

KENTUCKY PAROLE BOARD

Biennial Report

1999 - 2001

**Commonwealth of Kentucky
Parole Board**

**The Honorable Paul E. Patton
Governor**

**Robert F. Stephens
Secretary, Justice Cabinet**

**Keith Hardison
Executive Director (2001-present)**

**Tom D. Campbell
Executive Director (1999-2000)**

**John Coy
Chair (August 1, 2000-present)**

**Linda F. Frank
Chair (March 1, 1997 - August 1, 2000)**

**Frances Clinkscales
(March 1, 1997 - May 11, 2001)**

**Frank DeRossett
(July 1999 – September 30, 2001)**

Robert W. Milburn Jr.
(May 11, 2001-present)

Laurrece Carter-Hatchett
(August 1,2000-present)

Lutitia Papailler
(July 1994 - present)

James D. Provence
(July 1999 - present)

Verman Winburn
(February 25, 1997 - present)

Theodore Kuster (part-time)
(August 17, 1998 – present)

Sandra E. Downs (part-time)
(March 1, 2005 – present)

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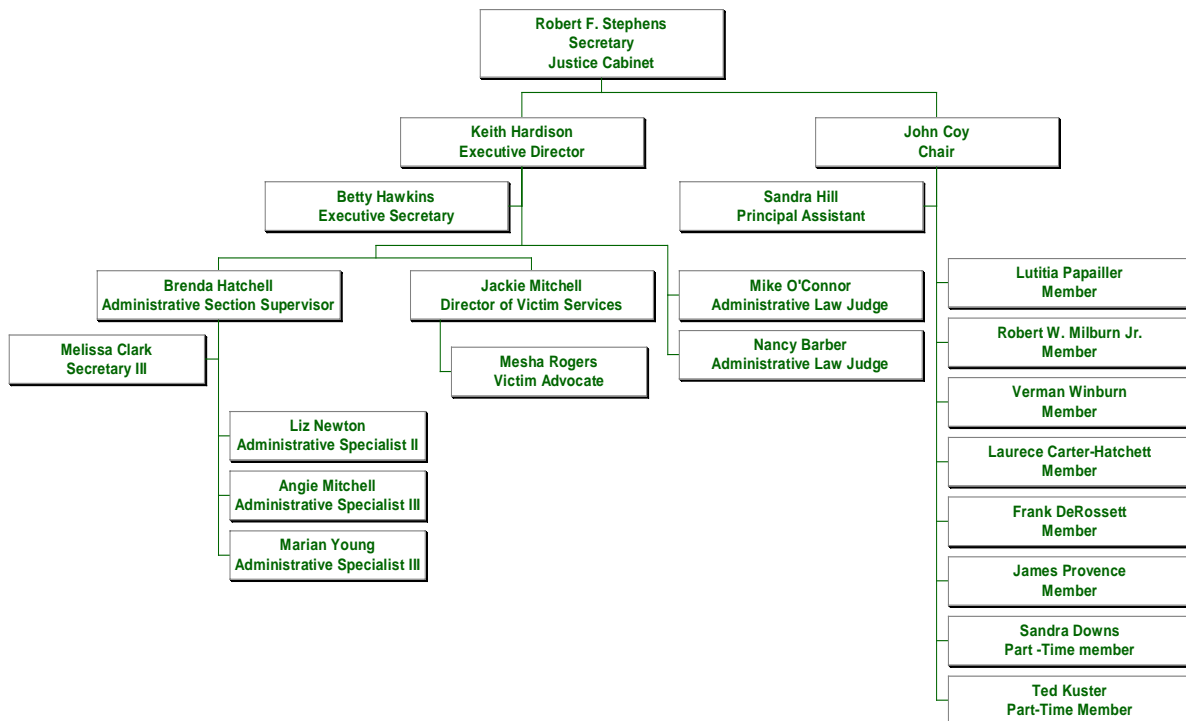
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THE KENTUCKY PAROLE BOARD

Who Are We?

