The Kentucky Parole Board has a new tool at its disposal to assist it in carrying out its mission to protect the public by making reasoned and rational conditional release decisions, based on good and sufficient information. Pursuant to KRS 439.340 the Board may order parole for an inmate “...only for the best interest society...” and “…when the board believes he is willing and able to fulfill the obligations of a law abiding citizen.” 501 KAR 1:030 Section 4 (1) set out a list of criteria, many fairly general, that the Board may use in recommending or denying parole.

In 1991 the Program Review and Investigations Committee of the Legislative Research Commission examined Kentucky’s parole system. It recommended that Kentucky, as have several other states, add structure to parole decision making process by developing and implementing a risk assessment instrument to use as a factor in evaluating an inmate’s readiness for parole. The Committee further recommended that, “The instrument should be constructed to group inmates into risk categories based on characteristics and recidivism patterns of previous Kentucky parolees.”

Properly validated and administered statistical risk assessments are generally found to be more accurate than clinical judgment. They have been used for years in the fields of medicine and insurance. Many view their adaptation to use in the field of corrections as having revolutionized correctional practice. They are used currently, among other things, to make decisions on institutional assignments, programming and community supervision levels.

In 1993 the Parole Board constructed a risk assessment instrument. It was used for a short period of time but fell out of use because there was no staff in place to gather the information needed to complete the instrument.

In 2001 the Board obtained Byrne grant funding and hired criminologist Dr. James Austin of the George Washington University Institute on Crime, Justice and Corrections to construct a new instrument and assist the Board in its implementation. In developing the risk assessment he undertook a recidivism study. The study consisted of drawing a sample of approximately 7,600 prisoners who were released in 1998 and tracking them for three years. A large amount of information was collected on each prisoner including whether they were returned to prison and for what reasons.

Factors that were found to have an independent statistical relationship with a return to prison (for either a technical violation or a new sentence) were used to identify prisoners by their level of risk. The risk instrument was pilot tested by the Parole Board staff to ensure the guidelines could be applied in an accurate and reliable manner. The overall result was a risk based decision-making tool that was both reliable and valid.

As indicated by the accompanying chart, the higher the offender scores on the risk assessment instrument the higher the chances are that he will re-offend. As you will notice, the chart displays not only the chances of returning to prison, but also the chances of doing so for a new felony.

Unlike the previous instrument, the new one contains both static and dynamic factors. Static factors are those that will never change subsequent to incarceration, such as the type of crime committed and the number of prior incarcerations and revocations. The dynamic variables, such as age, custody level and program participation, can and do change over the course of an inmate’s incarceration. Even the score an inmate receives for having a serious substance abuse problem can change with the completion of treatment.

Recognizing that offense severity also plays a role in the release decision-making process the Board developed an “offense severity index” that groups all felony offenses into four categories. A copy of this index accompanies this article.

In order to not repeat the mistakes of the past, the Board hired staff and stationed them at the various correctional facilities to gather the information necessary to complete the risk assessment and assign a severity level. In the weeks preceding an inmate’s parole consideration a Parole Board Specialist will review the inmate’s Department of Corrections file and, using the form and a detailed set of instructions, developed with Dr. Austin’s help, make a preliminary assessment of the inmate’s risk level.

The Specialist will then conduct an interview with the inmate to clarify any unclear information and gather information that may not be available from the file. Following this interview the Specialist will meet with the inmate again to explain the completed instrument to the inmate and present him a copy. For those inmates housed in jails or community centers, a Specialist housed in the Central office will complete the instrument by a file review only.
The risk assessment form which also includes the offense severity rating, is filed and is available to the Board when they interview the inmate, or in the case of an inmate convicted of a Class D felony who is housed in a jail, when their file is reviewed. While this assessment does not dictate the decision of the Board it is a tool they can use to assist them in rendering a reasoned and rational decision based upon information about objective factors that have been scientifically proven to relate to an inmates chances for returning to the community without returning to criminal conduct.

As a part of the development and implementation of the risk assessment and offense severity index, Dr. Austin’s staff has created a database that will not only allow the assessment form to be complete electronically but will store the data about the risk level score and the offense severity rating as well as the individual factor scores that make up the final rating. Once the Board renders a decision it will also be included in the database. This will allow the Board to analyze its decision making process as it has never before been able to do. Our hope is to also include a component in the database to analyze the cases of the parolees who return to prison to see what factors appear to be related to their failure on supervision.

The decision to release someone from incarceration has serious public safety implications. All available resources and tools must be marshaled to assist in the decision making process. We believe that the Kentucky Parole Board now has state of the art technology to accomplish its mission.

