

Knowledge
Experience
Integrity



KENTUCKY
PAROLE BOARD



2010 Annual Report

Prepared by
Verman Winburn, Chairperson



Letter from the Parole Board Chair

I am pleased to submit to you the Parole Board Annual Report highlighting the activities for 2010. I believe the Board has done a remarkable job in making decisions to deny or grant parole and revocation hearings. The Board will continue to promote and enhance public safety through communications with the Justice and Public Safety Cabinet, Legislature, victims and the community in rendering good sound decisions.



The Parole Board is an autonomous agency attached to the Justice and Public Safety Cabinet for administrative purposes and the Department of Corrections who provides the necessary assistance carrying out our functions according to Kentucky Revised Statutes and Administrative Regulations. We take this opportunity to thank our committed staff for their efforts to increase productivity, manage offender data and serve the citizens of the Commonwealth of Kentucky, by assisting the Board to complete their duties.

Lastly, we look forward to another challenging year and continuing partnerships with all agencies within the Criminal Justice System.

Sincerely,
Verman Ray Winburn

Verman Ray Winburn



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What Is Our Mission?

The Kentucky Parole Board will make decisions that maintain a delicate balance between public safety, victim's rights, reintegration of the offender and recidivism. We will achieve this important balance by application of our Core Values:

Knowledge Experience Integrity

Who Are We?

- The Kentucky Parole Board is an independent, autonomous agency attached to the Justice & Public Safety Cabinet for administrative and support purposes only.
- KRS 439.320 states that the Governor shall appoint a Parole Board consisting of nine (9) full-time who must also be confirmed by the Senate. The Governor shall make each appointment for full-time members from a list of three (3) names submitted to him by the Commission on Corrections and Community Service. The Governor shall also name one full-time member as Chair of the Board.



PAROLE BOARD MEMBER (as of December 31 st , 2010)	EXPIRATION
Charles T. Massarone (Republican)	June 30, 2011
Thomas S. Whetstone (Republican)	June 30, 2011
Caroline W. Mudd (Democrat)	June 30, 2012
Verman R. Winburn (Democrat)	March 1, 2013
Larry D. Chandler (Republican)	March 1, 2013
Maria A. "Sally" Mooney (Democrat)	June 30, 2014
Jaye Shannon Jones (Democrat)	June 30, 2014
George A. Carson (Democrat)	July 15, 2014
Monica Ann Edmonds (Democrat)	July 15, 2014

Current Members as of May 1, 2011

Verman Winburn



Parole Board Chair

A resident of Shelby County, Verman Ray Winburn is a graduate of Eastern Kentucky University with a B.S. in Police Administration and a minor in Corrections. He has served as a Corrections Officer, Probation and Parole Officer/District Supervisor and a member of the Kentucky Parole Board prior to retirement in August 2008.

Winburn was appointed Chairman of the Kentucky Parole Board effective July 15, 2010.

Chuck Massarone



Parole Board Member

A graduate of Criminal Justice Training at Eastern Kentucky University, Mr. Massarone's experience in criminal justice began in 1981 as a correctional officer and law enforcement officer. He has served on various boards and commissioners throughout the Commonwealth. Mr. Massarone became a full time member of the Parole Board on December 1, 2007.

Caroline Mudd



Parole Board Member

A resident of Lebanon, Caroline Mudd retired as Warden from CCA/Marion Adjustment Center after a 20-year career in corrections. She is a graduate of Campbellsville University, where she received a Bachelor of Science degree with a major in History and a minor in Criminal Justice. She is active in her community and has served on various boards and committees, including Centre Square Committee and Marion County Public Library Board of Trustees.

Larry Chandler



Parole Board Member

Larry Chandler is a resident of Oldham County where he retired after 26 years with the Kentucky Department of Corrections. He holds a B.S. and M.S. in Justice Administration from the University of Louisville and a M.S. in Management from Brescia University in Owensboro, Ky. Mr. Chandler is also a member of several professional organizations. He was appointed to the Parole Board on April 2, 2009.

Shannon Jones



Parole Board Member

A resident of Lexington, Kentucky, Shannon Jones is a graduate of Eastern Kentucky University with a B.S. degree in Psychology. She is currently pursuing a M.S. degree in Criminal Justice. Ms. Jones has served as a Child/Adult Protection Investigative Supervisor as well as a Rapid Response Investigator for the Commonwealth of Kentucky. She has also served on multidisciplinary task force teams in Southeastern and Central Kentucky.

