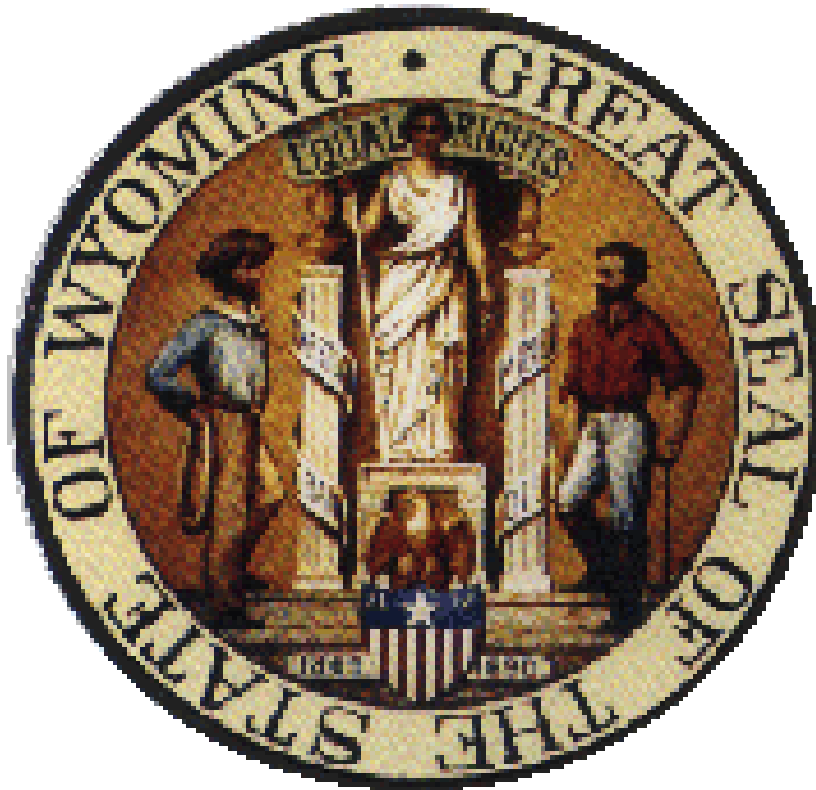


WYOMING
BOARD OF PAROLE



POLICY AND PROCEDURE
MANUAL

As Revised Effective: July 1, 2013

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PREAMBLE

The Wyoming Board of Parole [Board] is a separate operating agency and operates under the authority of the Wyoming legislature as enumerated in Wyoming Statutes.

The Board is comprised of seven (7) board members, serving six (6) year terms, appointed by the Governor with consent of the Senate.

The Board may adopt reasonable rules, regulations and policies necessary to carry out the board's activities.

The Board will hold regularly scheduled hearings at the various Wyoming state institutions in which inmates are housed and will perform the following functions:

1. Review applications for parole;
2. Grant, deny, rescind or revoke paroles;
3. Recommend commutations of sentence;
4. Revoke good time;
5. Restore good time;
6. Restore voting rights;
7. Consider and/or take action on any other matters brought before the Board.

In reaching its decisions, the Board will be guided by its mission statement.

MISSION STATEMENT

I. POLICY

The mission of the Board is to conduct prompt, fair, impartial hearings on the matters brought to its attention and take appropriate action. Consideration will be given to public safety, victims and the treatment and control of the offender.

II. PROCEDURES

- A. The Board will request a number of different kinds of investigative reports. These may include, but need not be limited to, the presentence investigation, institutional summaries, psychological and/or psychiatric evaluations.
- B. The Board will request victim input.
- C. The Board may request additional information such as prosecutor's comments, judicial comments and any other information that may be of assistance in rendering its decisions.
- D. The Board will evaluate the progress of the inmate toward rehabilitation while incarcerated.

POLICY & PROCEDURES DEVELOPMENT

I. POLICY

The Board shall adopt rules, regulations and policies necessary to perform its function as dictated by Wyoming Statutes. Accordingly, these rules and regulations will not repeat or reiterate existing law, but the same are made a part hereof and incorporated herein by their reference.

II. PROCEDURES

A. Development of Policy

Policy and procedures shall be formulated and approved by a majority action of the Board.

B. All Board members are encouraged to bring issues of concern to the full board for consideration and action.

C. Distribution

Copies of policy and procedures shall be made available for distribution to agencies and individuals.

