole Board's statistics.

The Parole Board Chairman cited increased research capabilities as the most essential need of the Parole Board at this time. These resources would provide the Board with feedback from its decisions by enabling it to do statistical studies to determine who is paroled and who returns to prison. A retrospective look at its decisions would help the Board determine if its application of parole statutes and regulations is fair and consistent or if a pattern of bias exists. Some of the areas that need to be researched include:

- The impact of race or sex on parole decisions,
- The success of parolees based on their participation in certain programs,
- A comparison of recidivism rates between successful parolees and inmates who serve out their sentence, and
- An examination of the effect of Parole Board decisions on the prison population.

The Parole Board Chairman has requested that a researcher be placed on his staff to answer such questions and to assist in the construction of a risk assessment instrument for the Board's use in parole release decisions. While this change would centralize Parole Board research into one location, there is some question as to whether there will be enough work to warrant a full-time research position for the Board. Presently, much of the data needed to answer these questions are in the Corrections Cabinet data base or are required by statute (Chapters 17 and 27A). Therefore, a researcher placed under the Board will still need to use data presently managed by the Corrections Cabinet.

To ensure compliance with the requirements in these statutes, data collection, analysis, and retrieval could be enhanced by expanding the existing computer and analysis capabilities of either the Parole Board or the Corrections Cabinet. This expansion would enable the Cabinet to centralize both incarceration and parole information in one location, and would allow the Cabinet to perform long-range research on corrections, as well as Parole Board questions. This improvement could, however, pose problems for the Parole Board in terms of getting timely information, if the Corrections Cabinet does not rank it among its research priorities.

The problems associated with the current method of data collection are related to the administrative structure of the parole system. Several of the entities involved in the system hold pieces of the information needed for complete and accurate data collection and analysis. Furthermore, the lack of performance measures and adequate analysis is the parole system's problem and should be addressed collectively by both of the primary entities in the system.

**RECOMMENDATION 23: DEVELOP RESEARCH CAPABILITIES**

The General Assembly should require the Parole Board and Corrections Cabinet to evaluate the effectiveness of the parole system and its individual components. Existing research capabilities should be expanded to enable the Parole Board and the Corrections Cabinet to jointly:

- Collect data pertinent to the evaluation of the parole system,
- Maintain the data in an accessible and useful format,
- Analyze the data and identify trends, and
- Report annual comparative data.

**ADMINISTRATIVE OPERATIONS OF THE BOARD**

Several practices of the Parole Board have been accepted as Board policy; however, the Parole Board has no written policies to cover discretionary practices, such as closing parole hearings or recording Board members' votes. In fact, the Parole Board does not have a policies and procedures manual that covers administrative operations of the Board. When Program Review staff asked the current Chairman what measures should be used to judge the Parole Board, he stated that the Board should be judged on the soundness and the quality of its regulations and the application of these in a fair and consistent manner. Conceivably, unwritten practices of the Board could affect the consistency in which it applies not only those practices, but also its regulations. The current Parole Board Chairman acknowledged that having written policies and procedural guidelines is not unreasonable, but stated that time restraints have prevented the Board's development of these.

**Parole Board Chairman's Duties Pose Potential Conflicts**

The Parole Board Chairman has multiple responsibilities. First, as a member of the Parole Board, he is responsible for all of the duties outlined in KRS 430.330. Second, as Chairman of the Board, he has various responsibilities inherent to that position. One of these includes sitting on the Commission that nominates

persons for positions on the Board. And third, as Chief Administrative Officer of the Parole Board, he has responsibilities which cover organizational, administrative and personnel matters relating to the Board.

The Parole Board Chairman's multiple roles raise concerns about potential conflicts of interest and time availability. First, a perception of conflict of interest arises from the Chairman functioning as a member of the Parole Board and also participating in the nomination of Parole Board members, particularly when the Chairman or other Board members apply for reappointment to the Board. KRS 439.302 includes the Chairman of the Parole Board on the membership of the Commission on Corrections and Community Services. However, nominating persons for the Parole Board is not one of the original duties of the Commission outlined in its enabling statute (KRS 439.304). This authority is delegated to the Commission in KRS 439.320, which also outlines the qualifications and terms of Parole Board members. Therefore, it is possible that the General Assembly inadvertently placed the Parole Board Chairman in a capacity to participate in a screening process which he must also undergo for his position on the Board.

**RECOMMENDATION 24: REMOVE PAROLE BOARD CHAIRMAN FROM SELECTION AND NOMINATING BODY**

The General Assembly should amend KRS 439.302 to remove the Chairman of the Parole Board from membership in the body responsible for screening and nominating future parole board members for gubernatorial appointment.

A second potential conflict arises from the Chairman serving in a voting capacity at parole hearings and also scheduling the three- or four-person quorums that handle the hearings. Forty-two parole panels have been scheduled by the Chairman for July through December, 1991. Twenty-four of these are three-person quorums. The Chairman is scheduled to sit on 11 of these. A conflict in this area may be more perceived than real. Decisions by hearing quorums can be reconsidered by the full Board at the request of a Board member.

The Chairman's authority to vote at revocation hearings may also limit the degree to which he can communicate with the Corrections Cabinet regarding individual parolees under supervision. The CPP Manual requires that copies of supervision reports be forwarded to the Parole Board, but the current Chairman questions the need to see all supervision reports before a revocation hearing. The Parole Board is analogous to a judge and jury. Therefore, reviewing these reports beforehand could predispose a Parole Board member in the event of a subsequent revocation proceeding. Yet, reviewing supervision reports provides the Parole Board with some awareness of the Corrections Cabinet's supervision of parolees. This practice would allow the Parole Board to discuss questionable supervision practices with the Corrections Cabinet before a serious incident occurs.

#### **Chairman's Administrative Duties Should Be Shared**

The Kentucky Parole Board had an Executive Director from 1978 until 1986, when a reorganization act amended KRS 439.320 to abolish the position. However, that Executive Director was appointed by and responsible to the Commissioner for Corrections (later the Secretary of Corrections) for administrative matters, but was to report to the Chairman of the Parole Board on policy matters.

The current Chairman of the Parole Board states that he schedules and assigns Board members to parole release and revocation hearings; signs warrants; hires, supervises, and terminates personnel; schedules training for Board members; acts as a liaison with other agencies; prepares and monitors the Board's budget; handles press and public relations for the Board; handles legislative matters; serves on at least two statutory Commissions and various other committees and task forces as requested; coordinates the formulation of policy and regulations for the Board; and hears and votes on parole cases. Some administrative duties are handled by an administrative section supervisor.

However, her primary role appears to be supervising clerical support staff.

The Chairman's time might be better spent as a Board member and policymaker. An administrator hired to relieve the Chairman of some administrative responsibilities could allow him to increase his availability for parole release and revocation hearings and for development of Board policies and goals. For example, due perhaps to time constraints, the Chairman was scheduled to sit on only one-third of the parole panels scheduled from July to December 1991. Moreover, this report has already noted that the Board's lack of policy and procedural guidelines in all aspects of its operations is a major deficiency.

Ideally, an executive administrator position could be beneficial to the overall operations and administration of the Board in several ways. First, it would relieve real or perceived conflicts of interest by placing some distance between Board decisions and policy-making, and the day-to-day administrative operations. Second, it would allow the Chairman to devote more time to address critical issues facing most paroling authorities today. Third, it could facilitate the Board's implementing some of the research and other administrative requests presented in this report. And fourth, it would provide for a greater degree of administrative continuity during changes in Board composition, and particularly Board leadership. In contrast with the previous Executive Director position, an executive administrator should be hired by and responsible to the Board.

A report compiled from an ACA Parole Task Force survey showed that 19 states (including Kentucky) place all of the administrative duties of the Parole Board in the hands of the Chairman. In the remaining 31 states the Chairman either shares administrative duties with other Board members, or an administrator serves the Board in this capacity.

The committee rejected a staff recommendation that the General Assembly establish an executive administrator position responsible to the Parole Board.

## CHAPTER VIII COMMITTEE ACTION

The Program Review and Investigations Committee's discussion of the staff report on Kentucky's Parole System covered portions of three committee meetings. The draft report was presented on September 9, 1991. State agencies affected by the study recommendations and other interested parties testified at committee meetings on October 7 and November 4, 1991. Final consideration was given to staff and committee recommendations and the draft report on November 4, 1991. Appendix H contains a Recommendation Worksheet that reflects amendments to and action on the recommendations.

At the October 7, 1991 meeting, the Committee adopted recommendations numbered one, three, four, five, seven, nine, eleven, twelve, thirteen, fourteen, twenty, twenty-one, and twenty-two as presented by staff. Recommendations numbered two, six and seventeen were adopted as amended.

At the November 4, 1991 meeting, the Committee adopted recommendations numbered eight, ten, fifteen, eighteen, twenty-three and twenty-four as presented by staff. Recommendations numbered sixteen and nineteen were adopted as amended. Recommendation numbered twenty-five was not adopted.

Two additional recommendations were proposed by members of the Committee:

### **RECOMMENDATION 1: REQUIRE LEGISLATIVE CONFIRMATION FOR PAROLE BOARD APPOINTMENTS**

The General Assembly should amend KRS Chapter 439 to require that gubernatorial appointments to the Kentucky Parole Board be confirmed by the Senate in accordance with the procedures set forth in KRS 11.160.

### **RECOMMENDATION 2: CREATE AN AUTONOMOUS NOMINATING COMMISSION**

The General Assembly should create a new section of KRS Chapter 439 to establish a new autonomous commission to nominate persons for gubernatorial appointment to the Parole Board. The composition could be composed of at least one representative from the following areas: law enforcement, judiciary, victim's rights organizations, local elected officials, practicing attorneys, behavioral scientists, former parole board members, educators, and the general public. The primary duties of the commission would be to:

- Establish policies and procedures for publicly announcing and advertising Parole Board vacancies,
- Certify qualifications of applicants,
- Devise a method of evaluating parole board applicants,
- Conduct background investigations on nominees,
- Submit three names per vacancy to the Governor, and
- Issue an advisory opinion to the Governor regarding the removal of a parole board member after conducting a hearing.

Members of the commission would serve four-year staggered terms. Public members of the Commission would receive twenty-five (\$25) dollars per day per meeting. Each commissioner would be reimbursed for travel and other reasonable and necessary expenses. For administrative purposes, the new commission would be attached to the Justice Cabinet.

Committee Recommendation number one was adopted. Committee recommendation number two was not adopted.

The staff report was adopted, as amended, by the Committee for submission to the Legislative Research Commission.



# APPENDIX

## A

**APPENDIX A - TABLE 1  
KENTUCKY INMATE POPULATION AND  
AVERAGE COST OF INMATE INCARCERATION**

AVERAGE DAILY INMATE POPULATION				
INSTITUTIONS	COMMUNITY CENTERS & REGIONAL JAILS	MARION ADJUSTMENT CTR. & KCPC	TOTAL	
FY 81/82	3,958	103	0	4,061
FY 82/83	3,941	153	37	4,131
FY 83/84	4,488	110	38	4,636
FY 84/85	4,545	181	52	4,778
FY 85/86	4,624	222	190	5,036
FY 86/87	4,689	311	257	5,257

INSTITUTION POPULATION	REGIONAL JAILS CENTERS	HALFWAY HOUSES COMMUNITY CENTERS	TOTAL
FY 87/88	5,023	132	5,155
FY 88/89	5,781	190	5,971
FY 89/90	6,735	248	6,983
FY 90/91	7,617	369	7,986

Total figures DO NOT include controlled intake inmates. Aug 15, 1991 CI = 847 inmates

	AVERAGE DAILY INMATE COST				
	85/86	86/87	87/88	88/89	89/90
MIN SECURITY	23.20	25.81	24.80	24.21	28.97
MED SECURITY	34.18	34.82	34.84	34.58	35.06
MAX SECURITY	37.34	39.03	40.39	44.38	46.60

\* These cost do not include, Fire Loss, Construction or Debt Service, Fines, Agriculture or Correctional Industries.