- The Kentucky Parole Board is an independent, autonomous agency attached to the Justice Cabinet for administrative and support purposes only.
- KRS 439.320 states that the Governor shall appoint a Parole Board consisting of seven (7) full-time members and two (2) part-time members who must also be confirmed by the Senate. The Governor shall make each appointment for full-time and part-time members from a list of three (3) names given to him by the Commission on Corrections and Community Service. The Governor shall also name one full-time member as Chair of the Board.
- Additional staff include an Executive Director, Executive Secretary, Principal Assistant, Two (2) Administrative Law Judges, Director of Victim Services, Administrative Section Supervisor and five (5) additional support staff.



Biographical Sketches of Parole Board Members

John M. Coy was appointed to the Board in July 1999. Mr. Coy holds a Bachelor's Degree in English/history from Eastern Kentucky University and a Law Degree from the University of Kentucky. Mr. Coy has worked as a private attorney for several years, City Attorney for Richmond, Special Prosecutor for Estill County and District Judge for the 25th Judicial District. Mr. Coy's accomplishments include being retired from the National Guard with the rank of Major after 23 years, establishing a full-time Law Department for the city of Richmond and established GUSIE (Growing Up Safe in Estill), the Estill County multidisciplinary child abuse team.

Frank DeRossett, Jr., was appointed to the Board in July 1999. Mr. DeRossett holds a Bachelor's Degree from Morehead State University in history and sociology. Mr. DeRossett has worked as a Caseworker for the Department of Human Resources, Probation and Parole Officer for the Department of Corrections, President of Floyd Security Systems, Inc. and Floyd County Circuit Court Clerk. Mr. DeRossett has been a member of several organizations including the American Correctional Association, Kentucky Council on Crime and Delinquency, Kentucky State Parole Officers Association, Floyd Family Court Committee and Floyd County Domestic Violence Task Force.

Laurece Carter-Hatchett lived in Paducah when she was appointed to the Board on August 1, 2000, She is now a resident of Frankfort. She is a graduate of Tennessee State University and holds a Master of Criminal Justice Degree from St. Ambrose University. She has held numerous positions in the fields of social work and equal employment in Kentucky, Ohio, Tennessee and with the federal government

Robert Milburn was appointed to the Board in May of 2001. Mr. Milburn is a native of the Owensboro area. Mr. Milburn received his B.A from Kentucky Wesleyan College. He spent a total of fourteen years in Juvenile Justice, Child Care and Social Services doing abuse investigations, domestic violence investigations and was Treatment Director of two juvenile treatment facilities. Mr. Milburn transferred to the Department of Corrections working with adults in 1999 and spent two years at the Green River Correctional Complex as a Caseworker and Institutional Chaplain.

Lutitia Papailler was originally named to the Board by Governor Paul Patton in July 1994. Ms. Papailler is a career employee of Kentucky State government and a civil rights professional who joined the Kentucky Commission on Human Rights in 1981. During her tenure at the Commission, she served in a number of positions including Interim Executive Director. In 1992, the Governor appointed her to the Task Force on Persons with Disabilities.

James Provence was appointed to the Board in July 1999. Mr. Provence came to the Board after retiring from a successful career with the U.S. Courts as a supervising U.S. Probation Officer and a Chief U.S. Probation Officer in Lexington, Kentucky. Prior to that, Mr. Provence had served as District Parole Officer for the State of Texas, Juvenile Probation Officer, Dormitory Supervisor and Cottage Parent. Mr. Provence has a bachelor's degree in psychology and a master's degree in corrections and criminology.

Verman R. Winburn was appointed to the Board in March 1997. Mr. Winburn is a career criminal justice employee who began his career in 1984 as a Probation and Parole officer and has also worked as a Correctional Officer and served as Probation and Parole District Supervisor for several years. Mr. Winburn holds a bachelor's degree from Eastern Kentucky University and is a member of the Kentucky Council on Crime and Delinquency, Kentucky State Parole Officers Association and Creations Prison Music Ministries, Inc. He is also very active in the Kentucky Employees Charitable Campaign.

Theodore R. Kuster was originally appointed to the Board as a full-time member in March 1993 and was subsequently appointed as a part-time member in August 1998. Mr. Kuster holds a Bachelor's Degree from the University of Kentucky and served as Kentucky State Representative of the 72nd legislative district from 1974 to 1976. Mr. Kuster is very active in civic affairs including the Board of Director of Bourbon Heights Senior Citizens Home, Bourbon County Boy's Educational Fund, Board of Kentucky Bank, Trustee of the Lexington Theological Seminary and Bourbon County Conservation District.