D. Master File

A master file of the Policy and Procedures shall be maintained by the Executive Director in the Administrative Office.

1. Maintain a complete set of Board policies, rules and regulations;
2. Maintain a record of all documents relating to proposed policy development and any action taken;
3. Maintain a complete set of all revisions, addendums and supplements.

E. Review of Policies and Procedures

An annual review of policies, procedures, and rules may be scheduled by the chairperson of the Board. This review shall occur during a ninety (90) day period prior to the annual administrative board meeting. Suggested amendments, supplements or new policy may be acted upon at the annual administrative meeting. This paragraph shall not preclude the Board from changing or promulgating policies at any other time.

F. The Executive Director shall maintain a file of issues that may be appropriate

for policy consideration. The file will be made available for review by the policy committee appointed by the chairperson.

Effective: February 16, 2005
Supersedes: October 1, 1992

PAROLE BOARD MEMBERS

I. POLICY

There shall be a State Board of Parole consisting of seven (7) members appointed by the Governor with consent of the Senate. Members' terms will be for six (6) years and they may be reappointed.

II. PROCEDURE

The Governor shall appoint a member when a vacancy occurs.

III. DUTIES

- A. Review applications for parole;
- B. Grant, deny, rescind or revoke paroles;
- C. Recommend a commutation of sentence;
- D. Revoke good time;
- E. Restore good time;
- F. Restore voting rights to approved applicants;
- G. Consider and/or take action on any other matters brought before the Board.

IV. RESPONSIBILITIES

- A. Members are expected to participate in hearings, scheduled business meetings and to attend the annual administrative meeting.
- B. Members are expected to attend hearings at any location where Wyoming inmates are housed.
- C. New members are expected to participate in parole board orientation which is conducted by parole board staff and board members.
- D. Members are encouraged to avail themselves of professional development and training opportunities.

CHAIRPERSON RESPONSIBILITIES

I. POLICY

There shall be a chairperson and a vice-chairperson of the Board who are charged with certain duties and responsibilities.

II. PROCEDURES

- A. The chairperson, or designee, shall be spokesperson for the Board. In his/her absence or inability to perform the vice-chairperson shall assume those duties and responsibilities.
- B. The chairperson, or designee, will represent the Board on committees as needed.
- C. The chairperson, with the assistance of the Executive Director, shall be the link between the Board, the Wyoming Department of Corrections [WDOC], the Governor, and the legislature.
- D. The chairperson shall call all meetings.
- E. The chairperson shall, with the assistance of the Executive Director, prepare the parole board budget.
- F. The chairperson may delegate duties and responsibilities to such other Board members and staff as deemed appropriate.

EXECUTIVE DIRECTOR DUTIES, RESPONSIBILITIES, AND AUTHORITY

I. POLICY

The Board may employ an Executive Director who shall serve at the pleasure of the Board. The Executive Director and other staff members shall perform duties as may be assigned by the Board. Duties and authority granted to the Executive Director under this policy may be delegated to other staff members at the Executive Director's discretion.

II. PROCEDURES

- A. Under the direction of the Board, the Executive Director is responsible for overall management of Parole Board staff, enabling the Board to accomplish its duties. In carrying out those management duties and responsibilities, the Executive Director:
1. Oversees development and management of budget for the Board and its staff and presents information to the legislature.
 2. Manages staff, including supervision, training, personnel evaluations, personnel actions, hiring and terminations.
 3. Serves as contact between the Board and other agencies, governmental bodies and entities to accomplish the Board's mission.
 4. Acts as spokesperson and correspondent for the Board.
 5. Oversees policy development and implementation as directed by the Board.
 6. Performs other tasks as set forth in the Board Policy and Procedure Manual.
 7. Performs other tasks as directed by the Chairperson of the Board; or as directed by other Board members with approval of the Chairperson; or as directed by a quorum of the Board.
- B. The Executive Director is authorized to make administrative purchases/expenses necessary for the operation of the Board offices and staff functioning, within the same series funding source:
1. Independently, up to but not exceeding one thousand five hundred dollars (\$1500.00) per purchase/expenditure;
 2. With advice and consent of the chairperson, from one thousand five hundred dollars (\$1500.00) up to three thousand dollars (\$3000.00) per purchase/expenditure;
 3. With notice and consent of a quorum of the Board for all expenses in excess of three thousand dollars (\$3000.00) per purchase/expenditure; and

