

Early Medical Release Eligibility

I. Who does not Qualify?

The Board's authority to release adults in custody is limited. The Board does not have the authority to consider Early Medical Release for the following population:

- An adult in custody who has not completed a minimum term of incarceration imposed under Measure 11. See ORS 137.700, ORS 137.707, ORS 137.635;
- An adult in custody who is serving a sentence that is not eligible for a sentence reduction because the court has ordered that the AIC may not be considered for any reduction in sentence in their judgment of conviction. ORS 137.750;
- An adult in custody who is sentenced to life imprisonment without the possibility of release or parole under ORS 138.052 or ORS 163.150;
- An adult in custody who is prohibited under any other applicable state law.

II. What are the Criteria?

When making a decision to advance the release date of an AIC, the Board considers:

- The age of the AIC;
- A medical authority's determination of whether the AIC is unable to move from place to place without the assistance of another person;
- Whether the AIC has a terminal illness defined as a medical authority's reasonable belief that the AIC's life expectancy is less than twelve months;
- A medical authority's description of the nature and severity of AIC's medical condition;
- Whether advancing the release date is compatible with the best interests of the AIC and society;
- The Department of Corrections (DOC) Director or designee's recommendation regarding whether advancing the release date is compatible with the best interests of the AIC and society;
- The AIC's release plan, which shall include information, verified by DOC staff, describing the AIC's housing options in the community and medical continuation of care.

III. What Should an AIC Submit to be Considered for Early Medical Release?

It is most helpful when a request for early medical release includes, to the best of the petitioner's ability, information on the factors listed in section II above. The Board of Parole will forward that information to the Department of Corrections for investigation and feedback. The Board of Parole often relies on DOC's medical staff when determining the person's health condition and relies on DOC's release services staff when determining the person's housing and medical options in the community. DOC will also independently review the information and make a recommendation to the Board. The Board of Parole makes the ultimate decision.

IV. How Long Will the Process Take?

The process can take several weeks to several months. The Board of Parole is unlikely to release anyone who does not have a safe placement in the community secured prior to release. Reviewing medical documentation and getting feedback from DOC also takes time.