Sandra Downs was appointed a part-time member of the Board in May of 2001 and has recently moved to a farm in Burkesville, Kentucky in Cumberland County. She is a graduate of the University of Kentucky and the University of Kentucky Law School. In the past she was employed with Fayette County Legal Aid and by the Cabinet of Human Resources where she was on the federal litigation Team. For nine years, until May 2001, she was in solo practice in Scott County.

Biographical Sketches of Staff

Nancy Barber graduated from the University of Kentucky with a BS degree in Political Science and Economics and received a Juris Doctorate Degree from Cumberland School of Law of Samford University in 1987. She worked with Hogan, Smith, Alspaugh, Samples and Pratt in Birmingham, Alabama, clerked for Judge N. Mitchell Meade in Lexington and practiced at Fayette County Legal Aide. She has approximately 12 years of service with State Government serving as head of Administrative Services for the Secretary of the Labor Cabinet Later she practiced workers compensation law at the Special Fund. In October of 2000 she came to the Parole Board as an Administrative Law Judge.

Melissa Clark received a Bachelor's Degree in Education in December of 2000 from the University of Kentucky where she served as the student president of the Association for Childhood Education International (ACEI), an organization that strives to reform the education for all the children in the world. The summer before she graduated she worked for the Parole Board as a summer employee. She returned to the Board after graduation and is currently a Secretary III. Her job duties include traveling with the Board for parole hearings, handling incoming mail, compiling monthly statistics and providing technical support for Board members and staff.

Keith Hardison received his B.S. in Police Administration and his law degree from the University of Louisville. He began his career in corrections as a Probation and Parole Officer in Louisville. Upon graduation from law school he served as an Assistant Commonwealth Attorney in Jefferson County. He came to the Parole Board as an Administrative Law judge in 1983. Later he served as Assistant General Counsel for the Department of Corrections and returned to the Board as Executive Director in February of 2001.

Brenda Hatchell began employment with Parole Board in 1984 as Secretary Chief with five years prior service in state government. She was later promoted to Legal Secretary I and Legal Secretary II. Later she was reclassified to Administrative Specialist II before being promoted to current position as Administrative Section Supervisor. She supervises the Board's support staff and coordinates and arranges the board's yearly/monthly/weekly calendar and schedule. Brenda has submitted numerous employee suggestions that have saved the Department of Corrections large sums of money. The most recent was a suggestion concerning the electronic disbursement of parole certificates with anticipated annual savings in excess of \$34,000.

Betty Hawkins began employment with the Parole Board as Executive Secretary in April 2001 with 22 years of prior service in state government. Eight years were with the Department of Public Safety and thirteen years as Executive Secretary for the General Counsel and Deputy General Counsel of the Department of Corrections. She was also a legal secretary for a private attorney for twenty-years. She assists the Executive Director in gathering data for use before legislative and administrative bodies, reviews monthly budgetary expenditures, travel expenditures, employee time, maintains the Parole Board fleet, reviews monthly statistics and acts as liaison between the Parole Board and the Department of Corrections and other state agencies.

Angie Mitchell is an Administrative Specialist III working in the revocation section of the Board. She began her employment in Corrections in 1987. She schedules preliminary hearings, distributes Administrative Law Judge decisions, issues parole violation warrants, prepares cases for final revocation hearings and schedules and staffs youthful offender hearings.

Jackie Mitchell is Director of Victim Services for the Board. She has been with state government for 21 ½ years. She was with the Department of Finance from 1980 until 1984. In 1984 she went to work at the Department of Corrections and in 1985 came to the Parole Board. In July of 1986 House Bill 76 required that victims receive 45-90 days notification prior to an inmate's parole hearing. The victim may submit a Victim Impact Statement or meet with the Parole Board for a Victim Hearing. Jackie manages this process.