4. With notice and consent of a quorum of the Board for any movement of funds between series funding sources to cover purchases/expenses.
 5. The above purchase/expenditure restrictions do not apply to ongoing, ordinary operating expenses such as salary and Board travel costs.
- C. The following administrative actions by the Executive Director must be approved by a quorum of the Board:
1. Revisions, additions or deletions to the Board of Parole Policy & Procedure Manual.
 2. Budget submittal.
 3. Discretionary salary increases and reclassifications for staff and salary for new hires.
 4. Initiation of non-budgetary legislative actions.
 5. Entry into Memorandums of Understanding or contracts with other governmental entities.
 6. Grant applications.
 7. Strategic Plan submittals.
 8. Other matters as directed by the Chairperson.
- D. The following administrative action by the Executive Director must be approved by the Chairperson:
1. Setting of administrative meetings.
 2. Setting of the Board calendar.
 3. Press releases or other public notices.
 4. Bringing of administrative questions to the Board's attention for review and consensus vote.
- E. The Executive Director may take the following actions without Board approval. This list is non-inclusive, and does not limit the Executive Director's authority to take any other action necessary, within the bounds of Board policy and the law, in order to carry out duties and responsibilities:
1. Deny inmates' and parolees' written requests for commutations, early releases from parole, modifications of parole conditions, and other forms of clemency or actions which are not allowed by law or are not submitted in accordance with Board Policy or are otherwise not viable for Board review.
 2. Deny actions requested by other agencies, including but not limited to, requests for rescissions, warrants, revocations and good time removals, when such requested actions are clearly contrary to Board Policy or other law, or are not feasible to present to the Board as a result of sentence structure and time constraints.
 3. Read and respond to correspondence mailed to individual Board members and former members at the administrative office address, including correspondence marked "confidential".
 4. Respond to public requests for information or records in accordance with governing law.
 5. Modify or create forms as needed consistent with Board Policy.

6. Initiate communications and meetings with other agencies and officials as necessary to carry out and promote the Board's business.
7. Procure, schedule and pay for fees, travel and lodging expenses associated with professional staff training seminars, conferences and workshops which contribute to the operation of the Board.
8. Act on behalf of the Board in response to official inquiries, surveys, investigations or other fact-finding initiatives, including requested media interviews.
9. Bring special hearing matters to the Board's attention prior to the individual's regular hearing, including commutations, modifications, etc.
10. Grant or deny requests for legal representation at hearings.
11. Authorize and pay for staff overtime as necessary.

Effective: July 1, 2012
Supersedes: February 16, 2005

BOARD MEMBER ORIENTATION

I. POLICY

New Board members will be provided an orientation as to their duties and powers and shall be advised of the schedule for orientation.

II. PROCEDURE

The Board staff will develop a structured orientation program that will include, but not be limited to, the following:

1. Review of policies and procedures;
2. Review of Wyoming statutes that impact Board activities;
3. Review of WDOC structure and responsibilities;
4. Review of Wyoming criminal justice system;
5. An opportunity to monitor a board hearing;
6. Review of selected and appropriate literature.

ADMINISTRATIVE MEETING

I. POLICY

- A. The Board will hold an annual administrative meeting. In addition the Board will hold at least three business meetings, as called by the chairperson, which may be in person, by video conference, or by telephone. Four members of the Board shall constitute a quorum and action by a quorum shall be action by the Board.
- B. This meeting, and any other administrative meeting, will be open to the public, except if the Board adjourns to an executive session. For meetings which may be held by telephone or video conference, anyone wanting to attend may do so upon proper arrangements with the administrative office.
- C. The Board shall, at the annual administrative meeting, elect a chairperson and vice-chairperson. If the chairperson resigns, or if his/her term expires, the vice-chairperson shall assume the duties.
- D. There will be a recording of the meetings which will be kept in the administrative office and is available for public review.

II. PROCEDURE

- A. After consultation with the chairperson, the Executive Director shall prepare an agenda for the administrative meetings.
- B. Any member in good standing may nominate another member or his or herself for election as chairperson or vice-chairperson, and no second is required to present a nominee for a vote.
- C. Proxy votes will not be allowed at elections for the chairperson and vice-chairperson.
- D. Written ballots will be used in the election of the chairperson and vice-chairperson.