Ms. Jones has conducted joint investigations and acted as a liaison for various agencies, such as the Lexington Police Department, Kentucky State Police, Commonwealth Attorney's Office, and the University of Kentucky Hospital. She was appointed to the Parole Board on July 1, 2010.

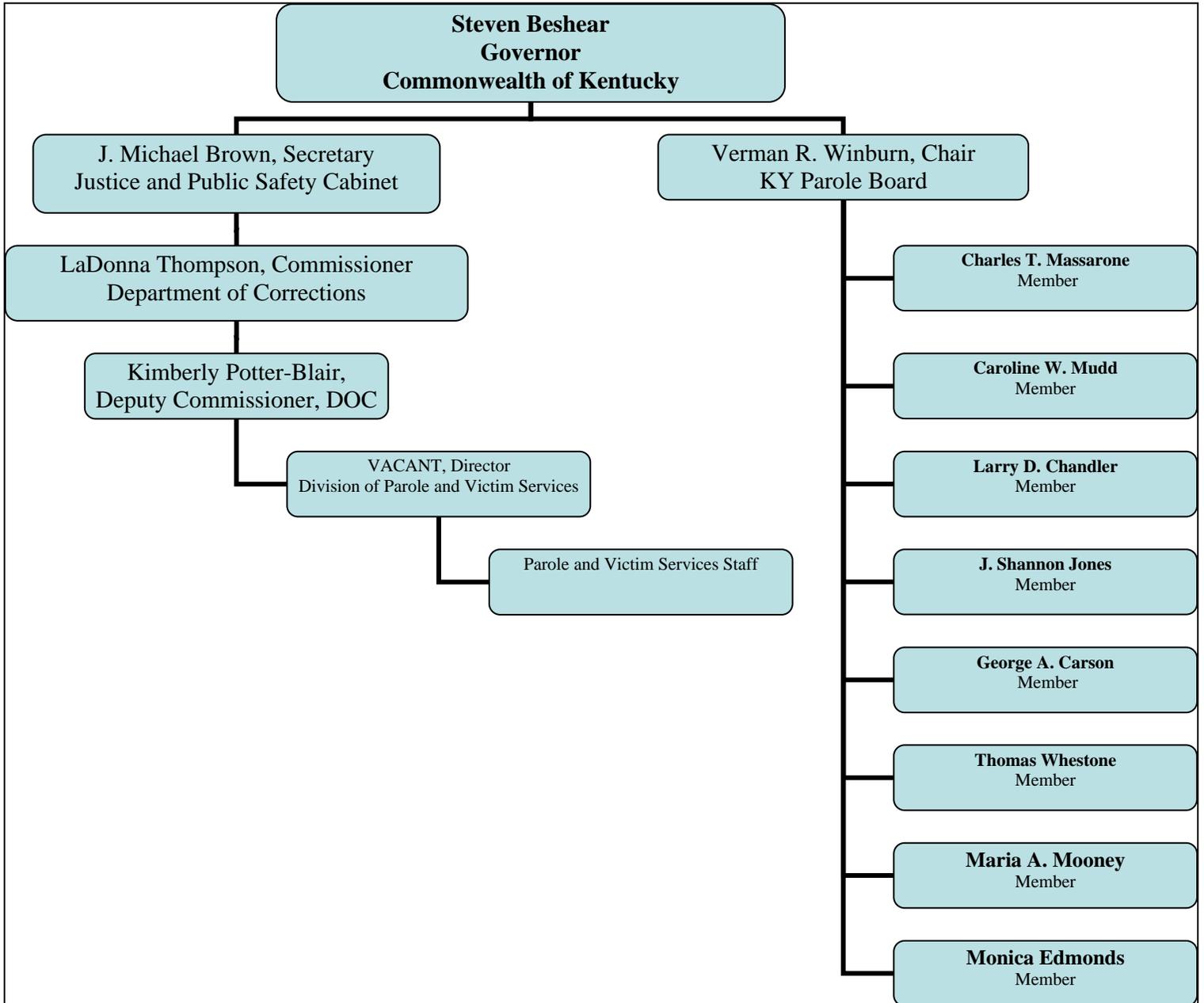
George Carson



Parole Board Member

George A. Carson is a resident of Louisville, where he retired from Jefferson County Public Schools after 32 years of service. He holds a Bachelor of Arts degree in History and Political Science from Kentucky State University. He also holds a Masters degree in Education and Rank 1 Certification from the University of Louisville. He was appointed to the Parole Board July 15, 2010.

