



# Parole Board

## Records Retention Schedule

Prepared by the State Records Branch  
Archives and Records Management Division  
Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Office of the Parole Board. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Parole Board personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Parole Board to destroy the records listed, after the appropriate retention periods have passed.

Parole Board personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for Parole Board.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

**All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.**

This retention schedule covers the content of records created by Parole Board, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

### **Audits and Legal Action**

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

### **Vital Records**

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

### **Confidential Records**

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

### **Copies of Records**

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

### **Updating the Retention Schedule**

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

## **Office of the Parole Board**

As part of the Criminal Justice System and under the jurisdiction of the Justice and Public Safety Cabinet, the Parole Board is committed to the safety and protection of all citizens of the Commonwealth by rendering fair and impartial release and revocation decisions which serve the best interest of the public, crime victims and those who are otherwise defenseless against the criminal element of our society. The Parole Board further promotes the successful reintegration of the criminal offender into the community and supports their successful attempts to avoid recidivism

The Kentucky Parole Board is composed of seven members including the Chairman, plus two part-time, or substitute, Board members who sit when a full time member is unable to do so. The members are appointed by the Governor to four year staggered terms. Each board member must have had at least five years of actual experience in the fields of penology, corrections work, law enforcement, sociology, law, education, social work, medicine, or a combination thereof, or must have served five years previously on the Parole Board. The Governor names one of the board members as Chairman. The board members are required to give full time to their duties. In addition to the board members, the Kentucky Parole Board is composed of an Executive Director who is responsible for the day-to-day administration of the Board and a Parole Board staff of eight persons. The Chair and the Executive Director have an Executive Assistant.

**RECORDS RETENTION SCHEDULE**

*Signature Page*

Office of the Parole Board  
Agency

September 10, 2009  
Schedule Date

\_\_\_\_\_  
Unit

September 8, 2016  
Change Date

September 8, 2016  
Date Approved By Commission

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**APPROVALS**

The undersigned approve of the following Records Retention Schedule or Change:

Rodney Ballard  
Agency Head

08/31/2016  
Date of Approval

Jessie Lamb  
Agency Records Officer

08-31-16  
Date of Approval

\_\_\_\_\_  
State Archivist and Records Administrator  
Director, Public Records Division

\_\_\_\_\_  
Date of Approval

T. M. ...  
Chairman, State Archives and Records Commission

8/8/16  
Date of Approval

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The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

[Signature]  
Records Analyst/Regional Administrator

8-31-16  
Date of Approval

[Signature]  
Appraisal Archivist

9-7-16  
Date of Approval

[Signature]  
State/Local Records Branch Manager

8/8/2016  
Date of Approval

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The determination as set forth meets with my approval.

Nike Harmon  
Auditor of Public Accounts

9/8/16  
Date of Approval

*by  
Melissa  
Scott*

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
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Justice and Public Safety  
Parole Board, Office of the

Record Group  
Number  
2050

Series	Records Title and Description	Function and Use
04480	<b>Recordings of Preliminary Hearings - (Recorded by Administrative Law Judges) (V)</b>	This series documents the actual proceedings of preliminary hearings and is recorded by the Administrative Law Judge conducting the hearings, as required in KRS 439.330. Hearings are requested by respective parole officers and are arranged by administrative staff of the Parole Board. The purpose of the hearing is to determine if probable cause exists to believe that a parole violation has occurred. If a parolee has been arrested by the parole officer, he must be served with notice of hearing within 72 hours of the arrest and a hearing must be held within 14 days. In addition to the parolee, those present at the hearing may include the parole officer, attorney for the parolee, and any witnesses who may have been subpoenaed to appear. The Administrative Law Judges retain custody of the tapes until a summation of the findings is made (see Series 04881). In some cases, staff of the Board will be ordered to transcribe entire proceedings for use in lawsuits.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains name of parolee; date of parole; violations parolee is being charged with; place of confinement; location of hearing; name of parole officer; attorney of record; findings of fact, mitigation and conclusions of law
	<b>Retention and Disposition</b>	Retain in Agency eighteen (18) months; destroy, or erase and reuse tape
04481	<b>Preliminary Hearings Files</b>	This series documents the preliminary hearings and results from the Digital Recordings of Preliminary Hearings (Series 04480) by the Administrative Law Judge conducting the hearings. It contains findings of fact and the circumstances of alleged violations. Once the Results have been prepared and signed, a warrant (Series 04486) is issued by Board staff for the return of the parolee to the institution of record. Until the warrant is executed, the parolee is usually detained in the county jail. The Parole Board must conduct a final revocation hearing (Series 04485) within thirty (30) days of the parolee's return to prison on the warrant. The record copy of this series is maintained in the Offender Record, Series 02982, in the Department of Corrections and the Kentucky Offender Management System (KOMS).
	<b>Access Restrictions</b>	None
	<b>Contents</b>	The series contains three sections. One is a findings section, one is a mitigation section and the last is a conclusions section. In addition, the series may contain parolee's name; date of hearing; time of hearing; date notice of hearing served; location of hearing; parole officer's name; name of law judge; attorney of record; list of allegations; date paroled, and if applicable, subpoena.
	<b>Retention and Disposition</b>	Transfer to the Department of Corrections, Offender Records Section, for inclusion in the Offender Record, 02982, upon notification of final action. The retention of Series 02982 is twenty (20) years after case is closed.
04482	<b>Administrative Judge's Bench Docket</b>	This series was created to provide a daily account of the preliminary hearings schedules of the administrative law judges. Hearings are scheduled by administrative staff of the Board at the request of individual parole officers. Series also provides information for statistical reporting.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains the date, time and place of preliminary hearings.
	<b>Retention and Disposition</b>	Retain in Agency two (2) years and destroy