EXECUTIVE SESSIONS

I. POLICY

- A. All inmate hearings conducted by the Board shall be in executive session and are not open to the public.
- B. At its meetings, the Board shall first consider, in an open meeting, those items of business which are not necessary to be considered in executive session.
- C. Matters normally heard in executive session are as follows:
 - 1. Parole hearings;
 - 2. Revocation hearings;
 - 3. Commutation hearings;
 - 4. Rescissions;
 - 5. Restoration of voting rights;
 - 6. Revocation, restoration or withholding of good time;
 - 7. Any other matters dealing specifically with inmate/parolee issues.
- D. During the deliberation portion of the executive session, those allowed to remain in the room will be the Board, staff members and any other person the Board determines essential for the performance of its duties.

RECORDS

I. POLICY

Record and file information relative to parolees shall be kept by the Board staff and the WDOC. Upon request of the Board, the WDOC shall make available information required by the Board as it pertains to the inmate/parolee.

II. PROCEDURE

- A. The WDOC shall submit all available information necessary to the Board to perform its function. This shall include but not necessarily be limited to the following:
1. Complete criminal/juvenile record of all inmates confined in state penal institutions;
 2. All information pertaining to the offense the inmate committed;
 3. All information pertaining to the inmate's adjustment while in custody as well as any information regarding the inmate's parole or conditional release;
 4. All victim information;
 5. All assessments, evaluations, and diagnostic materials; and
 6. All other information deemed by the Board to be helpful to performing its functions.

PUBLIC INSPECTION/RECORDS OF THE BOARD

I. POLICY

- A. The records of the Board shall be maintained by the Board staff. All Board records involving medical, psychological and sociological data on individuals and information supplied by victims, for which public disclosure would normally be contrary to public interest or in violation of any statute, shall not be available to the inmate or for public inspection.

- B. In the event there is a justifiable reason to release written records to a member of the public, written request for release of specific documents must be made in writing to the Board. The Executive Director may authorize the release of the requested records.

II. PROCEDURE

An administrative fee of \$2.00 for the first page and \$1.00 for each succeeding page shall be charged for all records released. These monies shall be forwarded to the general fund of the State of Wyoming. Payment shall be required prior to release of records and be made by a certified check or money order.

ANNUAL REPORT

I. POLICY

The Board's activities for the preceding year will be memorialized on an annual basis in a written report that will be disseminated as required by State law.

II. PROCEDURES

- A. The Board of Parole will report and/or publish its activities for the previous year on an annual basis as required by State law.
- B. The Board staff will be responsible for maintaining ongoing statistical data relative to the Board's substantive activities.

INMATE AND PAROLEE GOOD TIME

I. POLICY

The Board will use its authority to award good time to parolees and to remove, withhold and restore good time credits of inmates and parolees as an incentive and reward for compliance with institutional rules and parole conditions, participation in recommended programs and activities, and other endeavors and behaviors which foster rehabilitation and successful reentry.

II. PROCEDURES

A. Awards of Parole Good Time

1. The Board may in its discretion award parole good time in an amount which will reduce the maximum sentence by no more than twenty (20) days for each month served on parole status. This authority extends to all individuals on parole status whether being supervised in the community, in an ACC or residential treatment program, under secure confinement, or any other placement, so long as the individual remains on active parole status. The Board will not consider good time awards for any period of time during which an individual's parole is interrupted by incarceration on a sentence other than the one from which he was paroled, for any period of time on absconder status or for individuals who have been paroled to a consecutive sentence or a detainer. Inmates paroled to detainers may begin earning parole good time if they subsequently transition to parole supervision on the Wyoming sentence.

2. In deciding whether to award parole good time, the Board will review and consider the recommendation of the assigned agent as to whether, on a month by month basis, the parolee is deserving of any parole good time award based on compliance with all general and special conditions of the parole grant.

3. At the time of an inmate's transition to parole status, WDOC will calculate an earliest projected parole discharge date based on full parole good time earning potential. This date will be used for administrative purposes only and creates no right or expectation of parole good time earning or discharge on the projected date, as parole good time will only be awarded upon written notification by the Board in its discretion.

4. WDOC Agents will utilize Board forms to notate and maintain a monthly recommendation at the end of each month of parole served as to the amount of parole good time which should be awarded for that month and the reasons for the recommendation. Partial awards of the maximum possible of twenty (20) days may be recommended for any month. For partial months served at the beginning or end of the parole period, potential parole good time awards will be prorated by dividing the days served by 1.5 and rounding up any fractions. Agents will inform parolees each month how

much parole good time has been recommended and the reasons therefor. Seventy-five (75) days prior to the parolee's earliest projected parole discharge date, the Agent will compile the amounts of parole good time recommended per month and, with the Supervisor's approval, recommend to the Board a total amount which should be awarded, if any, for the parole period. The Agent will make a recommendation for a prospective award for the period of time remaining from the due date of the recommendation until the earliest projected parole discharge date.