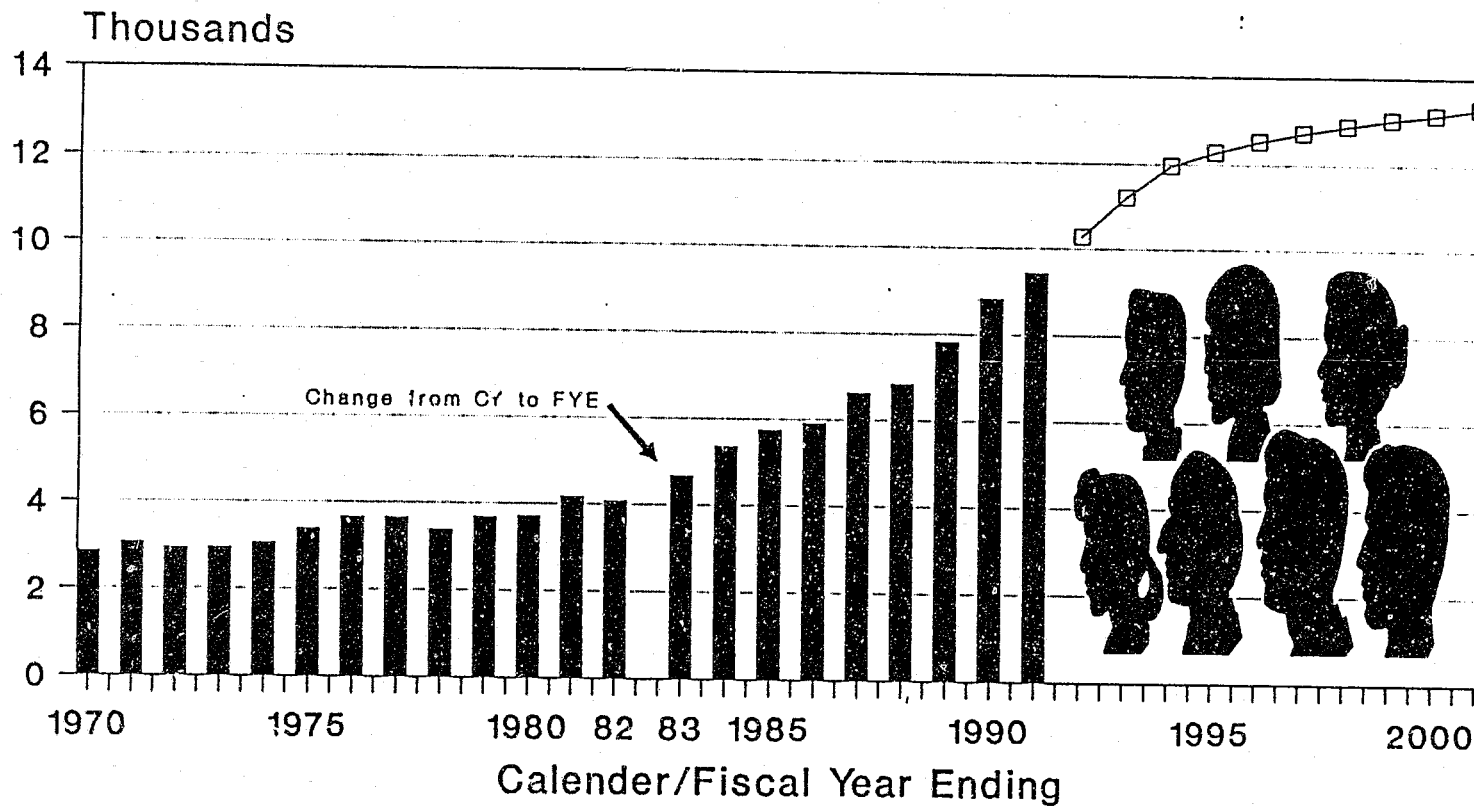
AVERAGE DAILY COST PROBATION & PAROLE			
	ISP	ASP	REGULAR
FY 87/88	4.05	1.60	2.79
FY 88/89	4.02	1.87	2.89
FY 89/90	3.91	1.80	2.87

\* These are direct supervision cost only.

SOURCE: Compiled by Program Review staff from data supplied by the Corrections Cabinet.

B:\PAROLE\INCSTTAB

# Kentucky Corrections Cabinet Felon Population Projections



Actual Population
  1991 Projections

Appendix A  
Table 2

Kentucky's Parole System: Research Report No. 257

08/14/91 I

# APPENDIX

## B

## APPENDIX B

**AN OVERVIEW OF KENTUCKY PRISON CONSTRUCTION AND OPERATING COSTS**

PREPARED BY  
MIKE GREENWELL  
Program Evaluation Analyst  
Program Review And Investigation Committee

Kentucky's steadily increasing prison population is having a dramatic effect on the State's budget. The expansion of correctional physical plants (facilities and infrastructure) has affected the following areas:

- Construction or renovation costs,
- Finance, including principle, interest and bond issuance costs
- Maintenance and operating costs, and
- Staffing and inmate costs, e.g., food, clothing, medical expenses.

**Correctional Facility Construction Costs**

Since 1985, Kentucky has increased the number of prison beds by approximately 4,100, including 1,100 prison beds budgeted for FY' 92 to be provided through private sector contracts.

According to the Executive Budget for the 1990-92 biennium by the end of FY 90 the Corrections Cabinet will have the capacity to house 7,810 felons in institutions or at community-based facilities. The biennial 90-92 budget will expand that capacity by 3,300 beds at the end of the 1992-94 biennium.

The total costs of construction for all new minimum, medium, and maximum security beds over the last three bienniums was approximately \$139,000,000. This amounts to an average cost per bed of \$46,000, and does not include all applicable operating, debt service and bond issuance costs. An average total construction cost including all debt service can be arrived at by multiplying the construction cost of a correctional facility by 2.25. This multiplier includes principle and interest cost for a tax exempt bond issue to finance the project. An example is presented below:

Average construction cost, per bed	\$46,000
Debt service multiplier	<u>X2.25</u>
Total correctional facility costs	\$103,500

Bond cost per bed for a correctional facility when amortized over 20 years (\$103,500 divided by 20 years) equals an annual cost including debt service of \$5,175, or 14.48 a day.

### **Correctional Facility Operational Cost**

According to the Corrections Cabinet, in FY' 89, the average costs of housing an inmate in a correctional institution was \$34.01 per day or \$12,415 per year. By FY' 90 the average daily operating cost was projected, by Corrections Cabinet officials, to be approximately \$39.00.

By combining the average construction cost, amortized over twenty years, with the average operational cost of incarcerating an inmate, the daily cost equals \$53.78, or an annual average of \$19,630, shown below:

Daily cost of construction, per bed	\$14,78
Daily operating cost, per bed	<u>\$39.00</u>
Total daily cost, per inmate	\$53,78

### **Budget Summary of Prison Expansion in Kentucky**

During the past 10 years, Kentucky has substantially increased its prison bed capacity partially due to the federal consent decree. Between 1982 and 1992 the General Assembly authorized \$175,000,000 not including interest or bond issuance costs for capital construction in the Corrections Cabinet's budget. Of these funds, approximately \$156,000,000 was authorized for new prison construction, and \$19,000,000 was authorized for repairs or infrastructure improvements. A biennial budget summary for the years 1983 to 1992 is presented below.

#### **1983-84 Budget**

Reauthorized projects, initially budgeted in the 1981-82, to be built during the 1982-84 biennium: a dormitory and a vocational building for Luther Lockett Correctional Complex (LLCC); a storage facility and cellhouse renovation for Kentucky State Penitentiary (KSP); a dormitory, a visitor's building, a new modular housing building, and new dormitory for the Kentucky State Reformatory (KSR).

**1984-86 Budget**

Provided for two new dormitories at KSR; an academic and vocational building for North Point Training Center (NPTC); a facility upgrade for the Kentucky Correctional Institute for Women (KCIFW); and a cellhouse conversion for KSP.

**1986-88 Budget**

Provided for a new medium security prison and a new dormitory for KSR; a multipurpose building for Blackburn Correctional Complex (BCC).

**1988-90 Budget**

Provided for a new medium security prison (Morgan Co.); two dormitories for KSR; a facility upgrade for KCIFW; a new minimum security facility and a minimum to medium security conversion for the Roederer Farm Center (RFC); a double wide multipurpose building for LLCC.

**1990-92 Budget**

Provided for a new medium security prison, a 550 bed addition for KSR; a new 40 bed segregation unit and a kitchen/dining unit for KCIFW; a new vocational building for NPTC.

**Expanding Parole Could Result In Cost Savings**

Since prison costs continue to rise along with the demand for additional prison beds, expanding the parole program could result in cost savings to the state. . Currently, the 1990 daily costs for maintaining an inmate on parole is \$2.87 as opposed to an incarceration costs of \$53.78. If The General Assembly, the Corrections Cabinet and the Parole Board developed methods of expanding parole to allow an increased number of inmates to be released without adversely impacting public safety, demand for additional beds would be reduced and savings should be realized by the state.

# APPENDIX

## C



Appendix C

KENTUCKY PAROLE BOARD DECISION

NAME \_\_\_\_\_ NUMBER \_\_\_\_\_  
 INTERVIEWED ON \_\_\_\_\_ AT \_\_\_\_\_  
 \_\_\_\_\_ DEFERRED \_\_\_\_\_ MONTHS \_\_\_\_\_ SERVE-OUT TIME - C.R. DATE \_\_\_\_\_

Parole Board Members: JCR NMc PH LRB LCK JG PRB Secretary \_\_\_\_\_

THE BOARD CONCLUDED THAT THE RESIDENT IS A POOR PAROLE RISK AND SAID RESIDENT HAS RECEIVED THE ACTION RECORDED ABOVE FOR THE FOLLOWING REASONS:

\_\_\_\_\_ Seriousness of the crime(s); \_\_\_\_\_ Violence involved in the crime; \_\_\_\_\_ A life was taken;  
 \_\_\_\_\_ Prior record; \_\_\_\_\_ Juvenile record; \_\_\_\_\_ Misdemeanor record;  
 \_\_\_\_\_ Felony convictions; \_\_\_\_\_ Incarcerations; \_\_\_\_\_ History of substance abuse;  
 \_\_\_\_\_ Multiplicity of crimes; \_\_\_\_\_ Repetition of crimes; \_\_\_\_\_ Crime involved a firearm;  
 \_\_\_\_\_ Crime committed while in institution; \_\_\_\_\_ Crime committed while on probation;  
 \_\_\_\_\_ Crime committed while on shock probation; \_\_\_\_\_ Crime committed while on parole;  
 \_\_\_\_\_ Crime committed soon after release from prison; \_\_\_\_\_ Escape;  
 \_\_\_\_\_ Appears to have emotional problems; \_\_\_\_\_ History of assaultive behavior;  
 \_\_\_\_\_ Appears to have psychological and/or psychiatric problems;  
 \_\_\_\_\_ Good time loss ( \_\_\_\_\_ in preceding twelve months); \_\_\_\_\_ Since last deferment;  
 \_\_\_\_\_ Poor institutional adjustment; \_\_\_\_\_ Total disciplinary reports;  
 \_\_\_\_\_ Violated conditions of parole; \_\_\_\_\_ Parole violations;  
 \_\_\_\_\_ Violated conditions of probation; \_\_\_\_\_ Violated conditions of shock probation.

THE RESIDENT WAS ADVISED TO SEEK ASSISTANCE REGARDING:

\_\_\_\_\_ Need for solid parole plan; \_\_\_\_\_ Release of detainers, if possible;  
 \_\_\_\_\_ Other

FOR CASEWORK STAFF/INSTITUTIONAL PAROLE OFFICER

It was suggested that the resident become actively involved in or continue the following:

\_\_\_\_\_ Counseling; \_\_\_\_\_ A.A.; \_\_\_\_\_ Substance abuse counseling; \_\_\_\_\_ Vocational school;  
 \_\_\_\_\_ Academic school; \_\_\_\_\_ Following doctor's orders; \_\_\_\_\_ Sex offender therapy/counseling;  
 \_\_\_\_\_ Sex offender evaluation.

FOR INSTITUTIONAL/TREATMENT STAFF

Please furnish the Board with the following information:

\_\_\_\_\_ Psychological report; \_\_\_\_\_ Psychiatric evaluation; \_\_\_\_\_ Medical report;  
 ( \_\_\_\_\_ Forward the information to the Board one (1) month prior to the end of the deferment).  
 ( \_\_\_\_\_ Forward the information to the Board as soon as possible).

\_\_\_\_\_ Displayed a negative attitude; \_\_\_\_\_ Displayed a positive attitude.

REMARKS: \_\_\_\_\_

501 KAR 1:030, Section 5(4) requires you to serve thirty (30) months after the Board's most recent action before requesting a reconsideration of this decision. If your deferment is less than thirty (30) months from today, you may not request a reconsideration by the Board. If your conditional release date for a serve out of time is less than thirty (30) months from today, you may not request a reconsideration by the Board.

Kentucky's Parole System: Research Report No. 257

Appendix C  
PAROLE INTERVIEW WORKSHEET

EXPEDIENT RELEASE \_\_\_\_\_  
EXP. RELEASE TYPED \_\_\_\_\_

PAROLE \_\_\_\_\_  
REINSTATEMENT \_\_\_\_\_  
EARLY PAROLE CONS. CASE \_\_\_\_\_

BOARD DATE \_\_\_\_\_  
ACTUAL INTERVIEW DATE \_\_\_\_\_

NAME \_\_\_\_\_ NUMBER \_\_\_\_\_ INST. \_\_\_\_\_  
COMMITTED TO \_\_\_\_\_ ON \_\_\_\_\_  
BY \_\_\_\_\_ CIRCUIT COURT(S) \_\_\_\_\_

COUNT(S)	CRIME(S)	SENTENCE(S)

TOTAL SENTENCE: \_\_\_\_\_ YRS. \_\_\_\_\_ MOS.

PAROLED \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ;  
RET. P.V. \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ;

RECEIVED FIREARM WARNING: \_\_\_\_\_  
FORMS SENT TO GOVERNOR'S OFFICE  
ON \_\_\_\_\_ ( ).

VOTES						
JCR	PH	LCK	PB	LB	JG	

- \_\_\_\_\_ TO SPONSOR.
- \_\_\_\_\_ BOARD MUST APPROVE PLAN.
- \_\_\_\_\_ FULL-TIME SCHOOL W/PART TIME JOB.
- \_\_\_\_\_ KENTUCKY O.K.
- \_\_\_\_\_ TO \_\_\_\_\_ OR BACK TO BOARD.
- \_\_\_\_\_ A SUPERVISION FEE OF \$10.00 PER MONTH MUST BE PAID WHILE ON ACTIVE SUPERVISION.
- \_\_\_\_\_ MUST ATTEND A.A. OR ALCOHOL TREATMENT PROGRAM.
- \_\_\_\_\_ CANNOT DRIVE A LICENSED MOTOR VEHICLE DURING ACTIVE & INACTIVE SUPERVISION.
- \_\_\_\_\_ SHALL BE RETURNED AS A P.V. DUE TO FIRST DRINKING VIOLATION.
- \_\_\_\_\_ PAROLE TO HIGHEST LEVEL OF SUPERVISION AVAILABLE.

