Wyoming provides compassionate release to eligible prisoners who have serious medical conditions or terminal illnesses, or who are elderly with deteriorating health, through Medical Parole.¹

**MEDICAL PAROLE**

**I. ELIGIBILITY**

**Medical Condition/Age** - For prisoners to be eligible for Medical Parole, they must have one of the following conditions:

- A seriously incapacitating medical need requiring treatment that cannot reasonably be provided while confined in a state correctional facility; ²

- Permanent physical incapacitation resulting from an irreversible injury, disease, or illness that (1) makes significant physical activity impossible, (2) results in dependency on permanent medical intervention for survival, or (3) confines the prisoner to a bed, wheelchair, or other assistive device resulting in significantly limited mobility; ³

- A terminal illness predicted to result in death within 12 months;⁴ or

- Incapacitation because of age, with deteriorating physical or mental health that substantially diminishes the ability to provide self-care in a correctional facility.⁵

**Exclusions** - Prisoners are not eligible for Medical Parole if they are serving a death sentence or life imprisonment without parole.⁶

**II. APPLICATION/REFERRAL**

The Medical Parole process is generally started by the prisoner’s assigned caseworker requesting that the prisoner be considered for Medical Parole.⁷ The Board of Parole (Board) rules also state that a request can also be made directly to the Board by the prisoner’s licensed treating physician when submitted with written certification that the prisoner meets one of the above conditions.⁸

**III. DOCUMENTATION AND ASSESSMENT**

The Department of Corrections (Department) states that it does not have formal Medical Parole policies but generally carries out the following tasks when processing a Medical Parole case:⁹

- If the prisoner’s assigned Caseworker requests that the prisoner be considered for Medical Parole, a “multidisciplinary team” meets to discuss the request. The team
includes medical personnel, the Caseworker, a case team leader, the Unit and/or Housing Manager, and any other appropriate staff.  

- If the team supports the Medical Parole request, the Unit Manager sends an email to the Corizon Correctional Health Care Health Services Administrator asking for a letter from the treating physician supporting the request.

- The Caseworker completes a Parole Summary outlining the prisoner’s activities while incarcerated (including education and/or work programs), disciplinary violations, employment history, criminal history, current crime, and length of sentence.

- The prisoner’s Parole Summary and physician’s letter are forwarded to the Board for consideration.

**IV. DECISION-MAKING PROCESS**

**Decision Maker** - The Wyoming Board of Parole decides all Medical Parole decisions.

**Decision Process** -

- **Notice** - If a prisoner is otherwise ineligible for parole, the Board must give notice of a Medical Parole hearing to the prosecuting attorney and sentencing court and give them the opportunity to provide input.

- **Hearings** - Decisions regarding applications for Medical Parole must be made by a two-thirds-majority vote of the full membership of the Board.
  
  o At the Board’s request, an independent medical evaluation by a licensed physician can be conducted, provided to the Board, and paid for by the Department.
  
  o Medical Parole hearings are conducted at least three members of the Board. The other Board members required for the decision (i.e., the two-thirds majority vote requirement) review the written evidence and the audio of the hearings before making their decisions either by phone or in writing.

  o The Board will only grant Medical Parole if it can determine that a prisoner who meets the medical criteria: (1) is unlikely to violate the law if released; (2) has community living arrangements in place; (3) has sufficient resources available to meet living expenses and medical needs; and (4) does not have a medical condition that would endanger public health, safety, or welfare if released, or has a proposed living arrangement that protects the public from any threat of harm the medical condition could pose.

The Board must make its final decision no more than 15 days after the date of the hearing unless the case is postponed so that additional information can be obtained. The Board’s Medical Parole findings and determinations must be recorded.
Conditions and Pre-Release Planning - The Board can impose any terms and conditions of parole that it considers necessary, including a requirement that the prisoner submit medical progress reports at least every six months.²²

V. POST-DECISION

Revocation/Termination - The Board can revoke Medical Parole if (1) the parolee violates a condition of parole or (2) the medical condition no longer exists or has improved to the extent that the justification for Medical Parole no longer exists.²³

VI. REPORTING/STATISTICS

The Wyoming Legislative Service Office states that the Board has granted only five Medical Parole cases since 2007.²⁴ The Department has said it is “not aware of the Board acting unfavorably on medical parole applications brought before it,” which - if true - would mean that only five requests were brought before the Board from 2007 to 2017.²⁵

NOTES

6 Wy. Stat. Ann. § 7-13-424 (a); Board Manual: Medical Parole, § I.B. Note, though, that the Board Manual indicates the Board can recommend prisoners for commutation by the Governor (to achieve parole eligibility) if they meet the medical criteria but are excluded from consideration because of the nature of their sentence or because they don’t meet one of the “decision factors.” Board Manual: Medical Parole, §§ I.C and II.H.
8 Board Manual: Medical Parole, § II.A.
9 LSO Research Memo, at 5.
10 Id.
11 Corizon provides health care in correctional facilities in multiple states, including Wyoming. See http://www.corizonhealth.com/.
12 Board Manual: Medical Parole, § II.A.
13 LSO Research Memo, at 5.
14 Id.
16 Board Manual: Medical Parole, § II.E. Note that the Parole Board has seven members. See http://boardofparole.wyo.gov/about-us/members.
18 Board Manual: Medical Parole, § II.E.
20 Board Manual: Medical Parole, § II.E.
21 Id. at § II.F.
24 LSO Research Memo, at 4.
25 Id.