



# Oklahoma

Overall Grade for Oklahoma

Total Grade

**67**  
/100

Letter Grade

**D**

Program Grades

	Total Grade	Letter Grade
<b>Medical Parole</b>	<b>72/100</b>	<b>C-</b>
<b>Parole Based on Advanced Age</b>	<b>62/100</b>	<b>D-</b>

# Medical Parole

Total Grade

72 /100

Letter Grade

C-

## Eligibility Criteria

26/30

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

**7/10** Generous or not unduly restrictive.

**9/10** 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

8/10

**3/5** Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

**5/5** 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

0/15

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

**0/5 UTD** 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

15/10

**5/5** 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. **+5**

**5/5** Release planning begins early in the process.

## Agency Policy Design

8/15

**3/5** Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

**3/5** Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

**2/5** Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

## Data Collection and Public Reporting

0/10

**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.

5/10

## Right to Counsel and Appeals

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

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

**0/5 UTD** 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. **+5**



## Overall Extra Credit

**+10** Oklahoma's Medical Parole offers early release to people who are medically vulnerable to contracting a disease that could lead to serious illness or death during a public health crisis, as declared by the Governor. This provision, inspired by COVID-19, earns the program extra credit because Oklahoma is one of the few states to adjust its eligibility criteria in the wake of the pandemic and its impact on incarcerated people.

\* UTD stands for "Unable to Determine" and is graded zero. This is when there are no rules, guidelines, regulations, or other authority that FAMM 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

The Pardon and Parole Board did not respond to FAMM's request for data about Medical Parole in 2019 and 2020. A May 2020 press report stated that the Board considered 15 incarcerated individuals for Medical Parole that month and granted release to 12 who were considered at elevated risk because of COVID-19.

## High and Low Marks

### HIGH MARKS

- Oklahoma Medical Parole earned relatively high marks for **eligibility criteria**. The program uses measurable standards and includes a useful long list of potentially qualifying conditions as examples to help reviewers determine whether someone is eligible for consideration. FAMM was impressed by the straightforward standards. One example is the definition of "medically frail," defined as having a medical condition that prevents the person from performing two or more activities of daily living (ADL) without assistance. The policy lists those ADLs. However, the overall score suffered from the stingy definition of terminal illness (within six months of death).
- The program lays out **procedures** to guide the Department of Corrections in implementing Medical Parole in a clear and straightforward manner, without redundant or unnecessary reviews. The program missed top marks because, while generally the Pardon and Parole Board makes Medical Parole decisions, only the Governor may grant it for individuals convicted of certain crimes of violence. That adds an extra – political – step to what appears to be an otherwise pretty efficient process. Deadlines on all important steps are a welcome feature.
- **Release planning** begins early, is comprehensive, and appears to be supportive, including – for example – helping people with signing up for public benefits and other post-release necessities.

### LOW MARKS

- FAMM could not figure out who **initiates the process** or how. Oklahoma failed that category.
- The commendably thorough and detailed Department policy for implementing the program would have earned Medical Parole top marks in **agency policy design**. However, the dearth of policy guiding the Parole Board, the other agency involved in the process, led to a mediocre grade.

# Parole Based on Advanced Age

Total Grade

62 /100

Letter Grade

D-

## Eligibility Criteria

25/30

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

**10/10** Generous or not unduly restrictive.

**5/10** 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

10/10

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

**5/5** 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

2/15

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

**2/5** 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

0/10

**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

15/15

**5/5** 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.

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

## Data Collection and Public Reporting

0/10

**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.

10/10

## Right to Counsel and Appeals

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

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

**5/5** 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 FAMM 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

The Pardon and Parole Board provides no public information about applications and releases under Parole Based on Advanced Age. The Board did not respond to FAMM's request for data.

## High and Low Marks

### HIGH MARKS

- **Eligibility criteria** for Parole Based on Advanced Age are clear, measurable, and generous. The program did not earn top grades, however, due to the categorical exclusions preventing from consideration people convicted of a number of offenses.
- Program **policy design** earned top marks. Using clear, direct language, agency policy lays out the procedures to follow and the standards to apply. Policies cover all phases of the application, assessment, and decision-making process.
- The Oklahoma Pardon and Parole Board allows counsel to represent incarcerated individuals seeking Parole Based on Advanced Age in hearings and permits denied individuals to **reapply** at any time.

### LOW MARKS

- Oklahoma scored poorly for **engaging the process**. Only the incarcerated person can apply for Parole Based on Advanced Age. The Board will not provide applications to individuals. They must either secure an application from a facility law library or ask someone on the outside to download and print one from the Board's website.
- Individuals seeking Parole Based on Advanced Age must put together a **release plan**, apparently on their own, and discuss it on the application. They must answer questions about support benefits, such as Medicare, Social Security, and other sources of funding as well as about family support and housing needs. Gathering the information about and applying for benefits and housing can be very challenging for older people who are not incarcerated, much less those dealing with the limitations prison imposes on communication. Only when parole is granted does the Board contact various agencies to ensure a home offer is valid.