5. In the case of parolees being supervised out of state under the Interstate Compact, the Compact Administrator shall obtain and review progress reports from the receiving state and seventy-five (75) days prior to the earliest projected parole discharge date will recommend to the Board how much parole good time should be awarded.

6. Agents' recommendations will be forwarded by staff to a designated member of the Board who will be assigned to review good time recommendations in rotating one month periods. If the member agrees with the recommendation, he will execute a certificate granting the award, which will constitute the Board's final decision not subject to review or appeal. The member may also grant a prospective award for the period of time remaining until the earliest projected parole discharge date, subject to removal for subsequent violations of parole conditions prior to that date.

7. If the reviewing Board member disagrees with the Agent's recommendation, he will refer the matter through staff to a three member panel of the Board, with a written explanation of the reasons for disagreement. The panel will review the matter as an administrative matter and will execute a certificate recording its decision, which is final and not subject to review or appeal.

8. If a revocation action is pending at the due date for the agent's recommendation, the recommendation will still be submitted to Board staff. If the matter is set for a final revocation hearing, the parole good time recommendation will be presented to the revocation panel for its decision at the revocation hearing. If the revocation action is dismissed prior to a final hearing, the recommendation will be referred to the reviewing member for decision in accordance with paragraphs 6 and 7 above. Parolees who are revoked prior to the due date for the agent's recommendation will not be awarded parole good time for the time on parole prior to the revocation.

9. In cases where WDOC has submitted a recommendation for a waiver of the restitution condition or a revocation based on non-payment of restitution, the good time recommendation will be submitted to the Board along with the restitution action recommendation. If the Board waives the restitution condition, it will decide the good time award. If the Board initiates a revocation, the good time recommendation will be referred to the revocation hearing panel for decision.

10. Parole good time granting certificates will be forwarded through staff to WDOC records offices. If full parole good time is not awarded, the records office will calculate the Adjusted Projected Parole Discharge Date ("F date" on the SID form) and forward the SID to WDOC Field Services and the Board. Upon issuance of the parole good time granting certificate, no further parole good time will be awarded during the remainder of the parole period. The Board's granting decision is final in all cases and is not subject to review or appeal.

11. The procedures set forth in paragraphs II A 4-10 do not apply to awards of parole good time to parolees who have less than six months from the date of release to parole to the Earliest Projected Parole Discharge Date ("G date" on the SID form). Those parolees will have a prospective award of all potential parole good time earning which will be deemed to be awarded at the G date, unless action is taken to adjust the prospective award pursuant to this paragraph or a revocation action has been initiated prior to the G date. Agents will immediately report parole violations by such parolees to the Board. Such violation reports will be referred to the reviewing member, who will make a final decision, without the need for an evidentiary hearing, whether to adjust the parolee's prospective award. Adjustments to such prospective awards will be reported to WDOC Records and the Adjusted Projected Parole Discharge Date ("F date") will be calculated and forwarded to WDOC Field Services and the Board by Records. If a revocation action is initiated prior to the G date, no parole good time will be awarded under this paragraph unless the hearing panel decides to award it at the final revocation hearing.

B. Removal of Parole Good Time

1. Any parole good time which has previously been awarded by the Board may be removed from a parolee who violates a condition of parole after guilt of the violation has been established in an evidentiary hearing. Prospective awards granted pursuant to paragraph II A.6 and 10 may be removed by the granting member or a panel of the Board based on information of violations without an evidentiary hearing.

2. The Board will be informed of parole violations which have been committed by parolees who have been awarded parole good time. If the violation has been adjudicated through a final revocation hearing, a WDOC jail or ACC sanction hearing, a court hearing or the ACC Code of Discipline procedure, a panel of the Board may take final action to remove parole good time. If alleged violations have not been adjudicated as outlined above, an evidentiary hearing will be held before the Board Hearing Officer or a member or panel of the Board to determine guilt or innocence before a final decision is made, unless the opportunity for a hearing is waived by the parolee or in the case of prospective awards.

3. WDOC records offices will be informed of amounts of parole good time removed in particular cases and will recalculate discharge dates accordingly.