- \_\_\_\_\_ TO \_\_\_\_\_ HOLD. IF NOT EXERCISED, TO SUITABLE PLACEMENT IN \_\_\_\_\_ OR BACK TO BOARD.
- \_\_\_\_\_ MUST ATTEND COMP. CARE OR A TREATMENT PROGRAM SET UP BY THE PAROLE OFFICER IN LIEU OF THE COMP. CARE PROGRAM UNTIL RELEASED.
- \_\_\_\_\_ MUST STAY OUT OF \_\_\_\_\_ AND ADJOINING COUNTY(S) WHILE ON ACTIVE & INACTIVE SUPERVISION.
- \_\_\_\_\_ SHALL NOT BE RELEASED UNTIL ON OR AFTER \_\_\_\_\_.
- \_\_\_\_\_ NO CONTACT WITH VICTIM OR VICTIMS FAMILY WHILE ON ACTIVE OR INACTIVE SUPERVISION.
- \_\_\_\_\_ MUST SUBMIT TO RANDOM DRUG TESTING AT OWN EXPENSE.
- \_\_\_\_\_ PAROLE STANDS (DATE: \_\_\_\_\_)

# APPENDIX

## D

CC-1057  
(Rev. 7/88)

Appendix D Page 1 of 6

Name \_\_\_\_\_  
No. \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
CORRECTIONS CABINET  
DEPARTMENT OF COMMUNITY SERVICES AND FACILITIES

Parole ( )  
Probation ( )  
Misdemeanor ( )  
Pretrial Diversion ( )

CONDITIONS OF REGULAR SUPERVISION

The Court and/or Parole Board has granted you release. In order to remain in good standing with the Court and/or Corrections Cabinet, it is necessary that you abide by the following conditions:

1. I understand that I have been placed under the supervision of the Kentucky Corrections Cabinet, and I agree to the following:
  - A. I will report regularly as directed by the Probation and Parole Officer.
  - B. My level of supervision is: (Maximum and medium are minimum requirements)
    - ( ) MAXIMUM (Two personal office contacts per month plus one home visit per month, and monthly verification of employment.)
    - ( ) MEDIUM (One personal office contact per month and one home visit quarterly.)
    - ( ) SPECIALIZED (One personal office contact quarterly plus mail-in reports during the months the client does not report in person.)
  - C. My area of supervision is:
    - ( ) County of residence \_\_\_\_\_
    - ( ) Probation or Judicial District \_\_\_\_\_  
(Counties)
    - ( ) State of Kentucky
    - ( ) Must stay out of \_\_\_\_\_  
(County or Counties)
  - D. I will not leave the above listed area without the written permission of my Probation and Parole Officer.
2. I will permit my Probation and Parole Officer to visit my home and place of employment at any time.
  - A. I will work regularly and support my legal dependents. When unemployed, I will report this fact to my Officer and make every attempt to obtain other employment.
  - B. I will discuss any change in home situation or marital status with my Officer.
  - C. I will immediately report any change of home address or employment to my Probation and Parole Officer.
  - D. I will report any arrest or citation within 72 hours to my Probation and Parole Officer.
3. I understand that I am to avoid association with those persons who may contribute to my being involved in further criminal activity to specifically include:
  - Associating with any convicted felons.
  - Associating with \_\_\_\_\_  
(Specify individual or individuals)
  - Visiting residents of jails or prisons, unless permission is obtained from the Probation and Parole Officer and institutional or jail authority.
4. As a convicted felon, I am aware of the following restrictions:
  - A. I will not be permitted to purchase, own, or have in my possession a firearm, weapon, bow and arrow, or other dangerous instrument or deadly weapon. Purchase or possession of a firearm by a person who has been convicted of a felony is a violation of the Federal Gun Control Act of 1968 and Kentucky Statutes.
    - (Dangerous Instrument - Interpretation: Any instrument, article, or substance which under the circumstances in which it is used or threatened to be used is readily capable of causing death or serious physical injury. For example: A tire tool jack not normally a dangerous weapon becomes one when waved in a threatening manner.)
    - (Deadly Weapon - Interpretation: Any weapon from which a shot readily capable of producing death or serious physical injury, may be discharged, or any knife other than an ordinary pocket knife, a billy, night stick or club, blackjack, slapjack, nunchaku karate sticks, shuriken or death star or artificial knuckles made from metal, plastic, or similar hard material.)

- E. I have lost the right to vote and to hold public office and these rights can only be restored by the Governor of this Commonwealth. If I register or re-register prior to restoration of civil rights, I will be in violation of the law.
- I am eligible to make application for civil rights upon receipt of my final discharge from the Parole Board or expiration of probation and if I am not under indictment. Final discharge or restoration of my civil rights will not give me the right to purchase, own, or possess a firearm.
- C. Applications to apply for a Final Discharge or Restoration of Civil Rights may be obtained from the local Probation and Parole Office upon becoming eligible and being recommended.
5. I agree that I may be subject to a search and seizure if my Probation and Parole Officer has reasonable suspicion to believe that I may have illegal contraband on my person or property.
6. I understand that I am under the following restrictions regarding the use of alcohol:
- A. Refrain from the use of alcoholic beverages.
  - B. Avoid any place where alcoholic beverages are sold as a primary commodity.
7. The possession and/or use of any narcotic or controlled substance unless prescribed by a licensed physician is a violation of my release conditions.
8. I agree that I may be subject to drug/alcohol testing.
9. I agree that the falsification of my Releasee's Report or providing any false information to the Probation and Parole Officer will constitute grounds for revocation of my release.
10. I agree not to enter into any contract to act as an "informant" or special agent for any law enforcement agency unless previously discussed with the law enforcement agent, the Court, and my Probation and Parole Officer.
11. I understand that I shall not violate any laws or ordinances of this state or any other state or of the United States.
12. I understand that I am obligated to pay restitution (or child support) in the amount of \$ \_\_\_\_\_.
- A. This is to be paid directly to: Name/or Court \_\_\_\_\_  
Address \_\_\_\_\_
13. The Court, the Parole Board, and the Department of Community Services and Facilities have the authority to provide special conditions to which I must adhere.
- I agree to abide by the following special conditions set out by the Court, the Parole Board, or my Probation and Parole Officer.
- A. Supervision Fee: Total Fee \$ \_\_\_\_\_ Per Month \$ \_\_\_\_\_ to be paid directly to the Circuit Court Clerk. A copy of the receipt is to be brought to the Probation and Parole Officer as record of payment and accounting purposes.
  - B. \_\_\_\_\_
  - C. \_\_\_\_\_
14. I agree to refrain from harassing or threatening any Probation and Parole Officer by words or actions and further agree to cooperate fully with any Probation and Parole Officer in the carrying out of my supervision plans.
15. REMARKS: \_\_\_\_\_
- I have read, or have had read to me, the above conditions of my release that I must observe while under regular supervision. I fully understand and accept the above conditions and realize that any violation will be reported and failure to abide by these conditions can be grounds for revocation of my release.
- I have been informed that a grievance procedure is available to me and that I have five days from the date of an incident to file a written grievance.
- I have been given a copy of these conditions of supervision.
- Date \_\_\_\_\_ Client \_\_\_\_\_ No. \_\_\_\_\_

CC-1168  
(Rev. 8/88)

Appendix D Page 3 of 6

Name \_\_\_\_\_  
No. \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
CORRECTIONS CABINET  
DEPARTMENT OF COMMUNITY SERVICES AND FACILITIES

Parole ( )  
Probation ( )

CONDITIONS OF ADVANCED SUPERVISION

The Court and/or Parole Board has granted you release. In order to remain in good standing with the Court and/or Corrections Cabinet, it is necessary that you abide by the following conditions:

1. I understand that I have been placed under advanced supervision of the Kentucky Corrections Cabinet, and I agree to the following:
  - A. I will report regularly as directed by the Probation and Parole Officer.
  - B. My level of supervision is Advanced.  
(Minimum contact: Three face-to-face office contacts per month, at least one a week for three weeks, one home visit monthly, one home visit with family quarterly, twice a month verification of employment, weekly record check.)
  - C. Instate transfer between advanced supervision sites may be considered; however, it must be approved by the District Supervisor.
  - D. My designated area of supervision is:  
County of Residence \_\_\_\_\_ Judicial District \_\_\_\_\_
  - E. I will not leave the designated area without the written permission of my Probation and Parole Officer.
2. I will permit my Probation and Parole Officer to visit my home and place of employment at any time.
  - A. I will work regularly and support my legal dependents. When unemployed, I will report this fact to my officer and make every attempt to obtain other employment.
  - B. I will discuss any change in home situation or marital status with my Officer.
  - C. I will immediately report any change of home address or employment to my Probation and Parole Officer.
  - D. I will report any arrest or citation within 72 hours to my Probation and Parole Officer.
3. I understand that I am to avoid association with those persons who may contribute to my being involved in further criminal activity by not:
 

Associating with any convicted felon.

Associating with \_\_\_\_\_  
(Specify)

Visiting residents of jails or prisons, unless permission is obtained from the Probation and Parole Officer and institutional or jail authority.
4. As a convicted felon, I am aware of the following restrictions and procedures for obtaining a final discharge and restoration of my civil rights.
  - A. I will not be permitted to purchase, own, or have in my possession a firearm, weapon, bow and arrow, or other dangerous instrument or deadly weapon. Purchase or possession of a firearm by a person who has been convicted of a felony is a violation of the Federal Gun Control Act of 1968 and Kentucky Statutes.
 

Dangerous instrument interpretation: Any instrument, article, or substance which under the circumstances in which it is used or threatened to be used is capable of causing death or serious physical injury. For example: A tire tool jack not normally a dangerous weapon becomes one when waved in a threatening manner.

Deadly weapon interpretation: Example: Any weapon, from which a shot readily capable of producing death or serious physical injury, may be discharged, or any knife other than an ordinary pocket knife, a billy, night stick, or club, blackjack, slapjack, nun chaku, karate sticks, shuriken or death star or artificial knuckles made from metal, plastic, or similar hard material.

2. I have lost the right to vote and to hold public office and these rights can only be restored by the Governor of this Commonwealth. If I register or re-register prior to restoration of civil rights, I will be in violation of the law.
- I am eligible to make application for civil rights upon receipt of my final discharge from the Parole Board of expiration of probation and if I am not under indictment. Restoration of my civil rights will not give me the right to purchase, own, or possess a firearm.
3. Applications to apply for a final Discharge or Restoration of Civil Rights may be obtained from the local Probation and Parole Office upon becoming eligible and being recommended.
4. I agree that I may be subject to a search and seizure if my Probation and Parole Officer has reasonable suspicion to believe that I may have illegal contraband on my person or property.
5. I understand that I am under the following restrictions regarding the use of alcohol:
- A. Refrain from the use of alcoholic beverages.
  - B. Avoid any place where alcoholic beverages are sold as a primary commodity.
6. The possession and/or use of any narcotic or controlled substance unless prescribed by a licensed physician is a violation of my release conditions.
7. I agree that I may be subject to drug/alcohol testing.
8. I agree that the falsification of my Releasee's Report or providing any false information to the Probation and Parole Officer will constitute grounds for revocation of my release.
9. I agree not to enter into any contract to act as an "informant" or special agent for any law enforcement agency unless previously discussed with the law enforcement agent, the Court, and my Probation and Parole Officer.
10. I understand that I shall not violate any laws or ordinances of this state or any other state or of the United States.
11. I understand that I am obligated to pay restitution (or child support) in the amount of \$ \_\_\_\_\_.
- A. This is to be paid directly to: Name/or Court \_\_\_\_\_  
Address \_\_\_\_\_
12. The Court, the Parole Board, and the Department of Community Services and Facilities have the authority to provide special conditions to which I must adhere.
- I agree to abide by the following special conditions set out by the Court, the Parole Board, or my Probation and Parole Officer.
- A. Supervision Fee: Total Fee \$ \_\_\_\_\_ Per Month \$ \_\_\_\_\_ to be paid directly to the Circuit Court Clerk. A copy of the receipt is to be brought to the Probation and Parole Officer as record of payment and accounting purposes.
  - B. \_\_\_\_\_
  - C. \_\_\_\_\_
13. I agree to refrain from harassing or threatening any Probation and Parole Officer by words or actions and further agree to cooperate fully with any Probation and Parole Officer in the carrying out of my supervision plans.
14. REMARKS: \_\_\_\_\_
- I have read, or have had read to me, the above conditions of my release that I must observe while under advanced supervision. I fully understand and accept the above conditions and realize that any violation will be reported and failure to abide by these conditions can be grounds for revocation of my release.
- I have been informed that a grievance procedure is available to me and that I have five days from the date of an incident to file a written grievance.
- I have been given a copy of these conditions of supervision.
- Date \_\_\_\_\_ Client \_\_\_\_\_ No. \_\_\_\_\_
- Date \_\_\_\_\_ Probation and Parole Officer \_\_\_\_\_

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(Rev. 6/90)

Appendix D Page 5 of 6

Name \_\_\_\_\_  
No. \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
CORRECTIONS CABINET  
DEPARTMENT OF COMMUNITY SERVICES AND FACILITIES

Parole ( )  
Probation ( )  
Misdemeanant ( )

CONDITIONS OF INTENSIVE SUPERVISION

The Court and/or Parole Board has granted your release. In order to remain in good standing with the Court and/or Corrections Cabinet, it is necessary that you abide by the following conditions:

1. I understand that I have been placed under intensive supervision of the Kentucky Corrections Cabinet, and I agree to the following:
  - A. I will report regularly as directed by the Probation and Parole Officer.
  - B. My level of supervision is Intensive.  
(Minimum contact: One face-to-face office contact per week; one home visit per week; weekly records check, weekly employment verification; two additional contacts.)
  - C. I understand that I am under curfew and must be in my home during the hours of 10 p.m. to 6 a.m. seven days per week.  
  