Endnote:
1. The actual form produced by Parole Board staff and provided to the inmate and Board will be a computer generated form. The manual version of the form that accompanies this article better illustrates the scoring system used.

Keith Hardison
Executive Director
Kentucky Parole Board
275 E. Main St.
Frankfort, Ky. 40601
(502) 564-8372 Ext. 242

OFFENSE SEVERITY AND RISK ASSESSMENT MATRIX
(Place Check in appropriate box)

<table>
<thead>
<tr>
<th>Offense Severity</th>
<th>IV</th>
<th>III</th>
<th>II</th>
<th>I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

STATE OF KENTUCKY RECIDIVISM RATE BY RISK LEVEL

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Number</th>
<th>Percent</th>
<th>% Returned</th>
<th>% New Conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level I</td>
<td>1,658</td>
<td>24.3</td>
<td>20.3</td>
<td>9.5</td>
</tr>
<tr>
<td>Level II</td>
<td>3,938</td>
<td>57.8</td>
<td>36.8</td>
<td>16.8</td>
</tr>
<tr>
<td>Level III</td>
<td>947</td>
<td>13.9</td>
<td>43.4</td>
<td>22.7</td>
</tr>
<tr>
<td>Level IV</td>
<td>267</td>
<td>4.0</td>
<td>54.3</td>
<td>27.0</td>
</tr>
<tr>
<td>Total</td>
<td>6,810</td>
<td>100.0</td>
<td>34.4</td>
<td>16.3</td>
</tr>
</tbody>
</table>

Continued on page 22
OFFENSE SEVERITY INDEX

This index is to be used when determining the severity of the current offense committed by an inmate to whom parole guidelines are being applied. It is compiled from the Kentucky Revised Statutes, Orion listings and consultation among the Board.

INTRODUCTION

KRS 532.020 designates the class of offenses as follows:
At least 1 but not more than 5 year sentence - Class D Felony
At least 5 but not more than 10 year sentence - Class C Felony
At least 10 but not more than 20 year sentence - Class B Felony
At least 20 but not more than 50 years or life - Class A Felony

The statutes which set forth the definition of the various crimes also designate the Class of the felony described. Although this index closely follows the statutory classifications, it does depart from it in instances due to the nature of the crime, e.g. violence or offense involving a child of tender years. The statutory designations are helpful for our purposes where the age of the victim or the fact that the victim receives physical injuries enhances the statutory Class of Felony. (For example, use of minor in a sexual performance is a Class C Felony if the minor is less than 18 years old, a Class B Felony if the minor is less than 16 years old, and a Class A felony if the minor receives physical injury.)

This index classifies offenses in the categories of HIGHEST, HIGH, MODERATE or LOW.

GENERAL PRINCIPLES

The current offense committed shall be determined from the Resident Record Card or the Judgment of the court. Any discrepancies or uncertainties shall be resolved by designating the offense in the higher class of severity.

If the offense and the number of years sentenced do not agree, the discrepancy shall be resolved by designating the offense in the higher class of severity indicated either by the number of years sentenced or the current offense.

If the current offense involves more than one offense, offense severity shall be determined by the offense in the higher class of severity.

If the current offense is facilitation to commit an offense, the offense severity shall be determined by locating the offense severity category of the offense facilitated and reducing the severity to the next lower category. (For example, kidnapping is in the “HIGHEST” offense severity category, facilitation to kidnapping would fall in the “HIGH” category.)

Complicity, Aiding and Abetting, Conspiracy, Criminal Attempt and Persistent Felony Offender offenses shall be designated as having the same offense severity as the basic charge.

OFFENSE SEVERITY DESIGNATION

The offense severity designation of offenses for purposes of the Kentucky Parole Board Decision Guidelines is as follows:

HIGHEST
Murder
Manslaughter I
Kidnapping
Arson I
Rape I
Sodomy I
Assault I
Robbery I
Promoting Prostitution I
Sexual Abuse I
Use of a Minor in a Sexual Performance (Class A or B felony)
Promoting Sexual Performance by a Minor (Class A or B Felony)
Unlawful Transaction with a Minor I (Class A or B Felony)