C. Awards of Special Good Time

1. If an inmate has demonstrated an especially proper and helpful attitude and exemplary conduct and behavior, the Board may award up to one month of special good time off the minimum sentence for every year in length of the minimum sentence, up to a maximum reduction of one year.

2. The Board may award up to one year of special good time, regardless of length of the minimum sentence, to an inmate with the requisite attitude, conduct and behavior, only for the purpose of paroling him to an Adult Community Corrections program, the Intensive Supervision Program, a Court Supervised Treatment Program or other established community treatment program or to another state when the inmate would not otherwise have sufficient time left on the maximum sentence by the time of parole eligibility for such a parole. Awards under this paragraph shall not exceed the amount reasonably necessary to effect a parole to the identified program or another state.

3. Special good time may be awarded more than one time on the current sentence, but shall not exceed the limits set forth in paragraphs 1 and 2 above.

4. Special good time awards may be considered by a three member panel of the Board at inmates' regularly scheduled hearings or at special hearings when requested and approved pursuant to Board Policy and Procedure.

5. WDOC Records Offices will be informed of the amounts of special good time awarded and will re-calculate parole eligibility dates accordingly.

D. Removal and Withholding of Inmate Good Time

1. The Board may determine whether to remove good time and special good time already granted, and/or prohibit the earning of future good time allowances of an inmate whose attitude, conduct or behavior has not been good, proper or helpful, and/or who has not adhered to the rules of the institution.

2. The Board shall be informed by caseworkers and staff via parole summaries or parole hearing waiver forms of an inmate's conduct which merits consideration of good time removal and withholding, including but not limited to major predatory disciplinary violations, or three (3) or more major disciplinary violations of any type, and refusal to engage in programs or activities recommended by the court, Board or WDOC.

3. The inmate will be notified in writing, in person, telephonically, or via tele-video of the Board's intent to initiate removal or withholding of good time

and special good time.

4. If notice is given in person, telephonically, or via tele-video, the Board shall offer the inmate an opportunity to voice any objections or may table its decision to allow the inmate to submit his/her objections in writing.

5. If written notice is given, the inmate may submit written objections within ten (10) days of receiving the notice.

6. If the grounds for removal of good time and special good time already awarded have not previously been determined through an evidentiary hearing, one will be offered to the inmate, and if the hearing is held and grounds are established, or if the hearing is waived, the Board may take final action.

7. All Board decisions to remove or withhold inmate good time are final and not subject to appeal.

E. Restoration of Good Time, Special Good Time and Parole Good Time

The Board may restore good time, special good time and parole good time which has been removed or withheld in its discretion. Consideration may be given to improved behavior, significant accomplishments, changed circumstances or newly discovered evidence bearing on the decision to remove or withhold good time, special good time or parole good time. Restoration may be considered by a three member panel of the Board at inmates' regularly scheduled hearings or at special hearings when requested and approved pursuant to Board Policy and Procedure.

Warden's special good time withheld from the minimum sentence prior to July 1, 2010 shall not be restored by the Board.

HEARING PANELS

I. POLICY

The Board may schedule hearings at the various institutions on an as needed basis.

II. PROCEDURES

- A. Hearing panels will consist of three or more members.
- B. In exigent circumstances, inmate interviews may be conducted by one or more members of the Board.
- C. A decision of a majority of the panel is the decision of the Board.
- D. The chairperson of the Board may appoint hearing panels, or at his/her discretion, assign the responsibility to the staff of the Board.
- E. The chairperson, vice-chairperson or the senior Board member will chair the panel. However, this responsibility may be delegated to another Board member.
- F. It is the intent of the Board to limit the attendees to the following:
 - 1. Not more than five guests including the inmate's family, friends, and attorney. The Board, at its discretion, may receive input or excuse them prior to the conclusion of the inmate's hearing;
 - 2. Board staff;
 - 3. Institutional staff – caseworker presenting case, security officer(s), the warden/superintendent or his designee, any other person the Board deems appropriate to the procedure;
 - 4. Unless approved by the members of the hearing panel, no children under the age of sixteen (16) years.
- G. The Board reserves the right to exclude any persons from the room during the hearing and to limit the number of individuals attending, making presentations, or both.

BOARD CALENDAR

I. POLICY

The preparation and scheduling of the board hearing calendar is the responsibility of the Board staff.