I further understand that curfew checks will be made during those hours by the Probation and Parole Officer.
  - D. Transfers may be completed in the same manner as a regular probation and parole case.
  - E. My designated area of supervision is:  
  
County of Residence \_\_\_\_\_ Judicial District \_\_\_\_\_
  - F. Travel permits will not be considered during the first four months of intensive supervision, unless conditions determine such; then it must be reviewed and approved or disapproved by the District Supervisor.
  - G. I will not leave the designated area without the written permission of my Probation and Parole Officer.
2. I will permit my Probation and Parole Officer to visit my home and place of employment at any time.
  - A. I will work regularly and support my legal dependents. When unemployed, I will report this fact to my officer and make every attempt to obtain other employment.
  - B. I will discuss any change in home situation or marital status with my Officer.
  - C. I will immediately report any change of home address or employment to my Probation and Parole Officer.
  - D.** I will report any arrest or citation within 72 hours to my Probation and Parole Officer.
3. I understand that I am to avoid association with those persons who may contribute to my being involved in further criminal activity by not:
 

Associating with any convicted felon.

Associating with \_\_\_\_\_  
(Specify)

Visiting residents of jails or prisons, unless permission is obtained from the Probation and Parole Officer and institutional or jail authority.
4. As a convicted felon, I am aware of the following restrictions and procedures for obtaining a final discharge and restoration of my civil rights.
  - A. I will not be permitted to purchase, own, or have in my possession a firearm, weapon, bow and arrow, or other dangerous instrument or deadly weapon. Purchase or possession of a firearm by a person who has been convicted of a felony is a violation of the Federal Gun Control Act of 1968 and Kentucky Statutes.  
  

Dangerous instrument interpretation: Any instrument, article, or substance which under the circumstances in which it is used or threatened to be used is capable of causing death or serious physical injury. For example: A tire tool jack not normally a dangerous weapon becomes one when waved in a threatening manner.

Deadly weapon interpretation: Example: Any weapon, from which a shot readily capable of producing death or serious physical injury, may be discharged, or any knife other than an ordinary pocket knife, a billy, night stick, or club, blackjack, slapjack, tom chaku karate sticks, shuriken or death star or artificial knuckles made from metal, plastic, or similar hard material.



- B. I have lost the right to vote and to hold public office and these rights can only be restored by the Governor of this Commonwealth. If I register or re-register prior to restoration of civil rights, I will be in violation of the law.  
  
I am eligible to make application for civil rights upon receipt of my final discharge from the Parole Board or expiration of probation and if I am not under indictment. Restoration of my civil rights will not give me the right to purchase, own, or possess a firearm.
- C. Applications to apply for a Final Discharge or Restoration of Civil Rights may be obtained from the local Probation and Parole Office upon becoming eligible and being recommended.
- 5. I agree that I may be subject to a search and seizure if my Probation and Parole Officer has reasonable suspicion to believe that I may have illegal contraband on my person or property.
- 6. I understand that I am under the following restrictions regarding the use of alcohol:
  - A. Refrain from the use of alcoholic beverages.
  - B. Avoid any place where alcoholic beverages are sold as a primary commodity.
- 7. The possession and/or use of any narcotic or controlled substance unless prescribed by a licensed physician is a violation of my release conditions.
- 8. I agree that I may be subject to drug/alcohol testing.
- 9. I agree that the falsification of my Releasee's Report or providing any false information to the Probation and Parole Officer will constitute grounds for revocation of my release.
- 10. I agree not to enter into any contract to act as an "informant" or special agent for any law enforcement agency unless previously discussed with the law enforcement agent, the Court, and my Probation and Parole Officer.
- 11. I understand that I shall not violate any laws or ordinances of this state or any other state or of the United States.
- 12. I understand that I am obligated to pay restitution (or child support) in the amount of \$ \_\_\_\_\_  
 A. This to be paid directly to: Name/or Court \_\_\_\_\_  
 Address \_\_\_\_\_
- 13. The Court, the Parole Board and the Department of Community Services and Facilities have the authority to provide special conditions to which I must adhere.  
  
I agree to abide by the following special conditions set out by the Court, the Parole Board, or my Probation and Parole Officer.
  - A. Supervision Fee: Total Fee \$ \_\_\_\_\_ Per Month \$ \_\_\_\_\_ to be paid directly to the Circuit Court Clerk. A copy of the receipt is to be brought to the Probation and Parole Officer as record of payment and accounting purposes.
  - B. \_\_\_\_\_
  - C. \_\_\_\_\_
- 14. I agree to refrain from harassing or threatening any Probation and Parole Officer by words or actions and further agree to cooperate fully with any Probation and Parole Officer in the carrying out of my supervision plans.
- 15. REMARKS: \_\_\_\_\_

I have read, or have had read to me, the above conditions of my release that I must observe while under intensive supervision. I fully understand and accept the above conditions and realize that any violation will be reported and failure to abide by these conditions can be grounds for revocation of my release.

I have been informed that a grievance procedure is available to me and that I have five days from the date of an incident to file a written grievance.

I have been given a copy of these conditions of supervision.

Date \_\_\_\_\_ Client \_\_\_\_\_ No. \_\_\_\_\_

Date \_\_\_\_\_ Probation and Parole Officer \_\_\_\_\_

# APPENDIX

## E

APPENDIX E

SURVEY OF KENTUCKY PAROLE OFFICERS ON THE SUPERVISION OF PAROLEES

CASELOADS AND SUPERVISION

172 Responses out of 256 Surveys

Caseloads and supervision requirements vary by the level of supervision to which a parolee is assigned. Your answers to the following questions will provide information on your overall caseload and factors that influence your case management practices.

1. In the blanks provided, please indicate the number of your current caseloads for parolees and probationers by level of supervision. If you do not supervise parolees or probationers at a particular level of supervision, place a -0- in the blank.

PAROLEES			PROBATIONERS		
Intensive	_____	Maximum	_____	Intensive	_____
Advanced	_____	Medium	_____	Advanced	_____
		Specialized	_____		
		Inactive	_____		
				Maximum	_____
				Medium	_____
				Specialized	_____
				Inactive	_____

2. To effectively supervise parolees, is your current case load generally: (PLEASE CIRCLE ONE.) NR - 10.6%

Low	About Right	High
(1)	(2)	(3)
3.5%	40%	45.9%

3. What factors, if any, limit or impede your ability to adequately supervise parolees? (PLEASE LIST THE THREE MOST IMPORTANT FACTORS IN ORDER OF THEIR IMPORTANCE. IF THERE ARE NO FACTORS, PLEASE WRITE "NONE" ON THE FIRST LINE.)

	MOST COMMON RESPONSES	
	PROBLEM	% of RES.
		% of CASES
1) _____	CASELOAD	15.1
	PAPERWORK	14.2
2) _____	EQUIPMENT	10.8
	NON-SUP TASKS	10.2
3) _____	NO DRUG TESTING	8.3
		17.4

4. What methods are used by either your supervisors or the Corrections Cabinet to monitor and evaluate your supervision of parolees? (CHECK ALL THAT APPLY.)

PERCENT OF RESPONDENTS

WHO CHECKED

88.8% Semi-annual audits  
 41.2% Scheduled staff meetings to discuss case management practices  
 79.4% Informal conversations  
 70.6% Scheduled performance evaluations  
 28.2% Scheduled reviews of your decisions in selected cases  
 33.5% Observations of your field supervision techniques  
 14.1% Other (PLEASE SPECIFY) \_\_\_\_\_

5. Please indicate what you feel are the two most important roles of a parole officer by completing the following statement. (RANK TWO ITEMS, 1 (MOST IMPORTANT), or 2 (SECOND MOST IMPORTANT).)

% of time chosen #1	% of time chosen #2		I think my role as a parole officer is to:
15.1	42.0	43% No Response	assist the rehabilitation of the parolee for successful reintegration into society.
70.3	16.6	13% No Response	protect the public through close control of the parolee.
10.5	28.0	62% No Response	assist the reformation of the parolee to reduce the likelihood for repeat offenses.
3.5	10.8	86% No Response	function as the correctional authority during the final stage of the parolee's sentence.
1	2.5		Other (PLEASE EXPLAIN) _____

#### SUPERVISION IN THE FIELD

The Corrections Policy and Procedures Manual (C.P.P.) provides guidance for supervising parolees. Still, at times, parole officers must exercise some discretion. Your answers to the following will provide information on how you deal with technical violations.

6. Of the nine technical violations listed below, rank only the four that you consider to be most serious. (RANK THE FOUR MOST SERIOUS VIOLATIONS BY PLACING THE NUMBERS 1 THROUGH 4 IN THE CORRESPONDING BLANK NEXT TO THE APPROPRIATE VIOLATION, WITH 1 REPRESENTING THE MOST SERIOUS.)

Very Serious (1)	Serious (2)	Slightly Serious (3)	Not Serious (4)	AVG RANK	
11.2	16.5	34.1	15.9	2.7	Substance abuse violations (when special conditions related to the use of alcohol or drugs do not exist) NR = 22.4%
17.1	48.2	14.1	7.1	2.1	Absconding NR = 13.5%
65.3	13.5	4.7	4.7	1.4	Possession of a firearm NR = 11.8%
.6	10.6	18.2	22.9	3.2	Failure to report NR = 47%
0	1.2	4.1	8.8	3.5	Curfew violations NR = 86%
.6	1.2	1.8	4.1	3.2	Change of address without permission NR = 92%
0	.6	1.2	6.5	3.7	Leaving district without permission NR = 92%
0	1.8	7.6	14.1	3.5	Failure to attend or comply with the rules of community programs NR = 76%
.6	2.9	8.2	7.6	3.2	Failure to maintain or actively seek employment NR = 81%
.6	1.8	.6	2.9		Other (PLEASE SPECIFY) _____ NR = 94%

7. In general, how many times do you record the following technical violations in your casebook narrative before you pursue revocation?  
 (PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)

1	2	3	4+	ONE TIME (1)	TWO TIMES (2)	THREE TIMES (3)	FOUR OR MORE TIMES (4)	AVG
18.8	51.8	19.4	.6	2.0	Substance abuse violations (when special conditions related to the use of alcohol or drugs do not exist) NR = 9.4%			
85.3	.6	.6	0	1.0	Absconding NR = 13.5%			
83.5	1.2	.6	0	1.0	Possession of a firearm NR = 14.7%			
4.1	35.3	36.5	14.1	2.7	Failure to report NR = 10%			
2.4	18.2	24.1	13.5	2.8	Curfew violations NR = 42%			
10.6	49.4	15.9	12.4	2.3	Change of address without permission NR = 12%			
19.4	55.3	9.4	5.3	2.0	Leaving district without permission NR = 11%			
18.2	37.6	24.7	8.2	2.3	Failure to attend or comply with the rules of community programs NR = 0.2%			
2.4	21.8	26.5	36.5	3.1	Failure to maintain or actively seek employment NR = 13%			

8. How effective are the following actions when used as alternatives to pursuing revocation?  
 (PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)

Frequency of respondents who reported	NOT AT ALL EFFECTIVE (1)	NOT VERY EFFECTIVE (2)	SOMEWHAT EFFECTIVE (3)	VERY EFFECTIVE (4)	AVG
Not Eff	Not Very	Some What	Very	AVG	
8.2	22.9	57.6	6.5	2.7	Adding conditions of supervision NR = 5%
5.9	10.6	62.4	16.5	2.9	Increasing the level of supervision NR = 5%
6.5	28.8	51.8	8.8	2.7	Referral or placement in a substance abuse treatment program NR = 4%
8.2	47.6	35.9	4.1	2.4	Referral or placement in other counseling programs NR = 4%
10.6	22.9	37.6	9.4	2.6	Placement in a halfway house NR 4%
2.9	8.2	32.4	51.2	3.4	Temporary re-committment to jail prior to securing a leniency agreement NR = 5%

9. Parole officers encounter a variety of concerns about the particular situations of individual parolees. Have any of the following factors ever influenced the way you have handled technical violations? (CHECK ALL THAT APPLY.)

## CHECKED:

<u>67.6%</u>	The length of time before the parolee's final discharge
<u>88.8%</u>	The length of time the offender has been under supervision
<u>18.2%</u>	Corrections Cabinet concerns regarding prison overcrowding
<u>12.4%</u>	Special interest concerns relayed to the Corrections Cabinet
<u>46.5%</u>	Public attitudes and perceptions
<u>94.7%</u>	The seriousness of the technical violation
<u>67.6%</u>	Contacts from law enforcement or judicial officials
<u>10.6%</u>	Political pressure from any source
<u>14.1%</u>	Contacts from state and local elected officials
<u>52.9%</u>	Availability of sufficient community resources
<u>19.4%</u>	Contacts from local correctional officials
<u>53.5%</u>	The parolee's need to support dependents
<u>86.5%</u>	The parolee's employment history and status

10. In general, is the amount of discretion that you have to arrest parolees and initiate revocation: (PLEASE CIRCLE ONE.) NR = 3%

NOT ENOUGH	ENOUGH	TOO MUCH
(1)	(2)	(3)
14.1%	81.2%	1.8%

11. In general, is the amount of guidance and direction that you get from your immediate supervisor when making discretionary decisions: (PLEASE CIRCLE ONE.) NR = 2%

NOT ENOUGH	ENOUGH	TOO MUCH
(1)	(2)	(3)
12.9%	75.3%	10.0%

12. How useful are the Corrections Cabinet's policies and procedures in providing guidance for situations that you face when supervising parolees? (PLEASE CIRCLE ONE.) NR = 3%

NOT AT ALL USEFUL	NOT VERY USEFUL	SOMEWHAT USEFUL	VERY USEFUL
(1)	(2)	(3)	(4)
4.7%	20.6%	50.6%	21.2%

13. How effective is the risk/needs assessment instrument in assigning the proper level of supervision for a parolee? (PLEASE CIRCLE ONE.) NR 4%

NOT AT ALL EFFECTIVE	NOT VERY EFFECTIVE	SOMEWHAT EFFECTIVE	VERY EFFECTIVE
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(1) 18.2%	(2) 28.2%	(3) 41.2%	(4) 8.2%
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14. How often do you place parolees in a level of supervision other than that which is indicated by the risk/needs assessment instrument? (PLEASE CIRCLE ONE.) NR = 5.3%

SELDOM IF EVER	SOMETIMES	OFTEN	ALWAYS OR ALMOST ALWAYS
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(1) 13.5%	(2) 50.0%	(3) 24.1%	(4) 7.1%
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TRAINING AND CABINET SUPPORT

In addition to on-the-job training, parole officers receive training through programs provided by the Corrections Cabinet and other training organizations. Also, the Cabinet's Office of General Counsel provides legal assistance to parole officers when requested. Your answers to the following questions will provide information on the usefulness of the training and legal assistance provided.