Liz Newton started work for state government in 1987 with the Department of Finance. She was employed there for 13 years. She transferred to the Parole Board in 1999 as Secretary II and was promoted to Adm. Spec. II. Her duties include issuing parole certificates, preparing pre-parole progress reports for board meetings, preparing special reports for the board and the Secretary of State's office, running printouts of record cards for monthly hearings and traveling with the Board

Mike O'Connor is a 1978 graduate of the University of Louisville School of Law. He came to the Parole Board as an Administrative Law judge in 1994. He conducts preliminary hearings in western Kentucky.

Mesha Rogers is a Victim Advocate for the Board. She assists the Director of Victim Services with the victim notification process. She began working in state government in 1995 for Kentucky State Police. In June 1998 she came to work for the Parole Board

Marian Young is an Administrative Specialist III, working in the parole revocation section. Her job duties include the issuance of parole violation warrants and the scheduling of Youthful Offenders. She began working for the Department of Corrections in 1989 and then transferred to the Parole Board in 1997.

What Is Our Mission?

The mission of the Kentucky Parole Board is to conduct prompt, fair, impartial hearings on the matters brought to its attention and to take appropriate action.

What Is Our Responsibility?

The Parole Board is the primary releasing authority for all convicted felons and youthful offenders in the Commonwealth of Kentucky. The Board has four major responsibilities:

- ◆ 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 rehabilitative efforts.
- ◆ Revoking parole if the parolee violates conditions of parole supervision.
- ◆ Issuing the final discharge once the parolee has successfully completed their sentence.

When Do We Review A Case?

An inmate automatically receives a parole hearing when he/she has served the required amount of time as established by statute or regulation.

Most inmates are eligible for an initial hearing after serving 20% of their sentence.

Inmates who had committed violent crimes on or after July 15, 1986, but prior to July 15, 1998, were not eligible for a parole hearing until he/she had served 50% of their sentence or 12 years, whichever was less. Inmates with life sentences must serve 12 years.

However, as a result of HB 455, inmates who have committed a violent crime, including Rape I or Sodomy I, after July 15, 1998, must serve at least 85% of their sentence, or twenty (20) years on a life sentence, before becoming eligible for parole.

How Do We Review A Case?

Panels of three (3) members travel to various correctional institutions throughout the state for a face-to-face hearing with the inmate.

Statutes require the three- (3) member panel to reach a unanimous decision; otherwise the case must be brought before the full Board for consideration and voting.

Parole decisions for inmates who do not appear before the Board (such as Class D felons housed in jails) shall be reviewed and voted on by not less than four (4) members of the Board.

What Factors Are Considered When Granting Or Denying Parole?

- Current offense – seriousness, violence, firearm
- Prior record – juvenile, misdemeanor, felony
- Institutional conduct / program involvement
- Attitude toward authority – before and during incarceration
- History of alcohol and drug involvement
- Education and job skills
- Employment history
- Emotional stability
- Mental capacities
- Terminal illness
- History of deviant behavior
- Official and community attitudes
- Input from victims and others
- Review of parole plan – housing, employment, community resources available
- Other factors relating to the inmate's need and public safety

What Are Our Options?

The Parole Board has three (3) options in deciding each case. They are:

- ◆ Deferment – By imposing a deferment, the Board denies parole and establishes another eligibility date for the individual to meet with the Board some time in the future. Deferments are given when the Board does not believe the offender is a good risk for parole at the time of the hearing, but thinks the inmate should not have to serve the entire sentence without further review. Cases are also deferred for short periods of time when additional information is needed to reach a decision.
- ◆ Serve-Out – By ordering a serve-out, the Board is requiring the offender to serve the remainder of the sentence incarcerated, with no additional review and, hence, no additional opportunity for parole.
- ◆ Parole – By recommending parole, the Board is allowing the offender to be released from the institution to continue serving his/her sentence in the community. Before being released, the offender must have home and job placements verified and approved. Following release, the parolee is placed under the supervision of the Department of Corrections and is required to abide by specific conditions set by the Board and his or her parole officer.

Can The Parole Board's Decision Be Reconsidered?

By administrative regulation, an inmate whose parole is revoked, rescinded or denied by deferment or serve-out may request an appellate review by the Board. The Board must receive a reconsideration request within twenty-one (21) days from the date final disposition is made available to the inmate. If it is not received within 21 days, it shall be denied.