II. PROCEDURES

- A. The Board staff will establish a schedule for submitting necessary reports.
- B. Inmates will be scheduled for parole hearings within the calendar quarter preceding the quarter in which their earliest projected parole eligibility date falls. Once an inmate's hearing quarter has been established it will remain the same for that sentence, although hearing dates may be shifted out of that quarter for a particular year when necessary. The earliest projected parole eligibility date is the projected completion date of the minimum sentence if all possible good time is earned.
- C. When an inmate arrives at the institution having met the minimum sentence, the initial board hearing will be scheduled within 90 days after arrival. This will establish his/her annual board hearing quarter.
- D. If a special hearing occurs prior to the inmate's initial board hearing, the date of that special hearing will establish the inmate's annual board hearing quarter for the remainder of the sentence.
- E. Inmates will be scheduled annually after their first appearance unless they submit a written waiver, refuse to appear or be interviewed by telephone or by video conference or have had future hearings deferred by the Board. A waiver or refusal shall be binding for the remainder of the year unless withdrawal is authorized by the Executive Director or designee based on changed circumstances, mistake or other extenuating circumstances. If a waiving inmate has been convicted of a major predatory disciplinary violation or three or more major disciplinary violations of any type or refused a recommended program in the year preceding the scheduled hearing date, the caseworker shall provide the Board with the disciplinary hearing record or a report regarding program refusal at the time of sending the waiver.
- F. An inmate serving consecutive sentences will be scheduled to be seen within the calendar quarter preceding the quarter in which the earliest projected parole eligibility date falls, and every year thereafter until expiration of the first sentence or a parole to the consecutive sentence. When an inmate commences the consecutive sentence, he/she will not be heard again until the calendar quarter preceding the quarter in which the earliest projected parole eligibility date falls on the consecutive sentence and every year thereafter.

- G. Inmates serving concurrent sentences may be interviewed by the Board either in person, by telephone, or by video conference within the calendar quarter preceding the quarter in which their earliest projected parole eligibility date falls on the longest minimum sentence. If an inmate receives a concurrent sentence after he/she has been incarcerated and has already appeared before the Board, his/her board date will remain the same. However, if he/she receives a concurrent sentence after he/she has been incarcerated and has not yet appeared before the Board, his/her board date may be adjusted based on the projected minimum of the new sentence.
- H. An inmate serving a concurrent Wyoming sentence with a sentence imposed in another state must be processed through the WDOC before being added to the board's calendar.
- I. Inmates with life sentences sentenced prior to July 1, 1990 will be heard annually.
- J. For inmates sentenced after June 30, 1990, the following hearing schedule shall apply:
 - 1. Minimum less than twenty (20) years after serving five (5) years and every year thereafter;
 - 2. Minimum of twenty (20) years or more after serving seven (7) years and every year thereafter;
 - 3. Life sentence after ten (10) years and every other year thereafter; or
 - 4. Within the calendar quarter preceding the quarter in which the earliest projected parole eligibility date falls.
- K. Inmates serving a sentence specifically designated as a sentence of life imprisonment without parole pursuant to W.S. 6-10-301 and those sentenced to death will not be heard by the Board.
- L. When a parolee is brought before the Board for a revocation hearing, the date of that hearing will establish the new hearing quarter for the remainder of that sentence.
- M. Notwithstanding the frequency of hearings otherwise set forth in this policy, the Board may defer future hearings of inmates who are not yet eligible for parole for a specified number of years not to exceed five (5) years, provided that in no case shall future hearings be deferred beyond any inmate's parole eligibility date. Such decisions to defer future hearings shall be made at an inmate's regularly scheduled hearing and shall be based on the Board's determination that it is not reasonably likely that the inmate will be granted a parole or a commutation recommendation if heard again prior to the period of the deferral. The Board shall record the factual basis for its determination at the time of the decision. WDOC and inmates will be informed in writing of deferral decisions and hearing schedules will be adjusted accordingly. The affected inmate or the Warden may request the Board to reconsider a deferral based on changed circumstances or new information bearing on the

Board's decision at any time during the deferral period. Such requests will be reviewed by the Board Chairperson or two members of the panel which made the deferral decision, who shall make the decision whether to afford a hearing during the inmate's established hearing quarter prior to expiration of the set deferral period.

Effective: July 1, 2010
Supersedes: June 25, 2008

INMATE INTERVIEW

I. POLICY

The inmate shall be interviewed in person, by telephone or by video conference, unless he/she refuses to be interviewed, or has submitted a written waiver. Based on the recommendation of the staff at the Wyoming State Hospital, the hearing panel will determine whether to interview an inmate housed at that facility.