15. How useful has the training you have received since becoming a parole officer been in helping you to supervise or manage your cases? (PLEASE CIRCLE ONE.)

NOT AT ALL USEFUL	NOT VERY USEFUL	SOMEWHAT USEFUL	VERY USEFUL
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(1) 23.5%	(2) 43.5%	(3) 25.9%	(4) 5.9%
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16. What types of additional or expanded training opportunities would enhance your professional development? (CHECK ALL THAT APPLY.)

CHECKED:

64.7%	Peace Officer Training
73.5%	Supervision / Surveillance Training
68.8%	Field Safety / Self-Defense Training
75.3%	Drug Recognition Training
50.6%	Interviewing Techniques
68.8%	Firearm Training
69.4%	Legal Issues Training
15.3%	Other (Please Specify) _____

17. Has the legal advice and support provided by the Corrections Cabinet been sufficient for handling the revocation process? (PLEASE CIRCLE ONE.) NR = 6%

YES	NO
(1)	(2)
55.9%	38.2%

COMMUNITY RESOURCES

Parolees depend on support services (such as counseling, employment, housing, or education services) that are often provided through community resources. Your answers to the following questions will provide information on the availability, effectiveness, and service needs related to community resources.

18. How effective are the following community resources and support services in helping parolees? (PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)

Frequencies of Those Who Responded	NOT AVAILABLE IN MY DISTRICT (0)	NOT AT ALL EFFECTIVE (1)	NOT VERY EFFECTIVE (2)	SOMEWHAT EFFECTIVE (3)	VERY EFFECTIVE (4)	
0	1	2	3	4	AVG	
.6	5.3	32.9	50.6	5.9	2.6	Mental health services provided by community mental health centers NR = 5%
2.4	14.1	16.5	32.4	4.1	2.4	Private psychiatric counseling NR = 31%
0	7.6	35.3	46.5	4.7	2.5	Substance abuse services provided by community mental health centers NR = 6%
.6	5.9	21.8	50.0	4.1	2.6	Other public or private drug or alcohol abuse treatment programs NR = 18%
3.5	8.2	19.4	28.8	8.8	2.6	Sex offender counseling NR = 31%
2.9	13.5	28.8	21.8	2.4	2.2	Housing assistance NR = 31%
1.2	15.9	28.2	32.9	5.9	2.3	Employment training programs NR = 16%
1.2	7.1	25.9	50.0	8.2	2.7	Academic/vocational education programs NR = 8%
1.8	18.8	37.1	24.1	4.1	2.2	Employment counseling and placement services NR = 14%
9.4	13.5	19.4	8.8	1.8	2.0	Financial counseling NR = 47%

19. If additional or new services are needed for your region, please indicate the types of community resources or support programs needed.

17% WANTED EMPLOYMENT TRAINING/JOB PLACEMENT, 7% WANTED DRUG TESTING, 11% WANTED IN-PATIENT SUBSTANCE ABUSE

20. How effective would increased community services and support programs be in reducing rates of re-incarceration? (PLEASE CIRCLE ONE.) NR = 2.4%

NOT AT ALL EFFECTIVE (1)	NOT VERY EFFECTIVE (2)	SOMEWHAT EFFECTIVE (3)	VERY EFFECTIVE (4)
2.4%	28.2%	46.5%	20.6%

21. How effective would increased community resources and support programs be in allowing greater numbers of inmates to be released on parole without increasing the risk to public safety? (PLEASE CIRCLE ONE.) NR = 3%

NOT AT ALL EFFECTIVE (1)	NOT VERY EFFECTIVE (2)	SOMEWHAT EFFECTIVE (3)	VERY EFFECTIVE (4)
13.5%	40.6%	32.4%	10.6%



ADDITIONAL COMMENTS

22. How would you rate the job the Parole Board has done in the past two years in applying conditions of parole that are appropriate to the individual parolee? (PLEASE CIRCLE ONE.) NR = 1%

Poor (1)	Below Average (2)	Average (3)	Above Average (4)	Excellent (5)
.6%	5.3%	32.4%	37.6%	22.9%

23. How would you rate the job the Parole Board has done in the past two years in applying levels of supervision that are appropriate to the individual parolee? (PLEASE CIRCLE ONE.) NR = 2%

Poor (1)	Below Average (2)	Average (3)	Above Average (4)	Excellent (5)
.6%	7.6%	27.6%	42.4%	19.4%

24. How would you rate the overall performance of the Parole Board over the past two years in choosing good parole risks? (PLEASE CIRCLE ONE.) NR = 3%

Poor (1)	Below Average (2)	Average (3)	Above Average (4)	Excellent (5)
1.2%	8.2%	45.3%	34.1%	8.2%

25. Would more direct communication between the Parole Board and parole officers increase the effectiveness of the parole system? (PLEASE CIRCLE ONE.) NR = 2%

YES (1)	NO (2)
87.1%	10.6%

26. If there are other methods or strategies that you feel could strengthen or improve the supervision process in Kentucky, please list or describe them. Also, indicate any other states where these methods or strategies have been or are being used.

- Training for parole officers and supervisors
- Improve pay to retain officers
- Drug Testing at no cost to Parolees
- Provide more equipment and computers for officers to reduce paperwork
- Higher level of professionalism in the administration with better lines of communication

DEMOGRAPHIC INFORMATION

District: \_\_\_\_\_ Job Title: \_\_\_\_\_

Years of experience in current job as a parole officer: \_\_\_\_\_

Years of experience in probation/parole field: \_\_\_\_\_

Please return the survey in the enclosed postage paid envelope by March 8, 1991. If you have any questions, please contact the Program Review staff at 502/ 564-8100. Thank you for your cooperation.

APPENDIX E  
 SURVEY OF SUPERVISORS AND ASSISTANT SUPERVISORS OF KENTUCKY PAROLE OFFICERS

1. Are you a Supervisor or an Assistant Supervisor? (PLEASE CIRCLE ONE.)

SUPERVISOR (15)                      ASST. SUPERVISOR (9)                      (1 respondent didn't specify)

2. Do you manage a parolee caseload? (PLEASE CIRCLE ONE.)

YES (1) (12%)                      NO (2) (88%)

3. Please specify your other job responsibilities.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Please indicate what you feel are the two (2) most important roles of the parole officers that you supervise by completing the following statement. (RANK TWO ITEMS, 1 (MOST IMPORTANT), or 2 (SECOND MOST IMPORTANT).)

I think the role of a parole officer is to:

% of time chosen #1	% of time chosen #2	
8%	40%	assist the rehabilitation of the parolee for successful reintegration into society.
92%	8%	protect the public through close control of the parolee.
0	52%	assist the reformation of the parolee to reduce the likelihood for repeat offenses.
0	0	function as the correctional authority during the final stage of the parolee's sentence.
0	0	Other (PLEASE EXPLAIN) _____

5. Please indicate what you feel are the three (3) most important roles of a Supervisor (or Assistant Supervisor if more appropriate for you) of parole officers, by completing the following statement. (RANK THREE ITEMS, 1 (MOST IMPORTANT), 2 (SECOND MOST IMPORTANT) and 3 (THIRD MOST IMPORTANT).)

I think my role as a Supervisor (or an Assistant Supervisor) of parole officers is to:

Rank 1	Rank 2	Rank 3	
8%	44%	36%	serve as a liaison for parole officers to communicate their needs and concerns to the Corrections Cabinet.
80%	16%	4%	ensure that parole officers comply with the Corrections Cabinet's personnel policies, and with policies and procedures regarding the supervision of parolees.
0%	28%	28%	ensure that parole officers are making similar decisions on a consistent basis.
4%	0	0	distribute caseloads equitably among probation and parole officers.
8%	12%	28%	distribute caseloads among probation and parole officers in a manner that allows for effective supervision of their clients.
4%	4%	0	OTHER (PLEASE EXPLAIN)

#### SUPERVISION IN THE FIELD

The Corrections Policy and Procedures Manual (C.P.P.) provides guidance for supervising parolees. Still, at times, parole officers must exercise some discretion. Your answers to the following will provide information on how you deal with that discretionary authority.

6. In general, is the amount of discretion that parole officers have to report parole violations and initiate revocation: (PLEASE CIRCLE ONE.)

NOT ENOUGH	ENOUGH	TOO MUCH
(1)	(2)	(3)
(0%)	(92%)	(8%)

7. How useful are the Corrections Cabinet's policies and procedures in providing guidance for situations faced by parole officers supervising parolees? (PLEASE CIRCLE ONE.)

NOT AT ALL USEFUL	NOT VERY USEFUL	SOMEWHAT USEFUL	VERY USEFUL
(1)	(2)	(3)	(4)
(0%)	(4%)	(76%)	(20%)

8. Parole officers encounter a variety of concerns about the particular situations of individual parolees. Have you or any of the parole officers that you supervise been confronted with any of the following factors? (CHECK ALL THAT APPLY.)

- 84% The length of time before the parolee's final discharge
- 92% The length of time the offender has been under supervision
- 56% Corrections Cabinet concerns regarding prison overcrowding
- 48% Special interest concerns relayed to the Corrections Cabinet
- 96% Public attitudes and perceptions
- 100% The seriousness of the technical violation
- 92% Contacts from law enforcement or judicial officials
- 44% Political pressure from any source
- 48% Contacts from state and local elected officials
- 92% Availability of sufficient community resources
- 44% Contacts from local correctional officials
- 88% The parolee's need to support dependents
- 96% The parolee's employment history and status

Freq. of 9. In general, how many times do you record the following technical violations in your  
 Number of casebook narrative before you pursue revocation?  
 Tech Violations (PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING  
 Before Revoking: THE FOLLOWING SCALE:)

1	2	3	4+	ONE TIME (1)	TWO TIMES (2)	THREE TIMES (3)	FOUR OR MORE TIMES (4)	
				AVG				
24%	52%	16%	0	1.9	Substance abuse violations (when special conditions related to the use of alcohol or drugs do not exist) NR = 8%			
76%	0	0	0	1.0	Absconding NR = 24%			
76%	0	0	0	1.0	Possession of a firearm NR = 24%			
8%	48%	36%	0	2.3	Failure to report NR = 8%			
4%	20%	56%	8%	2.8	Curfew violations NR = 12%			
28%	36%	16%	12%	2.1	Change of address without permission NR = 8%			
36%	40%	12%	4%	1.8	Leaving district without permission NR = 8%			
12%	68%	8%	4%	2.0	Failure to attend or comply with the rules of community programs NR = 8%			
12%	44%	16%	20%	2.5	Failure to maintain or actively seek employment NR = 8%			

10. How effective are the following actions when used as alternatives to pursuing revocation?  
 (PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)

Frequency of respondents who reported	NOT AT ALL EFFECTIVE (1)	NOT VERY EFFECTIVE (2)	SOMEWHAT EFFECTIVE (3)	VERY EFFECTIVE (4)	
0	20%	72%	0	2.9	Adding conditions of supervision NR = 8%
0	8%	60%	32%	3.2	Increasing the level of supervision NR = 0%
0	28%	72%	0	2.7	Referral or placement in a substance abuse treatment program NR = 0%
0	40%	60%	0	2.6	Referral or placement in other counseling programs NR = 0%
4%	20%	48%	24%	3.0	Placement in a halfway house NR 4%
0	4%	40%	56%	3.5	Temporary re-commitment to jail prior to securing a leniency agreement NR = 0%

11. What methods are used to monitor and evaluate the performance of parole officers in your district?  
 (CHECK ALL THAT APPLY.)

- 100% Semi-annual audits
- 68% Scheduled staff meetings to discuss case management practices
- 88% Informal conversations
- 92% Scheduled performance evaluations
- 32% Scheduled reviews of an officer's decisions in selected cases
- 80% Observations of an officer's field supervision techniques
- 16% Other (PLEASE SPECIFY) \_\_\_\_\_

12. How effective is the risk/needs assessment instrument in assigning the proper level of supervision for a parolee?  
 (PLEASE CIRCLE ONE.)

NOT AT ALL EFFECTIVE	NOT VERY EFFECTIVE	SOMEWHAT EFFECTIVE	VERY EFFECTIVE
(1) (12%)	(2) (24%)	(3) (44%)	(4) (20%)

13. The Parole Board often paroles inmates directly to intensive supervision, or to the highest level available. How often do your efforts to comply with Parole Board directives result in the following occurrences.  
(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)

SELDOM ALWAYS OR ALMOST ALWAYS	SOMETIMES	OFTEN	ALWAYS	SELDOM IF EVER	SOMETIMES	OFTEN
1	2	3	4	(1)	(2)	(3)
36%	48%	8%	4%			
16%	24%	44%	8%			
72%	12%	0	4%			

Other parolees are placed in a lower supervision level than may be advisable in order to make room for new parolees. NR= 4%  
Parole officers are assigned larger caseloads than are advisable for effective supervision of their clients. NR= 8%  
The new parolee is placed in a lower supervision level than the Parole Board either assigned or intended. NR= 8%

COMMUNITY RESOURCES

Parolees depend on support services (such as counseling, employment, housing, or education services) that are often provided through community resources. Your answers to the following questions will provide information on the effectiveness of these community resources.