Kentucky Parole Board Organizational Chart
(as of December 31st, 2010)



**August 16th, 2010 the Office of the Parole Board was reorganized by Executive Order of the Governor. The Division of Parole and Victim Services was created within the Department of Corrections. The Parole Board remained attached to the Justice and Public Safety Cabinet for budget and administrative purposes. The staff is now under Department of Corrections.*

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 his or her sentence.

The Kentucky Parole Board's Code of Ethics 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.

When Does the Board Review A Case?

An inmate receives a parole hearing when they have served the required amount of time as established by statute or regulation. There is no application for parole and there is no "early" parole. Inmates are eligible for parole after serving 15%, 20%, 50%, or 85% of their sentence.

A nonviolent offender convicted of a Class D felony with an aggregate sentence of one (1) to five (5) years who is confined to a state penal institution or county jail shall have his or her case reviewed by the Parole Board after serving fifteen percent (15%) or two (2) months of the original sentence, whichever is longer.

Inmates who had committed statutorily defined 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 had to serve 12 years to become eligible for parole consideration.

However, as a result of HB 455, inmates who have committed a statutorily defined violent crime 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 Does the Board Reach a Decision?

Panels of two (2) members conduct hearings and statutes require the two (2) members to reach a unanimous decision; otherwise the case must be brought before the full Board for consideration and voting. A hearing is conducted with inmates serving on class A, B or C felonies. Inmates serving on only class D felonies do not have a hearing; instead the Board reviews their case to render a decision.

All parole hearings requiring inmate interviews are conducted by video-conference with one member of the Board traveling to the institution to review the inmate's institutional file.

The Board deliberates and makes its decisions based on information furnished to it by the Department of Corrections, inmates and inmate's families, victims and victim's families and other interested citizens and individuals.

Factors Considered

Current offense (seriousness, violence, involved 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, Parole Guidelines Risk Assessment, review of parole plan (housing, employment, community resources), and other factors relating to the inmate's need and public safety.

What Are the Board's 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.
- ◆ Serve-Out – By ordering a serve-out, the Board is requiring the offender to serve until the minimum expiration date of the sentence.
- ◆ Parole – By recommending parole, the Board is allowing the offender to be released on supervision and continue serving his/her sentence in the community. While on supervision under the supervision of the Department of Corrections, they are required to abide by specific and standard conditions set by the Board and/or Probation and Parole.

The Board can vote to not take action on hearings concerning reconsiderations, medical considerations, and courtesy hearings.

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. 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 information 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 issues warrants for offenders believed to be in violation of their parole supervision. Administrative Law Judges are utilized to assist in the revocation process. A Preliminary Revocation Hearing is a proceeding to determine if a parolee has violated the terms and conditions of his parole supervision. The hearing is initiated by the service of a Notice of Preliminary Hearing upon the parolee and the filing of the notice with revocation staff. Alleged violations may either be technical in nature (i.e. failure to report, absconding, use of alcohol, et cetera) or substantive (new misdemeanor or felony convictions, et cetera). Once served with the Notice of Preliminary Hearing, the parolee may waive the Hearing by admitting to the alleged violations or request to have a Preliminary Hearing. If the hearing is waived, the parolee is transported to a location to have a final hearing with the parole board. If the parolee chooses to have a full hearing, the time, date and location at which to conduct the hearing is set.

The Preliminary Hearing is conducted by an Administrative Law Judge under the authority of KRS 439.341 and 501 KAR 1:040. If the Administrative Law Judge makes a finding of no probable cause, the case is dismissed and the offender is returned to supervision. If the Administrative Law Judge finds probable cause, the offender is scheduled for a final hearing with the Parole Board. In some specific cases, the Administrative Law Judge may grant leniency even after a determination of probable cause. In 2011, pursuant to 501 KAR 1:070E (an Emergency Regulation signed into effect in 2010) and Jones v. Commonwealth, 2007-SC-000922, Administrative Law Judges, in addition to conducting Preliminary Parole Revocation Hearings, will begin conducting Preliminary Revocation Hearings for Sex Offenders on Conditional Discharge.

