

Kentucky

Overall Grade for Kentucky

Total Grade

38
/100

Letter Grade

F

Program Grades

Early Medical Consideration (Early Parole)

Total Grade

38/100

Letter Grade

F

Early Medical Consideration (Early Parole)

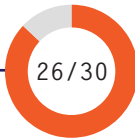
Total Grade

38 /100

Letter Grade

F

Eligibility Criteria



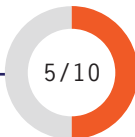
8/10 Clearly set out with understandable and measurable standards.

8/10 Generous or not unduly restrictive.

10/10 No categorical exclusions/everyone is eligible for consideration.

× **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

Procedures

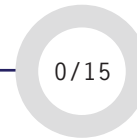


5/5 Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

× **Extra credit:** Expedited time frames exist for terminal cases. **0**

Engaging the Process

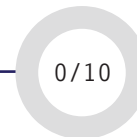


0/5 UTD* Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 Incarcerated people, their loved ones, and advocates can initiate the process.

0/5 Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support

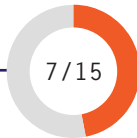


0/5 Agencies provide comprehensive release planning.

× **Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **0**

0/5 Release planning begins early in the process.

Agency Policy Design

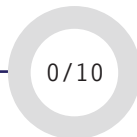


1/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

5/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

1/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting



0/5 Agencies are obliged to gather, compile, and report release data to legislature.

0/5 Reporting is made available to the public via annual reports or other means.

0/10

Right to Counsel and Appeals

0/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

0/5 Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **0**

* UTD stands for "Unable to Determine" and is graded zero. This is when there are no rules, guidelines, regulations, or other authority that FMM could find addressing the graded category. For example, if there are no published provisions for release planning or telling an agency how it is to evaluate an incarcerated person's eligibility, that results in a zero UTD grade.

The Numbers

While Kentucky is not required to report on Early Medical Consideration (Early Parole) outcomes, the Parole Board responded to FMM's request:

2019 The Board received 37 requests, granted six, and denied 21. Three people were deemed ineligible, and seven died.

2020 The Board received 20 requests, granted seven, and denied five. Four individuals were ineligible, three died, and one was pending at the end of the year.

High and Low Marks

HIGH MARK

- Kentucky's Early Medical Consideration **eligibility criteria** are clearly laid out and relatively measurable and include examples and descriptions of specific conditions. Commendably, the program does not bar anyone from consideration due to the nature of their offense, time left to serve, or for other reasons.

LOW MARKS

- It is unclear how anyone **engages the process** to begin assessment for Early Medical Consideration. There is no information about how corrections personnel can identify people who are potentially eligible or about how incarcerated individuals can ask for consideration, if they even can.
- **Agency policy** is sparse. Kentucky provides very little guidance to entities involved in the Early Medical Consideration process. FMM could find no guidance whatsoever about the Department of Corrections' review of an applicant by officials or any discussion of the process for gathering documents, steps to follow, or standards to apply for that review.
- The program flunked **release planning support**. The Parole Board must consider a parole release plan, but FMM could find nothing about who draws up the release plan, when planning begins, or what it covers. Given that the program aims to evaluate release for incarcerated people who are dying or extremely debilitated, including those on external life support systems, the lack of provisions for supportive release planning is confounding.
- Early Medical Consideration also failed **right to counsel and appeals**. FMM could find no information about whether counsel can represent people in the Parole Board proceeding or whether those denied Early Medical Consideration can appeal or reapply following the denial should their condition change.