14. How effective would increased community services and support programs be in reducing rates of re-incarceration?  
(PLEASE CIRCLE ONE.)

NOT AT ALL EFFECTIVE (1) (4%)	NOT VERY EFFECTIVE (2) (20%)	SOMEWHAT EFFECTIVE (3) (48%)	VERY EFFECTIVE (4) (24%)	NR= 4%
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15. How effective would increased community resources and support programs be in allowing greater numbers of inmates to be released on parole without increasing the risk to public safety?  
(PLEASE CIRCLE ONE.)

NOT AT ALL EFFECTIVE (1) (12%)	NOT VERY EFFECTIVE (2) (36%)	SOMEWHAT EFFECTIVE (3) (48%)	VERY EFFECTIVE (4) (0)	NR= 0
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ADDITIONAL COMMENTS

16. How would you rate the job the Parole Board has done in the past two years in applying conditions of parole that are appropriate to the individual parolee?  
(PLEASE CIRCLE ONE.)

	Poor	Below Average	Average	Above Average	
Excellent	(1)	(2)	(3)	(4)	(5)
	(0%)	(8%)	(28%)	(32%)	(28%) NR= 4%

17. How would you rate the job the Parole Board has done in the past two years in applying levels of supervision that are appropriate to the individual parolee?  
(PLEASE CIRCLE ONE.)

	Poor	Below Average	Average	Above Average	
Excellent	(1)	(2)	(3)	(4)	(5)
	(4%)	(8%)	(44%)	(28%)	(16%) NR= 0%

18. How would you rate the overall performance of the Parole Board over the past two years in choosing good parole risks?  
(PLEASE CIRCLE ONE.)

	Poor	Below Average	Average	Above Average	
Excellent	(1)	(2)	(3)	(4)	(5)
	(0%)	(4%)	(36%)	(56%)	(4%) NR= 0%

19. How often do you send supervision reports regarding major violations, unusual incidents, or arrests for new charges to the Parole Board?

	SELDOM IF EVER	SOMETIMES	OFTEN	ALWAYS OR ALMOST ALWAYS	
Supervisors	(1)	(2)	(3)	(4)	
	(4%)	(0%)	(8%)	(24%)	
Asst. Sprv.	(8%)	(0%)	(4%)	(44%)	NR= 1 Respondent

NOTE 1 Respondent answered (always) but did not indicate if a supervisor or asst. super.

20. Would more direct communication between the Parole Board and parole officers increase the effectiveness of the parole system?  
(PLEASE CIRCLE ONE.)

YES	NO	
(1)	(2)	
(80%)	(16%)	NR= 4%

21. If there are other methods or strategies that you feel could strengthen or improve the supervision process in Kentucky, please list or describe them. Also, indicate any other states where these methods or strategies have been or are being used.

Drug testing at no charge to parolees

More training for parole officers and supervisors

Smaller case loads

Higher pay to retain parole officers

Use Halfway Houses as an alternative to revocation of parole

DEMOGRAPHIC INFORMATION

Probation and Parole  
District: \_\_\_\_\_ Job Title: \_\_\_\_\_

Years of experience in current job as a Supervisor or Asst. Supervisor : \_\_\_\_\_

Years of experience in probation/parole field: \_\_\_\_\_

Please return the survey in the enclosed postage paid envelope by March 8, 1991. If you have any questions, please contact the Program Review staff at 502/ 564-8100. Thank you for your cooperation.



# APPENDIX

## F

## Appendix F

## PROFILE OF CURRENT BOARD MEMBERS

1. John C. Runda, Ph.D.- Chairman (Democrat, Madison Co.)
  - \*Appointed by Governor Collins, May 13, 1986 to May 23, 1990.
  - \*Appointed by Governor Collins as Chairman, December 7, 1987.
  - \*Reappointed by Governor Wilkinson, March 11, 1991 to May 23, 1994.
  - \*Bachelor of Arts, Sociology, Thomas More College.
  - \*Master of Arts, Sociology, The Ohio State University-Dissertation, "Religiosity and Racial Prejudice."
  - \*Experience - Faculty member and Chairman, Department of Sociology, Social Work and Criminal Justice, Thomas More College; Owner, Berea Health Care Center.
2. Larry R. Ball - (Republican, Jefferson Co.)
  - \*Appointed by Governor Collins, May 23, 1986 to May 23, 1990.
  - \*Reappointed by Governor Wilkinson, March 11, 1991 to May 23, 1994.
  - \*Bachelor of Science, Murray State University.
  - \*Experience - Juvenile Probation Officer, Jefferson Co., 9 yrs.
3. James William Grider - (Republican, Casey Co.)
  - \*Appointed by Governor Wilkinson, March 3, 1989 to March 1, 1993.
  - \*Bachelor of Arts, Eastern Kentucky University.
  - \*Experience - Legislative Research Commission, Staff member, 12 yrs.
4. Phil Hazle - (Democrat, Calloway Co.)
  - \*Appointed by Governor Wilkinson, Sept. 22, 1989 to March 1, 1993.
  - \*Bachelor of Science, Murray State University.
  - \*Masters of Science, Murray State University.
  - \*Experience - Adult Probation and Parole Officer, 14 yrs.; adjunct instructor, Criminal Justice Dept., Murray State University.
5. Chester Hager - (Democrat, Fayette Co.)
  - \*Appointed by Governor Wilkinson, March 11, 1991 to June 30, 1994.
  - \*Fugazzi Business College, 1951; Attended the University of Kentucky, 1953-1955; School of Mortuary Science, 1956.
  - \*Experience - Fayette Co. Coroner, 36 yrs.
6. Richard Brown - (Democrat, Daviess Co.)
  - \*Appointed by Governor Wilkinson, March 11, 1991 to June 30, 1994.
  - \*Bachelor of Science, Brescia College.
  - \*Experience - Paralegal with Western Ky. Legal Services, 3 yrs.; Probation and Parole Officer, 2 yrs.; Vocational Rehabilitation, Dept. of Education, 3 yrs.
7. Ruby Jo Cummins - (Republican, Jessamine Co.)
  - \*Appointed by Governor Wilkinson, April 9, 1991 to June 30, 1992.
  - \*Bachelor of Science in Law Enforcement, Eastern Kentucky University.
  - \*Human Services Surveyor Supervisor with Cabinet for Human Resources (CHR), 8 yrs.; Regional Program Manager, Div. of Licensing and Regulation, CHR, 3 yrs., Program Specialist, CHR, 2 yrs.

# APPENDIX

## G

### Physical Facilities

Institution	Is the space currently used for parole hearings at your institution in a public area?	What is the size and capacity of this space?	Can the space currently used for parole hearings or another space be modified for public hearings?	What modifications would be needed?	What would these modifications cost?	Approximate the size and capacity of the modified space.
Bell Co. Forestry Camp	Inmates appear at Blackburn Correctional Complex				N/A	
Blackburn Correctional	No	25 X 20	No			
Eastern Kentucky Correctional Complex	No	No	Yes, 3 alternatives 1. Visiting room (Tues/Weds only) 2. Staff roll call room 3. Vocational classroom*	1. Furnishings, sound equip. 2. Furnishings, sound equip. 3. Furnishings, sound equip.	1. < \$3000 2. < \$3000 3. < \$3000	1. 3040 sq. ft. 2. 960 sq. ft. 3. 4000 sq. ft.
Frankfort Career Development	Inmates appear at Franklin Regional Jail					
Kentucky Correctional Institution for Women	No	No	Yes, 1. alternative site 1. Visiting area		Little or no costs	80
Kentucky State Penitentiary	No	504 sq. feet 34 cap.	Yes, 1. Alternative site 1. Visiting area #2 Cellhouse**	Accoastically improved	\$10,000	2,450 sq. ft. 163

\* Would require closing entire vocational school on Parole Board day. Space is not air conditioned.

\*\* Corrections Cabinet requested that KSP be listed as an institution with no available space for open hearings.

SOURCE: Compiled by Program Review staff from survey sent to wardens and jailers conducting parole hearings at their facilities.

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Physical Facilities

Institution	Is the space currently used for parole hearings at your institution in a public area?	What is the size and capacity of this space?	Can the space currently used for parole hearings or another space be modified for public hearings?	What modifications would be needed?	What would these modifications cost?	Approximate the size and capacity of the modified space.
Kentucky State Reformatory	No		No, if opened to general public.	Two waiting rooms for victims and inmate	\$194,000 40' X 40' @ \$60 per	2 - 40' X 40' 30 per room
Luther Lockett Correctional Complex	No	34 cap.	No			
Northpoint Training Center	No	10' X 15' 10 cap.	No			
Roederer Farm Center	No	20' X 40' 30 cap.	No			
Western Kentucky Correctional Center	No	24' X 16' 15 cap.	Yes, other space available		\$2,000 - 4,000	30 X 80 100 +
Lee Adjustment Center	No	12 cap.	Yes, other space available		\$2,500	200 persons

\* Would require closing entire vocational school on Parole Board day. Space is not air conditioned.  
 \*\* Corrections Cabinet requested that KSP be listed as an institution with no available space for open hearings.  
 SOURCE: Compiled by Program Review staff from survey sent to wardens and jailers conducting parole hearings at their facilities.  
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### Physical Facilities

Institution	Is the space currently used for parole hearings at your institution in a public area?	What is the size and capacity of this space?	Can the space currently used for parole hearings or another space be modified for public hearings?	What modifications would be needed?	What would these modifications cost?	Approximate the size and capacity of the modified space.
Marion Adjustment Center	No		Yes, other space available		\$400 - \$500	200 - 250 Large auditorium
Davies Co. Detention Center	Yes	12' X 14'	No			
Kenton Co. Detention Center	Yes, Held in Probation and Parole Offices adjacent to Kenton Co. Detention Center	15 - 20 Capacity	No Future renovations will eliminate available space for public hearings			
Franklin Co. Regional Jail	Yes	15 cap.	No			
Big Sandy Regional Center						
Warren Co. Regional Jail	No		No			

\* Would require closing entire vocational school on Parole Board day. Space is not air conditioned.

\*\* Corrections Cabinet requested that KSP be listed as an institution with no available space for open hearings.

SOURCE: Compiled by Program Review staff from survey sent to wardens and jailers conducting parole hearings at their facilities.

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PERSONNEL AND OTHER EXPENSES

Institution	What are the resource demands and expenses incurred by the institution (i.e. personnel, supplies, etc.) on days of parole hearings?	What additional related expenses would be incurred if parole hearings are opened to the public?	If your institution cannot provide adequate facilities to conduct public parole hearings, what related expenses would be incurred for transferring inmates to an alternative site for hearing purposes?
Bell Co. Forestry Camp	Inmates appear at Blackburn Correctional Complex	BCFC would have to construct a building with adequate facilities Additional correctional officers 1 - Secretary Academic school/inmate library would require closing	1 - 2 Transportation vans 2 - 5 Correctional officers 1 officer
Blackburn Correctional	1 - Institutional parole officer - reg. duty 3 - Correctional officers - assigned \$675 30-60 extra meals for control - intake hearing days Office expenses - phone, copy supplies Casemanagers to counsel inmates receiving bad news	10 - Additional correctional officers cost: \$150,000 - 1st year only	Transportation vehicles Security staff
Eastern Kentucky Correctional Complex	2 - Correctional officers 1 - Clerical staff	2 Additional Correctional Officers	Adequate facilities could be provided
Frankfort Career Development	CTO'S IPO	Additional Correctional officers	Hearings are at an alternative site
Kentucky Correctional Institution for Women	Supplied parole board room with a two-way intercom to records office 1-2 Correctional officers	3 - Additional correctional officers	Adequate facilities
Kentucky State Penitentiary	Did not provide information	4 - Additional correctional officers \$280 per day	Adequate facilities could be provided

SOURCE: Compiled by Program Review staff from survey sent to wardens and jailers conducting parole hearings at their facilities.  
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**PERSONNEL AND OTHER EXPENSES**

Institution	What are the resource demands and expenses incurred by the institution (i.e. personnel, supplies, etc.) on days of parole hearings?	What additional related expenses would be incurred if parole hearings are opened to the public?	If your institution cannot provide adequate facilities to conduct public parole hearings, what related expenses would be incurred for transferring inmates to an alternative site for hearing purposes?
Kentucky State Reformatory	3 - Correctional officers 2 - Institutional parole officers 1 - Secretary	3 - Additional correctional officers 1 - Public information staff to assist media	Passenger vans Additional correctional officers, meals for inmates. Additional security equipment
Luther Luckett Correctional Complex	2 - Correctional officers 1 - Sergeant Extended length of meeting can incur: 1. Comp time accumulation 2. Overtime pay meals rescheduled for inmates meeting parole board	Additional Security personnel Additional Security equipment Long time periods spend at each Parole Board hearing extended to 2 1/2 or 3 days for all expenses	1 - 40 passenger bus 1 - Corrections vehicle as an escort 4 - Accompanying officers on bus
Northpoint Training Center	Correctional officers	Additional Correctional Officers would have to be hired for security purposes	Passenger buses for approximately 60 inmates Additional correctional officers would have to be hired Meals for inmates Additional Security equipment
Roodert Farm Center	No additional demands	Additional staffing for supervision Security Additional building maintenance	More vehicles Additional Security equipment Additional staffing
Western Kentucky Farm Center	Increase in Security and Program personnel	Increase in Security and program personnel identification materials and Additional furnishings; tables, chairs	Adequate facilities can be provided

SOURCE: Compiled by Program Review staff from survey sent to wardens and jailers conducting parole hearings at their facilities.  
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PERSONNEL AND OTHER EXPENSES

Institution	What are the resource demands and expenses incurred by the institution (i.e. personnel, supplies, etc.) on days of parole hearings?	What additional related expenses would be incurred if parole hearings are opened to the public?	If your institution cannot provide adequate facilities to conduct public parole hearings, what related expenses would be incurred for transferring inmates to an alternative site for hearing purposes?
Lee Adjustment Center	3 - Additional corrections officers and meal accommodations for board members - \$250	This would depend on size of gathering: Approximately 100-200 persons in attendance would require 10 additional corrections officers at \$500. This does not include any additional administrative overhead or the possibility of increased liability insurance coverage.	Due to isolation of facility & astronomical expenses for the mass transportation of 50 to 60 inmates, their property, security and clerical support staff.
Marion Adjustment Center	2 - Correctional officers \$50 - \$75 each 1 - Supervisor \$50 - \$75 1 - Correctional officer (gate) Additional chairs, power and utility expense	Unable to determine at this time, do not foresee any, other than these mentioned in question 5.	Adequate facilities
Dumas House of Owensboro	Inmates appear at Daviess County Regional Jail		
Daviess Co Detention Center	Furnish everything at no expense	No available space	Transportation and security for 15 or more inmates.
Keaton Co. Detention Center	2 - staff persons, also hold out of county parolees in secure area until their case is heard.	If current conditions (conducting hearings in Probation and Parole offices) no increases in expenses. However, if unable to conduct hearing in Probation and Parole Offices, no space for public hearings.	Expenses would become responsibility of Probation and Parole Department

SOURCE: Compiled by Program Review staff from survey sent to wardens and jailers conducting parole hearings at their facilities.