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Series	Records Title and Description	Function and Use
04483	<b>Parole Worksheet</b>	This series was created to document those inmates who have been recommended for parole by the Parole Board. It is completed at the Parole Hearing (Series 04540) for each inmate granted parole. Information from the worksheet is used to record the action of the Board for inclusion in the official minutes of meetings. At that time, information from the series is used to create the Parole Certificate at the Department of Corrections, the official record of parole status. The Offender Records Section, Department of Corrections, identifies those inmates who are eligible for parole.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: date of Board meeting; date inmate is recommended for parole; inmate's name; institution; institution number; stipulations set by the Board; names of Board members in attendance and their votes
	<b>Retention and Disposition</b>	Transfer to the Department of Corrections, Offender Records Section, for inclusion in Offender Record, Series 02982. The retention of Series 02982 is twenty (20) years after case is closed.
04484	<b>Deferred/Serve Out Record</b>	This series was created to document recommendations of the Board as to whether an inmate's eligibility for parole should be deferred until a later date, or whether he/she should serve out the entire sentence. It is completed at the hearing and contains the amount of months action on parole will be deferred and the conditional release date, thus establishing a new parole eligibility date, and information regarding the decision of the Board to have the inmate serve out his time. Information from the series is used to create minutes of the Board.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: name of inmate; institution; institution number; date of hearing; name of secretary recording information; Parole Board members in attendance and their votes; reasons for deferment or serve out; date of conditional release (if served out); months of deferment (if deferred); recommendations of Board members or rehabilitation programs referred to
	<b>Retention and Disposition</b>	Upon final disposition, transfer to the Department of Corrections, Offender Records Section, for inclusion in the Offender Record, 02982. The retention of Series 02982 is twenty (20) years after case is closed.
04485	<b>Final Parole Revocation Hearing Record</b>	This series documents the hearings and results of the Parole Board as to whether a parolee's parole status should be revoked. The hearing is held in the institution of record and is conducted within thirty (30) days following admission of parole violations by the parolee, through waiver of a preliminary hearing or the result of a finding of probable cause at a preliminary hearing. Even though this hearing is referred to as the final revocation hearing, the Board may reinstate parole status, defer action to a later date, require the parolee to serve out his time, or see the inmate when eligible for parole on a new felony sentence.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: name of parolee; inmate number; Institution name; returned on; interviewed on; information regarding why final revocation hearing is being held; decision of the Parole Board; Parole Board action
	<b>Retention and Disposition</b>	Upon notification of final action, transfer to the Department of Corrections, Offender Records Section, for inclusion in the Offender Record, 02982. The retention of Series 02982 is twenty (20) years after case is closed.