A review shall only be conducted for one of the three (3) following reasons:

- 1) If there is significant new evidence that was not available at the time of the hearing.

- 2) If there is an allegation of misconduct by a Board Member that is substantiated by the record.
- 3) If there is a significant procedural error by a Board Member.

What Is the Parole Violation / Revocation Process?

The Parole Board determines whether or not a parolee has violated his or her conditions of release. Parole may be revoked for technical violations, such as failure to report as scheduled to the parole officer, absconding, curfew violations, using alcohol or drugs and failure to attend required counseling. Parole may also be violated for being convicted of a new misdemeanor and shall be violated for conviction of a new felony offense.

When a parole officer believes a parolee has committed a violation, the officer detains the parolee, serves him/her with a notice of charges and sets a date for a preliminary revocation hearing. (The parolee may choose to waive the preliminary hearing. In so doing, he or she admits guilt to the stated charges.)

Two Administrative Law Judges conduct preliminary revocation hearings at locations throughout the state. The function of these hearings is to establish whether probable cause exists to believe that the charged violations have been committed.

If probable cause is found, the case is forwarded to the Board for its consideration. If the Board decides to issue a warrant for the parolee's return to prison for a final revocation hearing, he or she is transported to an institution. At the final revocation (or "PV") hearing, if the Board determines that the parolee has violated the conditions of parole, it revokes his/her parole. The Board then has the option of reinstating the parolee with additional conditions, deferring the case for a set period of time or requiring the individual to serve the remainder of the sentence incarcerated.

How Are Victims involved In The Parole Process?

In 1986, the General Assembly enacted legislation designed to recognize the importance of involving crime victims and/or their families in the criminal justice system. KRS 439.340 (5)(6)(7)(8) and (9) details the rights and responsibilities of victims and the role of the Parole Board in notifying victims of scheduled parole hearings. The statute also covers procedures to be followed for gaining victim input, through written statements and verbal testimony, to the Board.

Weekly victim impact hearings, conducted in the central office in Frankfort, provide an educational opportunity for both victims and Parole Board members.

Victim input is an important element in the Board's decision-making process. Testimony given at hearings helps to personalize each crime and helps the Board better understand the effects of the crime on the victims and/or their families.

In the process of providing input, victims gain insight into how the inmate has come to the point of parole eligibility and learn about the criteria the Board uses to review the offender's case. The hearing process also affords the opportunity for victims to be informed about any progress the inmate has made during incarceration.

Finally, the hearing presents the opportunity for the victim and the Board to share information that may have been omitted in earlier testimony.

Information gleaned from victims at hearings and in their victim impact statements is confidential. Victim impact hearings may be open or closed to the public, depending on the wishes of the victim. When a hearing is closed, only the Parole Board has access to the victim's testimony.

What Does the Future Hold For The Parole Board?

The Kentucky Parole Board members will continue to pursue professional development opportunities. Particularly the Board will utilize the training resources of the Department of Corrections, the Justice Cabinet and other

state and federal agencies to enhance their ability of perform the duties required of their offices