A Continuance Sine Die (CSD) is a grant of leniency initiated by a parole officer who does not want to pursue revocation, but alleges that a parolee did violate the conditions of his/her parole supervision. In such situations, a CSD form is completed by the parole officer and parolee. In the CSD form, the alleged violations are listed. Additionally, the parolee admits to the alleged violations and the parole officer gives reasons leniency is appropriate and outlines suggested sanctions. These completed forms are then submitted to an Administrative Law Judge for review. These recommendations of leniency are either granted or the matter is set

for a Preliminary Revocation Hearing.

In 2010, the Office of Parole and Victims Services employed two full-time Administrative Law Judges: Nancy Barber and Eric A. Bates. Additionally, contract Administrative Law Judges Don Jones and Kimberly Morris conducted Preliminary Revocation Hearings in specific territories in the far eastern and far western regions of the state, respectively.

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) through (10) 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 by the Board in getting victim input through written statements and verbal testimony.

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. Information gathered at victims' 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 are Parole Guidelines/Parole Board Specialists?

The Board utilizes the Parole Guidelines Risk Assessment as an objective tool during their decision making process. These guidelines contain an offense severity index along with a risk assessment score that provide the Board with information as to the inmate's likelihood of success under parole supervision. However, parole remains discretionary. These guidelines enhance the Board's credibility and accountability and make the parole decision-making process more consistent.

Factors included on the Risk Assessment:

Static:

Current Offense, Revocation/Felony Supervision History, Prior Incarcerations, Educational Level, Employment History, Marital Status

Dynamic:

Current Age, Institutional adjustment, Classification Level as determined by Department of Corrections, Program Completion in any of the following

- Adult Basic Education, GED, College Degree, Substance Abuse Program (Therapeutic Inpatient drug/alcohol treatment), Sex Offender Treatment Program, Vocational Degree, Prison Industries for at least 6 months



FACTS AND FIGURES

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CY 2010

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	Parole	Defer	Serve Out	Total	
Face to Face Hearings:					
Initial Cases Interviewed	1541	897	116	2554	
Deferred Cases Interviewed	2021	569	165	2755	
Declined	1	8	26	35	
File Reviews:					
Initial Cases Reviewed (file review)	3426	1209	1041	5676	
Deferred Cases Reviewed (file review)	1429	329	346	2104	
Declined(file reviews)	1	1	9	11	
Administrative Reviews	1	170	3	174	
TOTAL: HEARINGS AND REVIEWS	8420	3183	1706	13309	
Parole/Defer/Serve-out Rate					
Initial cases	60%	26%	14%	100%	
Deferred cases	71%	18%	11%	100%	
Hearings	67%	28%	5%	100%	
Reviews	62%	20%	18%	100%	
Declined Hearing	4%	20%	76%	100%	
Other Parole Board Hearings Conducted:					
	No Action	Parole	Defer	Serve Out	Total
Back to Board	2	345	105	72	524
Medical Hearings	4	3	1	0	8
Reconsideration	27	18	1	1	47
Youthful Offender Hearings	0	1	6	2	9
Courtesy Hearings	2	0	0	0	2
TOTAL PAROLE ELIGIBILITY CASES	35	8787	3296	1781	13899
Parole/Defer/Serve-out Rate:					
Parole Eligibility Cases	0%	63%	24%	13%	100%
Final Parole Revocations:					
Hearings	562	1074	1028	2664	
Declined Hearings	4	21	361	386	
Administrative Reviews	0	78	13	7	
TOTAL: REVOCATIONS	566	1173	1402	3141	

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	No Action	Parole	Defer	Serve Out	Total
Parole/Defer/Serve-Out Rate:					
Revocations		0%	40%	84%	124%
TOTALS: ALL HEARINGS AND REVIEWS:	35	9353	4469	3183	17040
Parole/Defer/Serve-Out Rate:					
All cases considered by the Parole Board	0%	55%	26%	19%	100%
VICTIM HEARINGS	MISC				
	229				
OTHER BOARD ACTIONS:					
<u>ALJ Actions</u>					
Preliminary Hearings by staff ALJ's		2471			
Preliminary Hearings by contract ALJ's		169			
Total ALJ Actions		2640			
Warrants Issued		3253			
Accepted Waivers for Preliminary Parole Revocation Hearings		2409			
Parole Officer Request (special reports for consideration)		116			
Requests/Reviews: Reconsiderations		1035			
Void Parole		88			
TOTAL VICTIM HEARINGS/BOARD ACTIONS		9770			
Open Hearings		358			