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### PERSONNEL AND OTHER EXPENSES

Institution	What are the resource demands and expenses incurred by the institution (i.e. personnel, supplies, etc.) on days of parole hearings?	What additional related expenses would be incurred if parole hearings are opened to the public?	If your institution cannot provide adequate facilities to conduct public parole hearings, what related expenses would be incurred for transferring inmates to an alternative site for hearing purposes?
Franklin Co. Regional Jail	All programs inside facility are halted. 2 officers are assigned for security.		Presently transportation is handled by Probation and Parole. If financial agreement could be worked out, Franklin Co. Jail would transport.
Big Sandy Regional Center			
Warren Co. Regional Jail	No additional demands	No information provided	No information provided

SOURCE: Compiled by Program Review staff from survey sent to wardens and jailers conducting parole hearings at their facilities.  
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# APPENDIX

## H

PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

KENTUCKY'S PAROLE SYSTEM

Recommendation Worksheet  
2062K

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RECOMMENDATION 1: Evaluate The 50% Rule in the Violent Offender Statute

The General Assembly should consider whether the punitive aspect of KRS 439.3401, which requires that violent offenders serve 50% of a term of years before parole eligibility, unduly limits the Parole Board's discretion to balance the overall public protection and rehabilitation goals of parole.

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AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

PAROLE BOARD

Agrees. By placing a reasonable limit on parole eligibility we would be permitting the Parole Board to review any inmate to determine where he can best be managed and to determine if the state's resources are being utilized reasonably for the particular inmate. Given the action of the Board over the past 5 years, many of these inmates will be serving a significant portion of their sentence in an incarcerated setting. A reasonable parole eligibility also provides the institutions with a greater ability to program for the inmate and to control him.

Adopted 10/7/91

**RECOMMENDATION 2: Establish Structured Decision-making Guidelines**

The Parole Board should establish a structured set of decision-making guidelines that prioritizes and defines criteria for evaluating an inmate's readiness for parole and which are reflective of the Board's overall policies and goals. In undertaking this project, the Board should seek assistance and funding from the National Institute of Corrections.

**AS AMENDED:**

"The Parole Board should amend 501 KAR 1:030(5) to define more completely criteria for evaluating an inmate's readiness for parole which are reflective of the Board's overall policies and goals. In undertaking this project, the Board should seek assistance and funding from the National Institute of Corrections."

AGENCY RESPONSESTAFF RESPONSE/COMMITTEE ACTIONPAROLE BOARD

Disagrees. Publication of explicit criteria could establish a liberty interest, a right to parole, and dramatically increase litigation for persons not paroled.

States with a more formal procedure where numbers dictate the decision use the same general criteria that Kentucky uses.

No conclusive statistical studies show that decisions arrived at by a highly structured process are more valid or better able to predict successful parolees than the system currently used by the Kentucky Parole Board.

Violations of parole with new felony convictions are lower in Kentucky than in most states. Our violation of parole for technical reasons (including misdemeanor convictions) is higher than for most states.

Adopted as amended 10/7/91.

**RECOMMENDATION 3: Construct a Risk Assessment Instrument**

The Parole Board should construct a risk assessment instrument to use as a factor in evaluating an inmate's readiness for parole. This instrument should be constructed to group inmates into risk categories based on characteristics and recidivism patterns of previous Kentucky parolees. In undertaking this project, the Board should seek assistance and funding from the National Institute of Corrections.

**PAROLE BOARD**

**AGENCY RESPONSE**

**STAFF RESPONSE/COMMITTEE ACTION**

Unsure. Several Board members oppose this recommendation for some of the same reasons explained in opposition to recommendation #2.

Adopted 10/7/91.

The Parole Board Chairman agrees with the recommendation. The Board needs to develop a risk assessment instrument which will be advisory in nature. The score would not dictate a decision. It is possible for the Board to parole a high risk individual toward the end of his sentence so that he can be supervised upon release.

**RECOMMENDATION 4: Record Parole Release Votes**

The General Assembly should amend KRS 439.330 to require that the Parole Board record the votes of individual members on release decisions and have these votes available for public disclosure.

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**AGENCY RESPONSE****STAFF RESPONSE/COMMITTEE ACTION**

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**PAROLE BOARD**

Disagrees. The Parole Board is already doing this. Upon advice of General Counsel, this practice will continue. Making this a statutory requirement will not change the Parole Board's practice.

Adopted 10/7/91.

**RECOMMENDATION 5: Document Release or Denial Criteria**

The General Assembly should amend KRS 439.330 to require that the Parole Board explicitly document the criteria used to evaluate an inmate's readiness for parole and the reasons for the Parole Board's decision for or against parole.

**AS AMENDED:**

"The General Assembly should amend KRS 439.330 to require that the Parole Board describe the reasons for the Parole Board's decision for or against parole."

PAROLE BOARD	AGENCY RESPONSE	STAFF RESPONSE/COMMITTEE ACTION
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The Parole Board currently informs each inmate of the reasons for the denial of parole. The form used has been accepted as part of the Federal Consent Decree and has been upheld in the 6th Circuit Court of Appeals.

Adopted as amended 10/7/91.

A consensus of the Board agrees that a form needs to be developed to indicate reasons for parole. This requirement should not be statutory. By making criteria for parole explicit in the statutes, we must be very careful to not create a right to parole.



**RECOMMENDATION 6: Account for Parolees on Inactive Supervision**

The Corrections Cabinet should change its method of counting the probation and parole population to include those on inactive supervision. Probationers and parolees on inactive supervision should have an annual review with a parole officer, and the Corrections Cabinet should maintain accurate records and periodically assess the appropriateness of the parolee's inactive status.

**AS AMENDED:**

The Corrections Cabinet should change its method of counting the probation and parole population to include those on inactive supervision. The Corrections Cabinet should maintain accurate address and employment records and periodically assess the appropriateness of the parolee's inactive status.

AGENCY RESPONSE	STAFF RESPONSE/COMMITTEE ACTION
<p><b>CORRECTIONS CABINET</b></p> <p>Disagrees. Inactive supervision is a part of the client's progression through the various levels of supervision. The amount of time on supervision, the level of supervision, and compliance with special and general conditions imposed by the Parole Board are factors reviewed in great detail.</p> <p>The program review committee has recommended that the Division of Probation and Parole extend services to all parolees on inactive status. Those services would include an annual review with an officer. There are logistical and manpower problems with this recommendation. Once a client is placed on inactive status, he is not required to remain at a verifiable home address and is at liberty to move within the state or out-of-state. As a result, it would be virtually impossible to locate all clients who are currently on inactive status. Also, because of officer turnover, inactive clients would often report to a new parole officer every year.</p> <p>The Division of Probation and Parole does not maintain statistics on the inactive parole population. However, it is the Cabinet's belief that the end result does not justify this exercise. The negative result would be for the clients themselves who are sent the message that parole supervision does not end.</p>	<p>Adopted as amended 10/7/91.</p>

RECOMMENDATION 7:      Validate Risk/Needs Assessment

The Corrections Cabinet should validate the risk/needs assessment instrument used to classify parolees and probationers into levels of supervision to ensure its applicability to Kentucky parolees. The Cabinet should seek financial and technical assistance from the National Institute of Corrections to complete this project.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

CORRECTIONS CABINET

Agrees. A preliminary estimate to validate the instrument is \$15,000 while grants from the NIC are generally limited to \$6,000. The Cabinet will obtain more accurate estimates and funds will be requested from both NIC and the next session of the General Assembly.

Adopted 10/7/91.

**RECOMMENDATION 8: Change Intensive and Advanced Supervision Programs**

The Corrections Cabinet should change the status of the Intensive and Advanced Supervision Programs from special programs to supervision levels that are available statewide. As part of this change, the Cabinet should revise its workload formula so that a parole officer is not limited to supervising parolees in any one level. Parolee cases should be distributed based on the time requirements of the various levels of supervision and the geographic area that the officer covers.

AGENCY RESPONSESTAFF RESPONSE/COMMITTEE ACTION**CORRECTIONS CABINET**

Disagrees. By designating certain officers as Intensive and Advanced the Cabinet is able to establish caseload maximums for these officers. Since caseloads are the number one issue cited by parole officers, adding to officers' caseloads will hurt morale. The central office has not received formal complaints regarding the lack of these programs in certain areas.

Another factor is that ISP and ASP officers are hired with the expectation of night curfews, more paperwork and lower caseloads. This is not the case with career employees of the Division of Probation and Parole. This change would require a redefining of job duties and could result in morale problems.

Additional costs for purchasing equipment for all officers would result.

Presently, ISP and ASP are used as alternatives to revocation. By having a new officer assume the case, the client and the officer get a fresh start.

The Cabinet agrees that a workload assessment needs to be performed. The Cabinet estimates cost to be approximately \$15,000, which they will attempt to fund with grants and budget requests.

Adopted 11/4/91.

**RECOMMENDATION 9: Improve Communication Between the Parole Board and Parole Officers**

The Parole Board should conduct annual meetings with parole officers in each of the 11 probation and parole districts in the state. The meetings should cover such topics as the intent of conditions of parole, local availability of community resources, assigned supervision levels, and revocation decisions.

AGENCY RESPONSE	STAFF RESPONSE/COMMITTEE ACTION
<p><b>PAROLE BOARD</b></p> <p>Agrees. Parole Board members have attended training sessions for parole officers.</p>	<p>Adopted 10/7/91.</p>

**CORRECTIONS CABINET**

Agrees. Two years ago Parole Board members began attending each of the 11 probation and parole district meetings which are attended by all officers and supervisors within the district. To further this effort, the Cabinet and Parole Board Chairman are considering holding at least one meeting a year between Board members and district supervisors to discuss policy issues.

**RECOMMENDATION 10:      Revise Audits of Parole Officers**

The Corrections Cabinet should revise its semi-annual audit of parole officers to include a standardized evaluation format for all officers statewide, using the present intensive supervision audit format as a model. The semi-annual audits should also include a field supervision component, which should be used to evaluate parole officer performance and to give the officer feedback on how to improve the quality of his supervision.

AGENCY RESPONSESTAFF RESPONSE/COMMITTEE ACTION**CORRECTIONS CABINET**

Disagrees. Audits of ISP and ASP officers are more thorough because the Cabinet employs two statewide coordinators to handle audits for the 75 ISP and ASP officers. It would be virtually impossible for supervisors to perform these detailed audits on the remaining 172 officers, whose probation and parole caseload totals 8,398 clients.

In order to implement this recommendation, the Cabinet would need to add three additional field coordinators to conduct audits on all officers.

The Cabinet agrees that field audits are critical to an evaluation of an officer's work performance.

Adopted 11/4/91.

**Recommendation 11: Authorize a Comprehensive Study of Community Resource Needs**

The 1992 General Assembly should authorize a cooperative study by the Legislative Research Commission, the Corrections and Human Resources Cabinets, and the Parole Board to:

- Identify the need for rehabilitative and counseling services within geographic areas of the state by determining which services have a significant impact on successful reintegration of parolees and probationers into society.
- Develop and propose to the General Assembly a long range plan which prioritizes services and the geographic regions in which they are needed. And,
- Estimate the fiscal impact of the proposed plan and provide the General Assembly with budgetary options for implementation.

	<u>AGENCY RESPONSE</u>	<u>STAFF RESPONSE/COMMITTEE ACTION</u>
<b>PAROLE BOARD</b>	Agrees.	Adopted 10/7/91.
<b>CORRECTIONS CABINET</b>	Agrees.	
<b>CABINET FOR HUMAN RESOURCES</b>	Agrees.	

**Recommendation 12: Update and Distribute Community Services Directory**

The Corrections Cabinet should update its Community Services Directory annually and distribute copies and updates to all parole officers and all members of the Parole Board.

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**AGENCY RESPONSE****STAFF RESPONSE/COMMITTEE ACTION**

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**PAROLE BOARD**

Agrees.

Adopted 10/7/91.

**CORRECTIONS CABINET**

Agrees. The Cabinet will begin this process immediately and the update should be completed by February 1, 1992. A copy of the directory will be made available to the Parole Board.