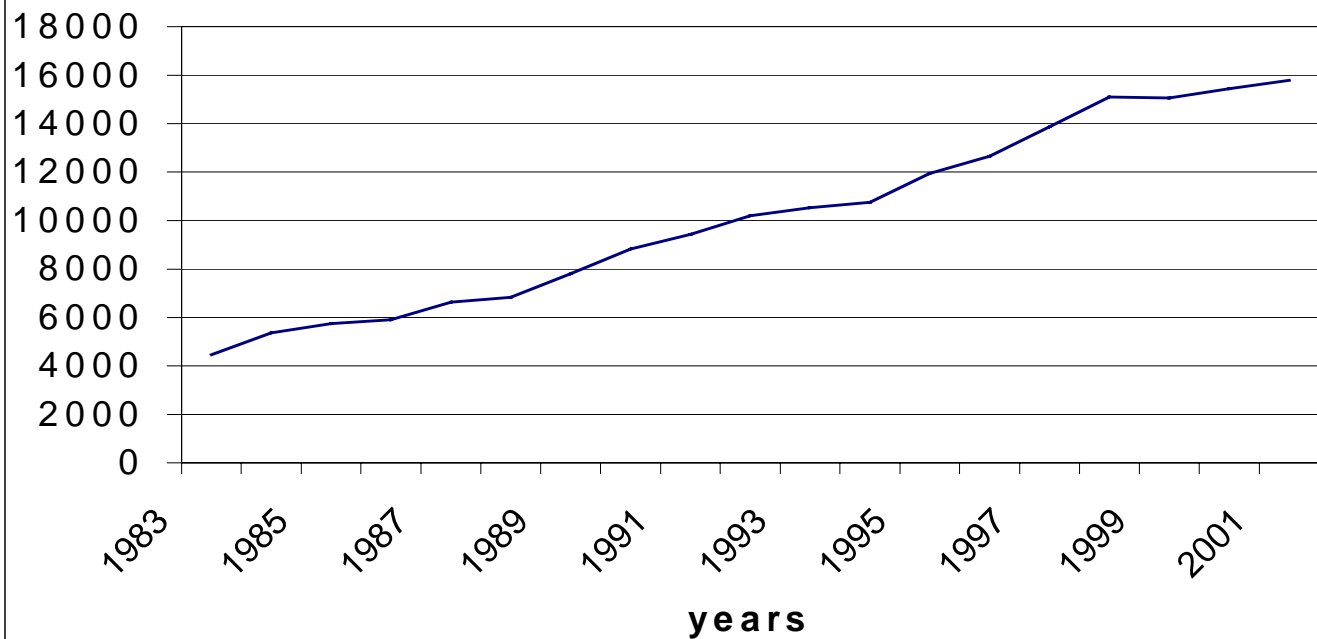
On December 21,2000 the Kentucky Parole Board adopted a Code of Ethics. This Code covers such matters as competence, integrity, professional conduct, professional development, confidentiality and conflicts of interest. Board members are also subject to the provisions of Chapter 11A of the Kentucky Revised Statutes. The Board firmly believes that adherence to both of these codes will protect and preserve the integrity of the parole process.

The Board plans to develop a set of objective based guidelines to use in their decision making process. These guidelines will contain an offense severity index along with a risk assessment component that will provide the Board with guidance as to what action should be taken in a particular case. Parole however will remain discretionary. These guidelines will contain a set of standardized and professionally recognized circumstances that the Board can use to deviate from the decision suggested by the application of the severity/risk matrix. This system will enhance the Board's credibility and accountability and make the parole decision making process more consistent.

The Board also will be installing video conferencing equipment in each prison operated by the Department of Corrections. All parole hearings or interviews conducted concerning inmates incarcerated in these institutions will be done by video. It may also, in the future, be used to accommodate victims who wish to appear before the Board but live in a location far away from the Board offices in Frankfort. This equipment will have many other uses in the correctional setting. This will greatly alleviate the strain put on the Board's resources, both human and financial, by the travel now required. This equipment should be in place by the summer of 2002.

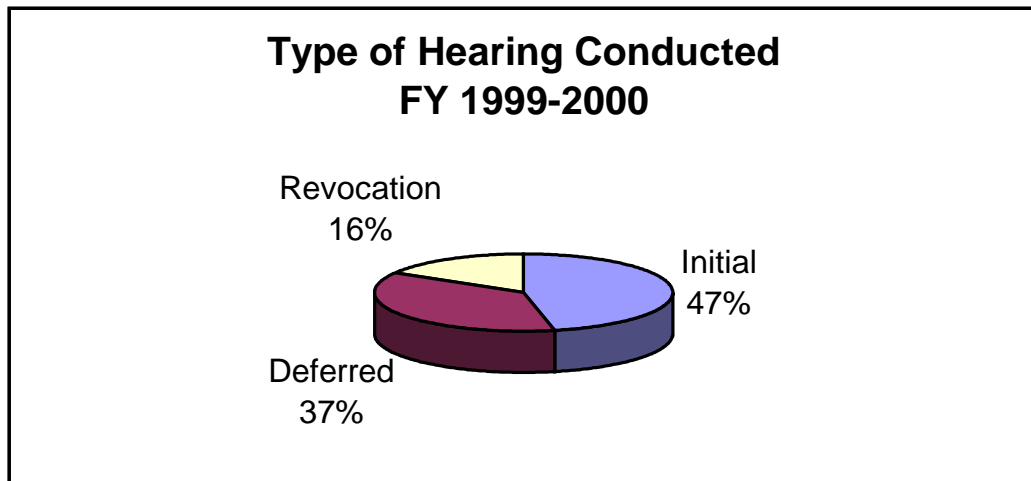
**KENTUCKY PAROLE BOARD
FACTS AND FIGURES
1999-2001**