Prepared By: *Melissa Clark* Date: *October 1, 2010*

Program and/or Treatment Parole Stipulations ordered by the Board

	Percentage of Parole Recommended
<i>Must follow Therapeutic Community or SAP aftercare recommendations. Released upon successful completion of Therapeutic Community or SAP.</i>	26%
<i>Must follow DOC Program and follow aftercare recommendations. Released upon successful completion of DOC program.</i>	1%
<i>Must seek substance abuse evaluation while on parole supervision.</i>	58%

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	Parole	Defer	Serve Out	Total
Face to Face Hearings:				
Initial Cases Interviewed	1816	843	60	2719
Deferred Cases Interviewed	1934	574	142	2650
Declined	1	7	21	29
File Reviews:				
Initial Cases Reviewed (file review)	4005	1296	864	6165
Deferred Cases Reviewed (file review)	1302	358	329	1989
Declined(file reviews)	0	0	6	6
Administrative Reviews	8	170	4	182
TOTAL: HEARINGS AND REVIEWS	9066	3248	1426	13740
Parole/Defer/Serve-out Rate				
Initial cases	66%	24%	10%	100%
Deferred cases	70%	20%	10%	100%
Hearings	70%	26%	4%	100%
Reviews	65%	20%	15%	100%
Declined Hearing	3%	20%	77%	100%
Other Parole Board Hearings Conducted:				
Back to Board	2	304	89	492
Medical Hearings	6	3	1	10
Reconsideration	20	18	2	43
Youthful Offender Hearings	0	2	6	8
Courtesy Hearings	2	0	0	2
TOTAL PAROLE ELIGIBILITY CASES	30	9393	3346	14295
Parole/Defer/Serve-out Rate:				
Parole Eligibility Cases	0%	66%	23%	100%
Final Parole Revocations:				
Hearings	502	1190	1189	2881
Declined Hearings	2	10	329	341
Administrative Reviews	0	73	4	7
TOTAL: REVOCATIONS	504	1273	1522	3299

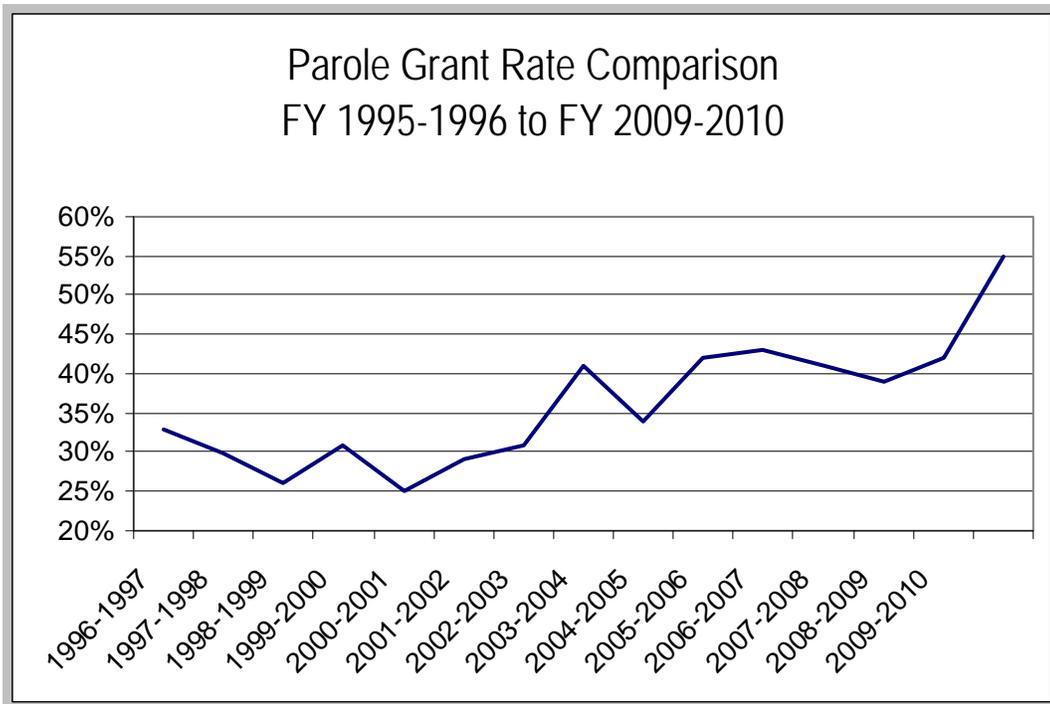
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	No Action	Parole	Defer	Serve Out	Total
Parole/Defer/Serve-Out Rate:					
Revocations		0%	33%	84%	117%
TOTALS: ALL HEARINGS AND REVOCATIONS	30	9897	4619	3048	17594
Parole/Defer/Serve-Out Rate:					
All cases considered by the Parole Board	0%	56%	26%	17%	100%
VICTIM HEARINGS	MISC 224				
OTHER BOARD ACTIONS:					
<u>ALJ Actions</u>					
Preliminary Hearings by staff ALJ's	1016				
Preliminary Hearings by contract ALJ's	179				
CSD Motions/Orders	1103				
Interstate Compact Cases:	71				
Total ALJ Actions	<hr style="width: 50px; margin-left: auto; margin-right: 0;"/> 2369				
Warrants Issued	3401				
Accepted Waivers for Preliminary Parole Revocation Hearings	2758				
Parole Officer Request (special reports for consideration)	160				
Requests/Reviews: Reconsiderations	1007				
Void Parole	92				
TOTAL VICTIM HEARINGS/BOARD ACTIONS	10011				
Open Hearings	371				