HIGH
Arson II and III
Manslaughter II
Rape II and III
Sodomy II and III
Robbery II
Assault II and III
Prostitution with Knowledge of HIV Infection
Procuring Prostitution With Knowledge of HIV Infection
Assault Under Extreme Emotional Disturbance
Burglary I
Criminal Abuse II
*Criminal Possession of a Destructive Device or Booby Trap
Abandonment of a Minor
Escape I
Attempt to Escape from Penitentiary
Engaging in Organized Crime
Disarming a Peace Officer
Incest
Intimidating a Judicial Officer
Intimidating a Juror
Intimidating a Witness
Manufacture of Methamphetamine
*Possession of Anhydrous Ammonia in Unapproved Container with Intent to Manufacture, First, Second or Subsequent Offense
Possession of Firearm at Time of Drug Offense
Possession of Firearm by Convicted Felon
Abuse or Neglect of Adult (Class C Felony)
Receiving Stolen Property (Anhydrous Ammonia to Manufacture Meth)
Reckless Homicide
Retaliating Against a Witness
Riot I
Selling Controlled Substances to a Minor
Stalking I
*Terroristic Threatening First and Second Degree
Theft of Identity
Trafficking in a Controlled Substance I
Trafficking in Stolen Identities
Unlawful Imprisonment I
Unlawful Possession of Weapon on School Property
Unlawfully Providing Handgun to Juvenile

Continued from page 21
Unlawful Transaction With a Minor I (Class C Felony)
Use of Minor to distribute Material Portraying Sexual Performance by a Minor
Using Restricted Ammunition in Commission of Crime
Wanton Endangerment I

MODERATE

Abuse of a Corpse
Assault IV (Class D Felony)
Bail Jumping I
Bribery of a Public Servant
Providing Pecuniary Benefit for Bribery of a Public Servant
Receiving Bribe by Juror
Receiving Bribe by Witness
Bribing a Juror
Bribing a Witness
Burglary II and III
 Burning Personal Property to Defraud Insurer
Criminal Gang Recruitment
Carrying Concealed Weapon
Criminal Possession of a Forged Instrument I
Cruelty to Animals I
 Custodial Interference
Desecration of Venerated Objects I
Distribution of Matter Portraying Sexual Performance by Minor
Escape II
*Exploitation of an Adult by Caregiver Over $300 (Any Class)
Failure to Register as a Sex Offender
Fleeing or Evading Police I
 Forgery I and II
Forgery of a Prescription
Fraud or False Statement in Obtaining Controlled Substances or Regarding Prescriptions
Hindering Prosecution or Apprehension I
 Institutional Vandalism
*Misuse of Computer Information
Marijuana Cultivation
Operating Motor Vehicle Under the Influence
Operating Motor Vehicle While License Suspended for DUI
*Operating a Motor Vehicle While License Suspended (the language “While License Suspended for DUI” is stricken)
Possession of Handgun by a Minor
Procuring Another to Commit Prostitution with Knowledge of HIV Infection
Promoting Contraband I
Promoting Sale of Material Promoting Sexual Performance by a Minor Abuse or Neglect of Adult (Class D Felony)
*Tampering with Anhydrous Ammonia Equipment with Intent to Manufacture First, Second, or Subsequent Offense
Theft by Extortion
Theft of Mail Matter
Trafficking in a Controlled Substance in or Near a School
Trafficking in a Controlled Substance II
Trafficking in Marijuana
*Unlawful Access to Computer First Degree
Unlawful Transaction with a Minor II
Use of Minor to Distribute Obscene Material
Violating Graves
*Any Unlisted drug offense which is a Class C Felony or above.
*Any unlisted theft or fraud offense which is a Class C Felony or above.

LOW

Bigamy
Conspiracy to Promote Gambling
Counterfeiting
Criminal Mischief I
Criminal Possession of a Forged Instrument II
Criminal Possession of a Forged Prescription
Defrauding Secured Creditors
Eavesdropping
*False Making or Embossing Credit/Debit Card
*False Statement as to Identity or Financial Condition
Filing an Illegal Lien
*Forging, Altering or Counterfeiting a State Lottery Ticket
*Fraudulent Use of a Credit Card
Fraud or False Statement in Obtaining Assistance Benefits for Families, Children, Elders
Fraud or False Statement in Obtaining Health Care Assistance Benefits
Illegal Participation in Business of Insurance
Impersonating a Peace Officer
Installing an Eavesdropping Device
Misuse of Confidential Information
Non-support and Flagrant Non-support
Obscuring Identity of Machine or Other Property
Operating a Sham or Front Company
Perjury I
Possession of Controlled Substance I
*Possession of a Controlled Substance Third Degree First, Second and Subsequent Offense
Possession of a Forgery Device
Possession of Gambling Records I
Possession of Matter Portraying a Sexual Performance by a Minor
Possession of Stolen Mail Matter
Possession, Use or Transfer of Device for theft of Telecommunications Services
*Prohibited Activities Relating to Controlled Substances First, Second or Subsequent Offense
Promoting Gambling I
Promoting Prostitution II
Promoting Sale of Obscenity
Protection of a Public Servant
Receiving Deposits in Failing Financial Institution
Receiving Stolen Property
Sale and Transport of Alcoholic Beverages
*Simulating a Controlled Substance First, Second or Subsequent Offense
Sports Bribery
*Tampering with Anhydrous Ammonia Equipment
Tampering With Physical Evidence
Tampering With Public Records
Theft by Deception
Theft by Failure to Make Required Disposition
Theft by Unlawful Taking
*Theft by Unlawful Taking-Firearm
Theft of Controlled Substance or Legend Drug
Theft, Possession or Trafficking in Prescription Blanks
Theft of Property Lost, Mislaid or Delivered by Mistake
Theft of Services
Unauthorized Use of a Vehicle
Use, Possession or Advertisement of Drug Paraphernalia
*Unlawful Access to a Computer Second Degree

