



Briefing Paper

OREGON DEPARTMENT OF CORRECTIONS

Early Parole Release Process

The Oregon Department of Corrections' (DOC) process is based upon Oregon Revised Statute 144.126, which make allowances for early release due to severe medical conditions. The Oregon Board of Parole and Post-Prison Supervision (BPPPS) adopted a specific process which fulfills the objectives of the ORS.

- The Early Parole Release (EPR) process is initiated by a request for consideration. Requests may come from the adult in custody (AIC), institution staff, the AIC's family members, friends and/or community members.
- All cases are given immediate priority for thorough and in depth review as follows:
 - Verification of alleged medical condition
 - Verification of sentence with Offender Information and Sentence Computation
 - Solicitation of input from case judge and district attorney
 - Comprehensive facility reports that includes the following:
 - Current status
 - Criminal history
 - Programs/work/misconduct history
 - Victims
 - Community concerns
 - Family
 - Medical transition plan for continued care that includes:
 - Social Security and Medicaid benefits
 - Facility placement
 - Hospice admission
 - Transportation
 - Coordination with family/caregivers
 - Continuity of medical care/ equipment
 - Coordination with community correction

- Each case is reviewed by the DOC Executive Committee that consists of the operations assistant director, chief medical officer, and facility superintendent. They will conduct a detailed case review to determine if Early Parole Release is compatible with the best interest of the adult in custody and the community.
- The DOC director then submits the final review and recommendation to the Board of Parole and Post-Prison Supervision if appropriate.
- The Oregon Board of Parole and Post-Prison Supervision reviews the recommendation, and makes the final decision to grant early release due to severe medical condition.

ORS § 144.126

ADVANCING RELEASE DATE OF PRISONER WITH SEVERE MEDICAL CONDITION INCLUDING TERMINAL ILLNESS OR WHO IS ELDERLY AND PERMANENTLY INCAPACITATED

(1) The State Board of Parole and Post-Prison Supervision may advance the release date of a prisoner who was sentenced in accordance with rules of the Oregon Criminal Justice Commission or ORS [161.610 \(Enhanced penalty for use of firearm during commission of felony\)](#). The release date may be advanced if the board determines that continued incarceration is cruel and inhumane and that advancing the release date of the prisoner is not incompatible with the best interests of the prisoner and society and that the prisoner is:

(a) Suffering from a severe medical condition including terminal illness; or

(b) Elderly and permanently incapacitated in such a manner that the prisoner is unable to move from place to place without the assistance of another person.

(2) The board shall adopt rules establishing criteria for release plans for prisoners released under this section that, at a minimum, must insure appropriate supervision and services for the person released.

(3) The provisions of this section do not apply to prisoners sentenced to life imprisonment without the possibility of release or parole under ORS [138.012 \(Sentence of death\)](#) or [163.150 \(Sentencing for aggravated murder\)](#). [1989 c.790 §27a; 1991 c.133 §2; 1993 c.198 §2; 1999 c.1055 §14]

Note: [144.126 \(Advancing release date of prisoner with severe medical condition including terminal illness or who is elderly and permanently incapacitated\)](#) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 144 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.