**Recommendation 13: Report Status of Proposed Substance Abuse Facility**

Finance and Administration Cabinet should report their progress on the substance abuse treatment facility funded by the 1990 Session of the General Assembly to the Appropriations and Revenue Committee by the 1992 Session. The report should include the rationale for any operational or geographic changes from the program funded by the 1990 General Assembly.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

**PAROLE BOARD**

Agrees. Funding for an additional facility(s) should be included in the next biennial budget. These facilities will greatly reduce the number of parole violators.

Adopted 10/7/91.



**RECOMMENDATION 14: Develop a More Effective System To Spot Arrested Parolees**

The Corrections Cabinet, with cooperation from the Kentucky State Police and the Administrative Office of the Court should develop a more effective system for detecting the arrests of parolees.

## AGENCY RESPONSE

## STAFF RESPONSE/COMMITTEE ACTION

**JUSTICE CABINET (KENTUCKY STATE POLICE)**

Agrees. All of the information necessary for timely notification of arrests involving a parolee is available, however, there is no clear process to ensure that this information is accessed. It is possible that a cooperative effort between the agencies identified in this recommendation could develop an effective system for detecting the arrest of parolees. However, first an in-depth analysis of all processes currently contained within the agencies must be completed. Any new processes that are subsequently identified can then be implemented without duplication.

Adopted 10/7/91.

**AOC**

Agrees. The AOC can implement this recommendation by training pretrial officers to advise the court of the information relating to dispositions gained during the interview from the Pretrial Services Court Disposition System. The information is presently available and this recommendation can be accomplished at no additional costs.

**CORRECTIONS CABINET**

Agrees. Preliminary conversations with the Kentucky State Police indicate that the development of such a system requires long term planning with sufficient technical support. There is no quick and easy remedy to implementing this recommendation.

**RECOMMENDATION 15: Establish Process for Monitoring and Evaluating Parole Officer and Supervisor Discretion**

The Corrections Cabinet should establish management practices and procedures to monitor and evaluate parole officers and supervisors in order to ensure that their use of discretionary authority is consistent and effectively applied.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

**CORRECTIONS CABINET**

The Corrections Cabinet concurs that improvements need to be made in this area. The Cabinet is considering the following changes to existing policies:

- 1) Require that the review between the supervisor and officer prior to the issuance of the detainer be documented in the case file. The review should include a discussion of alternatives considered.
- 2) Require that the director or assistant director visit each field office on an annual basis to review case files to document the review and assess the thoroughness of the review.
- 3) Require that current statistics be maintained for each district on the number of detainees issued relative to their caseload to determine if there is a disproportionate distribution of detainees in certain areas. The director and assistant director would review this data at least quarterly to determine if more frequent field visits are needed.

Adopted 11/4/91.

**RECOMMENDATION 16: Require Centralized Documentation of the Reasons For Releasing Suspected Parole Violators**

The General Assembly should amend KRS 439.430(1) to require the director of the Corrections Cabinet Division of Probation and Parole to document reasons for releasing suspected parole violators prior to final disposition of the case by the ALJ of the Parole Board. Also, the Corrections Cabinet should promulgate new regulations which require all parole officials to document their reasons for releasing any and all suspected parole violators back to supervision. These documents should be kept with the Commissioner of the Department of Community Services and Facilities.

**AS AMENDED:**

The General Assembly should amend KRS 439.430(1) to require the director of the Corrections Cabinet Division of Probation and Parole to document reasons for not seeking revocation of a suspected parole violator if the director does not submit a recommendation to the Parole Board.

AGENCY RESPONSECORRECTIONS CABINET

The program review team has misinterpreted a section of KRS 439.430 (1). The ability of the director to release a suspected parole violator is only after the matter has been referred to the Parole Board and no warrant is forthcoming. The director does not direct the release of any suspected parole violator until the Parole Board has reviewed the case and declines to issue a warrant.

Corrections policy 27-19-01 provides an opportunity for the officer to recommend leniency before or during the hearing or request that the case be continued indefinitely. The officer makes the recommendation on the record at the preliminary hearing and the ALJ includes that recommendation in the findings of facts. In the event that the officer requests leniency or a continuance prior to the preliminary hearing, the officer must submit the motion for continuance sine die to the ALJ.

The above named document is included in the parolees central office file. All special reports, notice of preliminary hearing and any other document relating to the revocation process are also filed in the central office file.

The Division of Probation and Parole is certainly interested in improving reviews of parole officers discretion. However, to set up an entirely separate filing system for revocation documents does not appear justified.

STAFF RESPONSE/COMMITTEE ACTION

Adopted as amended 11/4/91.

**RECOMMENDATION 17: Allow ALJ to Add Conditions of Parole**

The Parole Board should amend 501 KAR 1:040(1) to allow administrative law judges to place additional conditions of parole on leniency agreements for parole violators. Any additional parole conditions imposed by an ALJ shall be subject to Board approval.

**AS AMENDED:**

The Parole Board should promote 501 KAR 1:040(1) which allows administrative law judges to place additional conditions of parole on leniency agreements for parole violators. Any additional parole conditions imposed by an ALJ shall be subject to Board approval.

AGENCY RESPONSE	STAFF RESPONSE/COMMITTEE ACTION
<u>PAROLE BOARD</u>	
Agrees. The Board already is considering this and also allowing administrative law judges to grant leniency, even if not so moved by the parole officer.	Adopted as amended 10/7/91.

**RECOMMENDATION 18: Specify Statutory Qualifications for the Parole Board**

The General Assembly should amend KRS 439.320 to better define the level of knowledge and experience required to qualify for appointment to the Parole Board. The statute should specify the type of academic credentials, recognized or special training, certification or licensure needed to qualify under the statutory disciplines. The nominating body should establish a policy of forwarding a statement of qualifications, signed by its Chairman, as part of the documentation submitted to the Governor's Office with the names of the three nominees.

AGENCY RESPONSESTAFF RESPONSE/COMMITTEE ACTION**PAROLE BOARD**

Agrees in part. A bachelor's degree should be added as a requirement for Board membership. However, the areas where experience is required do not need to be narrowed or restricted. The Board fully supports making explicit how each candidate qualifies under the statute.

Adopted 11/4/91.

**CORRECTIONS CABINET (Commission on Corrections and Community Services)**

Disagrees. Current qualifications allow individuals from a broad spectrum of the criminal justice system to be considered. Rather than placing restrictions that would limit the pool of candidates, a better solution is to require the Commission to document qualifications.

**RECOMMENDATION 19: Reflect Diversity on the Parole Board, Quorums and Panels**

The General Assembly should amend KRS 439.320 to require that a minimum of three (3) disciplines or professions be represented on the Board at any time. Furthermore, the Parole Board should amend its administrative regulations to provide that the Board's diversity be reflected on quorums and panels used to conduct interviews and hear cases.

**AS AMENDED:**

**RECOMMENDATION 19: Reflect Diversity on the Parole Board, Quorums and Panels**

The General Assembly should amend KRS 439.320 to require that a minimum of three (3) disciplines or professions be represented on the Board at any time.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

**PAROLE BOARD**

Disagrees. Changes to ensure diversity should not be statutory. Placing restrictions in the statute limits those who can qualify. While the Board needs diversity, what we need most are people who have demonstrated integrity and decision-making ability. If there is a strong Commission and good input, then diversity will result.

Attempts to schedule persons with specific backgrounds to specific hearings would be a scheduling nightmare and could lead to the same members always serving on the same panels. This recommendation would so reduce needed flexibility for scheduling, that it could bring the process to a halt.

Adopted as amended 11/4/91.

RECOMMENDATION 20: Advertise Parole Board Vacancies

The General Assembly should amend KRS 439.320 to require public notification of expired terms or vacancies on the Parole Board.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

PAROLE BOARD

Agrees. This should occur with all state boards.

Adopted 10/7/91.

CORRECTIONS CABINET (Commission on Corrections and Community Services)

Agrees.

**RECOMMENDATION 21: Re-stagger Terms of Board Members**

The General Assembly should amend KRS 439.320 to re-stagger terms of Parole Board members when the current terms expire. Upon the expiration of the terms of office of the two Board members whose terms expire June 30, 1994, the Governor shall appoint two members to serve until June 30, 1995. Thereafter, all members would serve four year terms. To ensure continuity, the statute should also require that terms be re-staggered each time there is an action that changes the configuration of the Parole Board.

PAROLE BOARD

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

Agrees.

Adopted 10/7/91.



**RECOMMENDATION 22: Place Time Limit on Parole Board Appointments**

The General Assembly should amend KRS 439.320 to require that the Governor make appointments or reappointments to the Parole Board no later than 60 days after a term expires or a vacancy occurs.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

**PAROLE BOARD**

Agrees. However, the time period should be extended to 90 days and reappointment should be automatic if the Governor fails to act within the time specified.

Adopted 10/7/91.

**Recommendation 23: Develop Research Capabilities**

The General Assembly should require the Parole Board and Corrections Cabinet to evaluate the effectiveness of the parole system and its individual components. Existing research capabilities should be expanded to enable the Parole Board and the Corrections Cabinet to jointly:

- collect data pertinent to the evaluation of the parole system,
- maintain the data in an accessible and useful format,
- analyze the data and identify trends, and
- report annual comparative data.

**AGENCY RESPONSE**

**STAFF RESPONSE/COMMITTEE ACTION**

**PAROLE BOARD**

Agrees. The Parole Board needs not only information about inmates, victims and other such groups, but also information concerning Board decisions. The information is already there, but needs to be analyzed. This Committee is urged to support the addition of a qualified senior researcher with programming skills to the Parole Board staff. Program Review staff questions about the need to add a full-time research position to the Board indicates that they either have no concept of the time requirements needed to conduct valid and reliable research, or simply do not understand the information needs of the Board. Their comment that grants from the NIC would be sufficient for the Board's purposes is totally untrue.

Adopted 11/4/91.

**CORRECTIONS CABINET**

Agrees. Existing research capabilities should be expanded to provide the Cabinet and the parole board with additional information that will assist in short and long term planning. While the Cabinet maintains data on offenders, in-depth analysis capabilities are currently limited.

**Recommendation 24: Remove Parole Board Chairman From Selection and Nominating Body**

The General Assembly should amend KRS 439.302 to remove the Chairman of the Parole Board from serving on the body responsible for screening and nominating future parole board members for gubernatorial appointment.

PAROLE BOARD	AGENCY RESPONSE	STAFF RESPONSE/COMMITTEE ACTION
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<p>Disagrees. The majority of Parole Board members support the Chairman remaining as a member of the Commission, but would recommend that he be a non-voting member. One Parole Board members supports the recommendation as is.</p>	<p>Adopted 11/4/91.</p>
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**CORRECTIONS CABINET (Commission on Corrections and Community Services)**

Disagrees. The Chairperson is able to offer a unique perspective on the activities of the Board and the demands of its members. However, to remove any appearance of conflict of interest, the Chairperson could be named as a non-voting member.

**Recommendation 25: Establish an Administrative Position For The Parole Board**

The General Assembly should amend KRS 439.320 to create an executive administrator position responsible to the Parole Board. The executive administrator's responsibilities should include, but not be limited to, advising the Board on fiscal and budgetary matters; assisting the Board with the development of policies and procedures and long range plans; assisting the Board in coordinating orientation, training and professional development activities for Board members and staff; managing personnel and recommending personnel actions to the Board; scheduling parole hearings and making hearing assignments; coordinating research and evaluation activities; reviewing supervision reports forwarded to the Parole Board as required by Corrections Cabinet Procedure 27-15-01; managing daily administrative operations of the Parole Board; and performing other duties determined by Parole Board members.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

**PAROLE BOARD**

Rejected 11/4/91.

An executive director is unnecessary, costly and eliminates the need for a chairman. Only 14 states have an executive director.

The legislature expanded the Board to seven members to enable it to handle an expanded work load and to be able to meet in quorums of 3. The Chairman need not participate in as many hearings as other members particularly if a risk assessment tool or more structure is adopted.

A previous executive director in Kentucky was in conflict with the Chairman over role definition.

The Chairman is held accountable and needs the authority and responsibility to administer the operation of the Board. The executive director would have 7 bosses. This could create division on the Board. State resources could be better spent by providing the Board with a researcher.

**COMMITTEE RECOMMENDATION 1: Require Legislative Confirmation For Parole Board Appointments**

The General Assembly should amend KRS Chapter 439 to require that gubernatorial appointments to the Kentucky Parole Board be confirmed by the Senate in accordance with the procedures set forth in KRS 11.160.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

Adopted 11/4/91.

**COMMITTEE RECOMMENDATION 2: Create an Autonomous Nominating Commission**

The General Assembly should create a new section of KRS Chapter 439 to establish a new autonomous commission to nominate persons for gubernatorial appointment to the Parole Board. The composition could be composed of at least one representative from the following areas: law enforcement, judiciary, victim's rights organizations, local elected officials, practicing attorneys, behavioral scientists, former parole board members, educators, and the general public. The primary duties of the commission would be to:

- establish policies and procedures for publicly announcing and advertising Parole Board vacancies,
- Certify qualifications of applicants,
- Devise a method of evaluating parole board applicants,
- Conduct background investigations on nominees,
- Submit three names per vacancy, to the Governor, and
- Issue an advisory opinion to the Governor regarding the removal of a parole board member after conducting a hearing.

Members of the commission would serve four-year staggered terms. Public members of the Commission would receive twenty five (\$25) dollars per day per meeting. Each commissioner would be reimbursed for travel and other reasonable and necessary expenses. For administrative purposes, the new commission would be attached to the Justice Cabinet.

AGENCY RESPONSE

STAFF RESPONSE/COMMITTEE ACTION

Not adopted 11/4/91.

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Appendices

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the Celebration  
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Kentucky