Continued on page 24
*Unlawful Distribution of Methamphetamine Precursor First, Second or Subsequent Offense
*Unlawful Possession of Methamphetamine Precursor First, Second, or Subsequent Offense
Using Slugs I

*Any unlisted drug offense which is a Class D Felony.
*Any unlisted theft or fraud offense which is a Class D Felony
*Offenses that were added to the Offense Severity Index through Addendum I on May 16, 2003.

STATE OF KENTUCKY
PAROLE GUIDELINES RISK ASSESSMENT FORM

<table>
<thead>
<tr>
<th>Static Items</th>
<th>Pts</th>
<th>Dynamic Items</th>
<th>Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Current Offense</td>
<td></td>
<td>6. Age At Time of Hearing</td>
<td></td>
</tr>
<tr>
<td>Theft/Burglary/Robbery</td>
<td>2</td>
<td>21 or Under</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>22-30</td>
<td>3</td>
</tr>
<tr>
<td>List Offense:</td>
<td></td>
<td>31-40</td>
<td>2</td>
</tr>
<tr>
<td>2. Any Ftda Revocation(s)</td>
<td></td>
<td>41-50</td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td>2</td>
<td>51 and above</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>List Current Classification Level:</td>
<td></td>
</tr>
<tr>
<td>List Type of Revocation and the date:</td>
<td></td>
<td>7. Current Classification Level:</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>2</td>
<td>Community/ Min/Restricted/Medium</td>
<td>0</td>
</tr>
<tr>
<td>Close/Maximum</td>
<td>2</td>
<td>8. Completed Ed/Voc/Treatment Programs</td>
<td></td>
</tr>
<tr>
<td>3. Prior DOC incarcerations</td>
<td></td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>One or More</td>
<td>1</td>
<td>Yes</td>
<td>0</td>
</tr>
<tr>
<td>None</td>
<td>0</td>
<td>List Programs and Date Completed:</td>
<td></td>
</tr>
<tr>
<td>4. High School Degree/GED or Attending School or Employed for at least 6 months prior to arrest</td>
<td></td>
<td>9. Most Severe Disciplinary Report in the last 2 years (if in local jail match with DOC category &amp; list here)</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>2</td>
<td>Category VI or VII</td>
<td>2</td>
</tr>
<tr>
<td>One Condition Met</td>
<td>1</td>
<td>Category IV or VI</td>
<td>1</td>
</tr>
<tr>
<td>Two Conditions Met</td>
<td>0</td>
<td>None/Category III or below</td>
<td>0</td>
</tr>
<tr>
<td>List which Condition was met and the Source:</td>
<td></td>
<td>10. Current Drug Abuse Rating:</td>
<td></td>
</tr>
<tr>
<td>5. Marital Status at Most Recent DOC Admission</td>
<td></td>
<td>None/Occasional/Serious-Addressed</td>
<td>0</td>
</tr>
<tr>
<td>Single - Never Married</td>
<td>1</td>
<td>Serious Abuse – Not Addressed</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>Total Static Score:</td>
<td></td>
<td>Total Dynamic Score:</td>
<td></td>
</tr>
<tr>
<td>Total Risk Assessment Score:</td>
<td></td>
<td>Overall Risk Level (Check Correct Risk Level)</td>
<td></td>
</tr>
<tr>
<td>□ Level I (0-6 pts) □ Level II (7-11 pts) □ Level III (12-14 pts) □ Level IV (15+ pts)</td>
<td></td>
<td>Parole Board Specialist Name:</td>
<td></td>
</tr>
<tr>
<td>Date / /</td>
<td></td>
<td>Date / /</td>
<td></td>
</tr>
</tbody>
</table>