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<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>04486</b>	<b>Warrant for Parole Violation</b>	This series is used to officially return a parole violator or suspected violator to the institution of record. It is initiated by Board staff upon receipt of the results of a preliminary hearing (04481) by the administrative law judge or on an affidavit declaring a parolee an absconder or at the request of Department of Corrections. Parolee is normally in custody at this point, detained in a county jail. The warrant ensures the return of the parolee to the proper institution. Information from the series is used by Parole Board staff to verify the conditions of arrest, should questions arise.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Warrant number; date issued; parolee's name and institution number; county of conviction; convictions; date paroled; violations committed to promote issuance of warrant; signature of Chairman of the Board; date warrant is signed
	<b>Retention and Disposition</b>	Destroy upon execution of the warrant. The record copy is maintained in the Offender Record, Series 02982, Department of Corrections and the retention period is destroy twenty (20) years after case is closed.
<b>04540</b>	<b>Recorded Parole Hearings - (Record of parole hearings)</b>	This series documents hearings in digital recorded form conducted to determine whether an inmate should be paroled. The hearings are conducted by members of the Parole Board in the institution where the inmate is incarcerated. The proceedings of each hearing are digitally recorded by the Board staff conducting the hearing for their use in the event the decision to parole is not unanimous. Unless the decision to parole is unanimous, the case is brought back to the full Board for a vote. A request for reconsideration by the inmate must occur within 21 days of the original hearing, as required in 501 KAR 1:030, Section (5). In this event, the digital recordings of the hearing would be used in reviewing original decision regarding parole.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	In addition to the verbatim proceedings of the hearing, the digital recording will contain the location of the hearing, date, members present.
	<b>Retention and Disposition</b>	Retain in Agency eighteen (18) months and destroy or erase and reuse
<b>04541</b>	<b>Victim Hearing Files</b>	This series documents the process by which victims of felony crimes input to the parole process, as required in KRS 439.340 (5) and (6). Pursuant to statute, the Parole Board must notify victims of felony crimes of the scheduled parole hearing date. Prior to a decision by the Board to parole an inmate, the victim of the related crime is given the opportunity to comment in person, by requesting a hearing (before the Board), or in writing, on all issues relating to the parole. Victims have the option of requesting a closed hearing pursuant to KRS 439.340 (7) or open hearing, in the case of A, B, or C class felonies. Hearings on Class D felonies must be open because the Board is not required to notify victims of pending parole hearings for this class of offenses. All victim comments must be received for consideration by the Board approximately seven days in advance of the hearing. Victim input is retained by program staff for use in current or subsequent parole hearings.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a), if hearing is closed
	<b>Contents</b>	Series may contain: Victim Impact Statement; Victim Hearing Sign-In Sheet; Request for Victim Hearing; Victim Hearing Summary; and comments received from individual(s) related to parolee.
	<b>Retention and Disposition</b>	Retain in Agency for one (1) year after notification by Department of Corrections of case closure of Series 02982 - Inmate Folder - Master; transfer to State Records Center for nineteen (19) years, then destroy. Total retention is twenty (20) years after case closure.
<b>05877</b>	<b>Parole Risk Assessment</b>	This series identifies documentation used by the Parole Board to make reasoned and well informed release decisions regarding the parole of inmates. Factors included in the decision making process include the current offense, revocation history, prior incarcerations, educational level, program completion, and institutional behavior. Points are assigned to each area and the Total Risk Score is indicative of the overall risk for parole.
	<b>Access Restrictions</b>	KRS 61.878 (1)(j)
	<b>Contents</b>	Series may contain: Name of inmate requesting parole; date Risk Assessment was completed; points assigned for each category; Total Risk Assessment Score
	<b>Retention and Disposition</b>	Retain in Agency and destroy five (5) years from date of assessment



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<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>05878</b>	<b>Notice to Commonwealth Attorney re Parole Eligibility</b>	This series identifies the Notice to the Commonwealth Attorney for each County or Judicial District the eligibility of parole for an inmate. The Commonwealth Attorney has the responsibility of notifying the victims or their next of kin at their last known address for any convictions prior to July 15, 1986 pursuant to KRS 439.340 (5) and the Parole Board has the responsibility of notifying victims and/or next kin for any convictions after July 15, 1986 (Series 04541).
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) as pertaining to victim
	<b>Contents</b>	Series may contain: Commonwealth Attorney name and address, inmate name, date of eligibility for parole, criminal conviction(s); name and address of victim or next of kin name and address.
	<b>Retention and Disposition</b>	Retain in Agency and destroy 15 months from date of notification.
<b>05879</b>	<b>Continuance Sine Die (CSD)</b>	This series documents rulings on and the Joint Motions executed by a parole officer, parolee and attorney stating justification or explanation as to why a parolee deserves leniency in lieu of revocation of parole on the alleged violations of conditions of parole. The Administrative Law Judge either grants the Motion or schedules the Motion for a Hearing.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Joint Motion, alleged Facts of Violation, Defendant's Guilty Plea and Ruling by Administrative Law Judge
	<b>Retention and Disposition</b>	Retain in Agency five (5) years and destroy