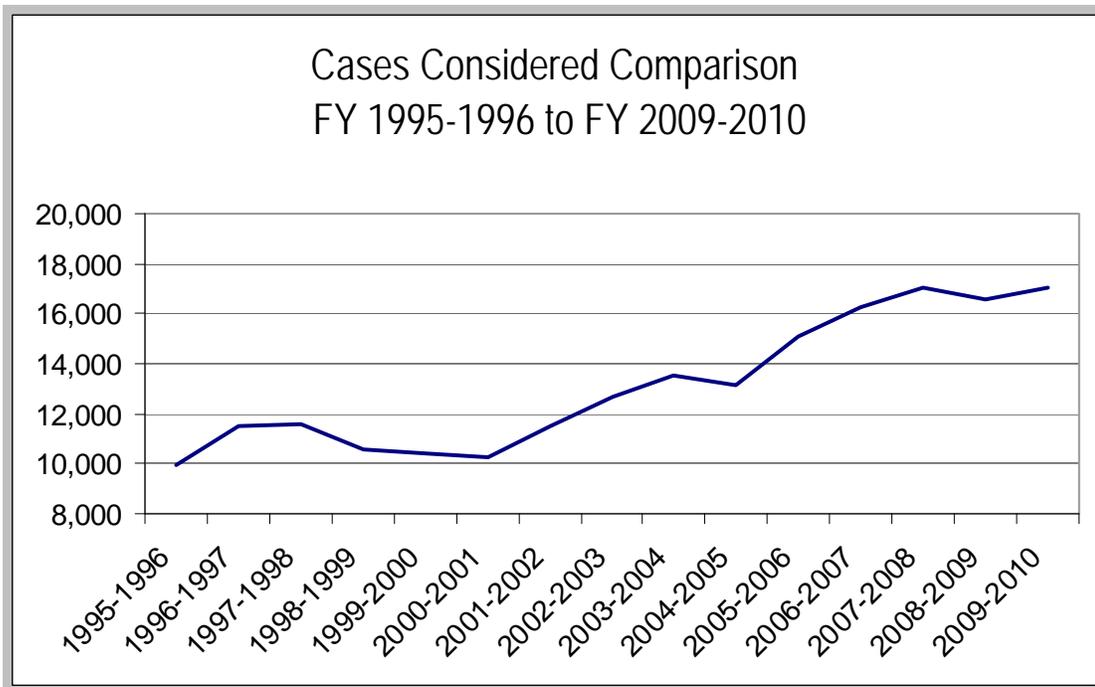
Prepared By: *Melissa Clark* Date: *March 31, 2011*