KENTUCKY PRISON POPULATION FY1983-2001



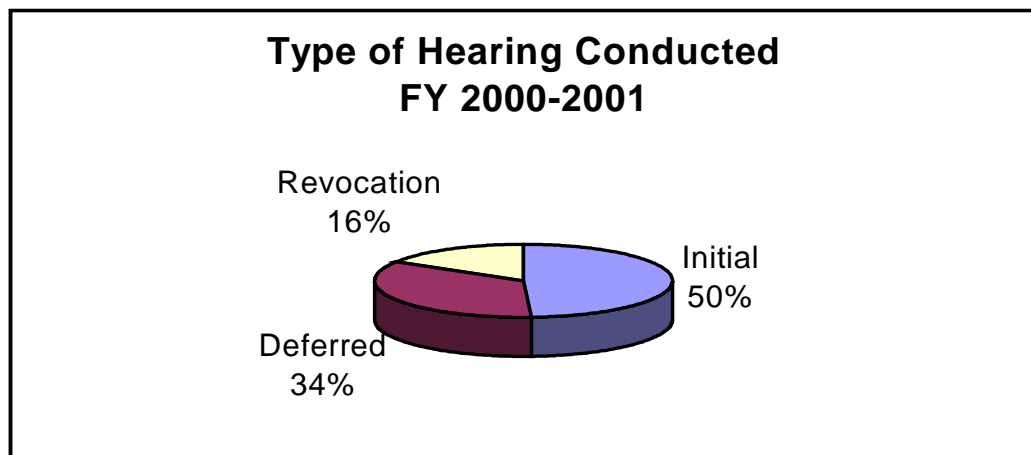
Like most other states Kentucky's prison population has soared over the last decade thus increasing the workload of the Board

Type of Hearings



**Total Hearings for 1999-2000
10447**

In FY 1999-2001 a total of 4872 initial hearings (hearings conducted at the inmate's first eligibility), 3868 deferred hearings (hearings conducted subsequent to an initial deferment) and 1707 revocation hearings were held



**Total Hearings for 2000-2001
10258**

In FY 2000-2002 a total of 5047 initial hearings (hearings conducted at the inmate's first eligibility), 3523 deferred hearings (hearings conducted subsequent to an initial deferment) and 1688 revocation hearings were held.

Parole, Defer and Serve Out Rates

In FY 1999-2000 the Board considered a total of 8739 initial and deferred cases. 2607 inmates, or 30% were granted parole, 2980, or 34%, were deferred and 3152, or 36%, were ordered to serve out the remainder of their sentence.

In FY 2000-2001 the Board considered a total of 8570 initial and deferred cases. 2892 inmates, or 33.8% were granted parole, 2872, or 33.5%, were deferred and 2806, or 32.7%, were ordered to serve out the remainder of their sentence

Revocations

In FY 1999-2000 the Board considered 1707 revocation cases. 1% were reinstated to parole, 47% were given an additional deferment and 52% were ordered to serve out the remainder of their sentence.

In FY 2000-2001 the Board considered 1688 revocation cases. 3% were reinstated to parole, 58% were given an additional deferment and 39% were ordered to serve out the remainder of their sentence.