Program and/or Treatment Parole Stipulations ordered by the Board

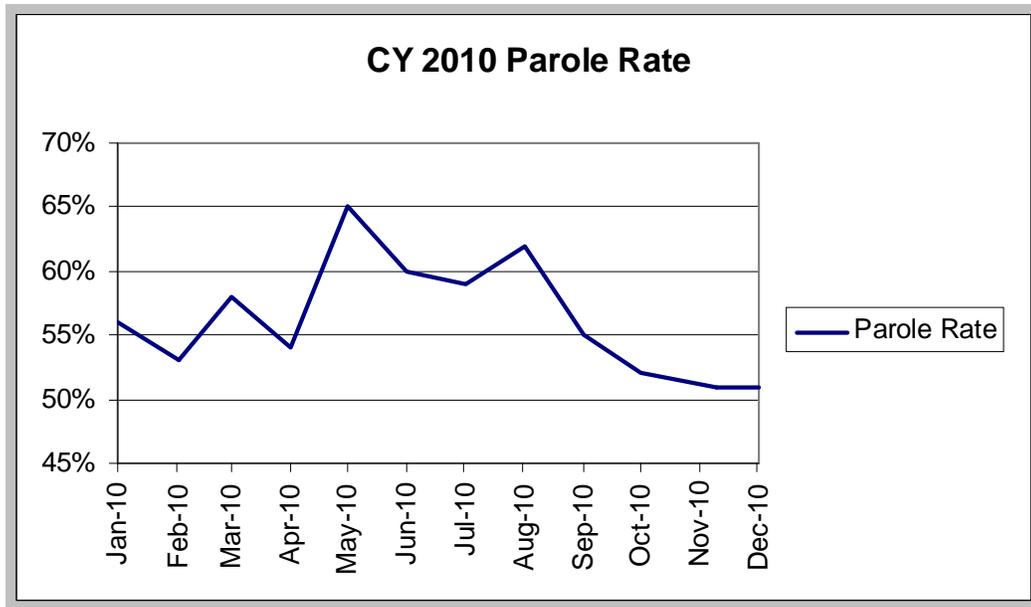
	Percentage of Parole Recommended
<i>Must follow Therapeutic Community or SAP aftercare recommendations. Released upon successful completion of Therapeutic Community or SAP.</i>	27%
<i>Must follow DOC Program and follow aftercare recommendations. Released upon successful completion of DOC program.</i>	2%
<i>Must seek substance abuse evaluation while on parole supervision.</i>	54%



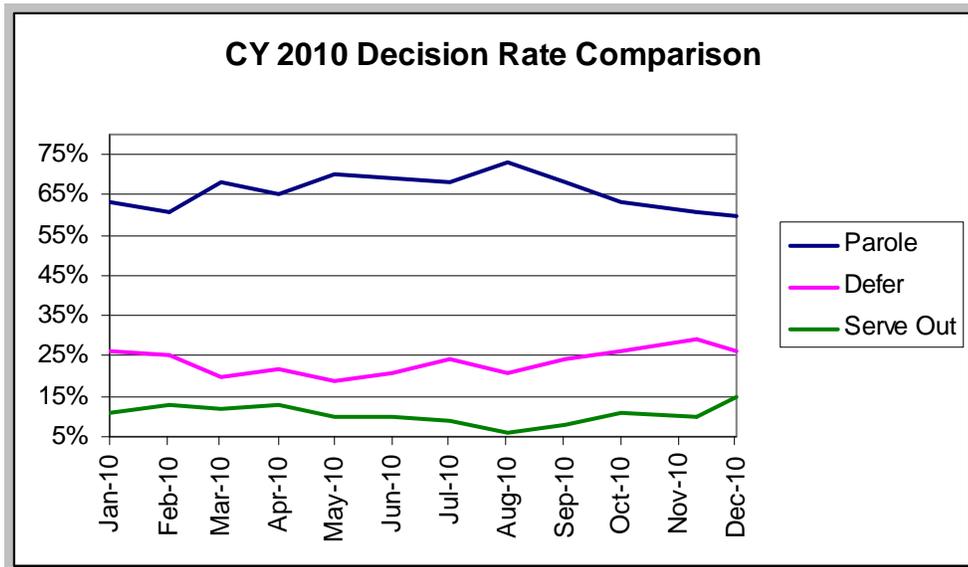
The parole rate has risen over the years due to various factors. One of which was the implementation of the Parole Guidelines Risk Assessment utilized by the Board in their decision making process. Another is the collaboration with the Department of Corrections and the Justice and Public Safety Cabinet on the reentry efforts.



The amount of cases considered by the board has nearly doubled in the last 15 years. The increase in full time Board Members from 6 to 9 has allowed the Board to effectively handle the larger caseload.



The average monthly parole rate for CY 2010 was 56%. For the first quarter of CY 2011 the average is 55%.



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