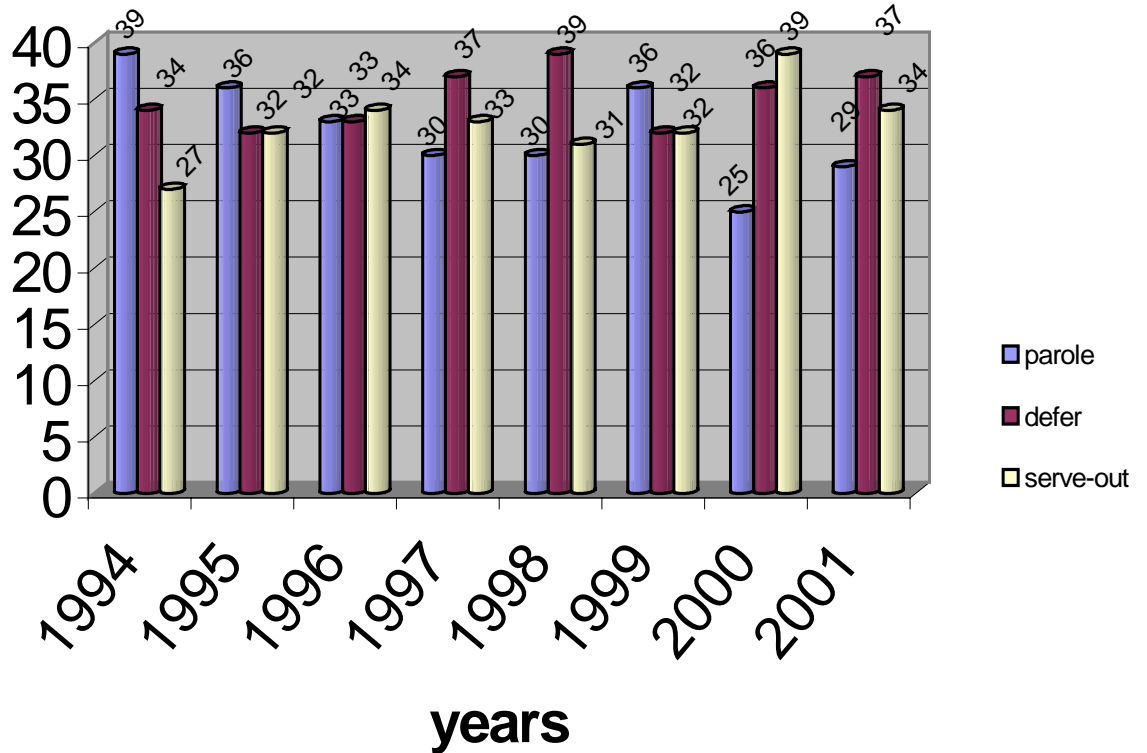
Combined Rates

When all FY 1999-2000 cases are combined 2625 or 25% were recommended for parole, 3777 or 36% were deferred and 4044 or 39% were ordered to serve out the rest of their sentence.

When all FY 2000-2001 cases are combined 2945 or 29% were recommended for parole, 3845 or 37% were deferred and 3468 or 34% were ordered to serve out the rest of their sentence.

Comparative parole rates

percentage of inmates paroled deferred and served out



Miscellaneous matters

FY 1999-2000

- 49 Hearings on Youthful Offenders conducted.
- 460 Other hearings conducted. (This includes requests for medical paroles, reconsideration requests of a previous decision, courtesy hearings conducted for other states and “back to boards” which are cases that are reviewed to assess whether a board decision should stand in the light of a change in circumstances)
- 246 Hearings attended by the public
- 196 Victim Hearings held
- 468 Preliminary Parole Revocation Hearings conducted by the Board’s Administrative Law Judges
- 1,765 Waivers of Preliminary Parole Revocation Hearings accepted
- 1,733 Warrants issued
- 1,618 Final Parole Revocation Hearings conducted

FY 2000-2001

- 30 Hearings on Youthful Offenders conducted
- 570 other hearings conducted. (This includes requests for medical paroles, reconsideration requests of a previous decision, courtesy hearings conducted for other states and “back to boards” which are cases that are reviewed to assess whether a board decision should stand in the light of a change in circumstances)
- 228 Hearings attended by the public
- 230 Victim Hearings held
- 544 Preliminary Parole Revocation Hearings conducted by the Board’s Administrative Law Judges
- 1,581 Waivers of Preliminary Parole Revocation Hearings accepted
- 1,678 Warrants issued
- 1,568 Final Parole Revocation Hearings conducted