II. PURPOSE

A. Allow inmates the opportunity to:

1. Present to the hearing panel their version of the present offense and prior criminal history, if any;
2. Discuss their problems and needs;
3. Discuss their evaluation of the progress made or expected to be made toward rehabilitation while confined;
4. Present their reasons why they think they should be paroled;
5. Present their plans for the future;
6. Present and discuss any other matters that are appropriate for consideration.

B. Provide the hearing panel the opportunity to:

1. Review all available reports and case history material pertinent to the case. This may include:
 - a. Social history;
 - b. Medical, psychological and psychiatric reports;
 - c. Prior record of arrests, convictions, incarcerations and circumstances thereto;
 - d. Past and present patterns of behavior and confidential information.
 - e. Reports regarding the inmate's institutional adjustment including his/her record of conduct and program participation;
 - f. Input from victims;
 - g. Documentation provided by the inmate and his/her supporters.
2. Discuss appropriate information with the inmate unless it is felt that the information is of such a sensitive nature that it should be withheld.

III. PROCEDURES

- A. At the interview, the inmate may request the exclusion of certain people from the hearing. The inmate will be asked to state a reason for requesting exclusion and the hearing panel may or may not agree to his/her request. The following will not be excluded:
 - 1. Board members;
 - 2. Board staff;
 - 3. Institutional security officer(s)
 - 4. Legal advisor to the Board.
- B. The inmate may request the presence of family, friends, and/or attorney at the hearing.
- C. Those present may be allowed to provide pertinent information. Statements shall not be taken under oath or be subject to cross examination. The hearing panel members may ask questions as they see fit to assist in their determination.
- D. After the interview, the hearing panel will render its decision and the inmate will be notified of the decision, and, in the event parole is denied, the reason(s) for the denial.
- E. All reports and materials listed on page 25, paragraph IIB1 above must be received at the Board's administrative office no later than thirty (30) days prior to the inmate interview, or it may not be reviewed by the Board. It is the inmate's responsibility to mail one copy of any support materials to the Board according to this rule, as materials submitted at the time of the interview may not be accepted nor reviewed by the Board panel, at its discretion.

EXECUTIVE HEARING RECORDINGS

I. POLICY

- A. There will be a recording of all inmate hearings conducted by the Board. The recording of hearings conducted in executive session is for the sole use of the Board and Board staff.
- B. The Board does not provide transcripts of hearings or copies of the recordings of the hearings held in executive session.

II. PROCEDURES

- A. Such recordings shall be preserved at the administrative office as a permanent record.
- B. The recording of hearings conducted in executive session will not be copied or distributed.
- C. Copies of hearing recordings will be released only pursuant to a valid court order.

VICTIM NOTIFICATION/HEARING

I. POLICY

- A. The Board is dedicated to the proposition that victims not only deserve the right to understand and have input into the parole process, but that such input enables the Board to make better informed decisions which best accommodate victims' unique concerns and issues and public safety in general.
- B. The Board views victim input as an important part of the parole process. To make them a true part of the process, victims are notified and input is provided pertinent to offenders' releases. It is the policy of the Board to make reasonable efforts to ensure that all victims are provided notice of their rights, educated about the parole process, and given the opportunity to participate in that process in a meaningful way.

II. PROCEDURES

A. Certification Process

- 1. An initial letter is sent to all non-certified victims and key witnesses as determined by the PSI, to allow them to exercise their right to post sentence information and input. The letter will include certification instructions and Board contact information.
- 2. Victim shall be defined as the actual victim of the crime for which the inmate is confined; the legal guardian of a minor victim; the deceased victim's next of kin; or a representative selected by the victim or the victim's next of kin.
- 3. Next of kin shall be identified as follows:
 - a. spouse;
 - b. children or their guardian;
 - c. parents;
 - d. siblings;
 - e. grandparents.
- 4. Notifications will only be provided for the sentence currently being served.

B. Notifications Provided

- 1. The Wyoming Department of Corrections provides the Board with names and contact information of both victims who are certified during the sentencing process, and those who have not applied for certification. Non-certified victims are contacted by the Parole Board. Victim Services Coordinator (VSC) with information about the post sentencing notification program and instructions on how to become certified.
- 2. Upon victim certification the following notifications are made:
 - a. Parole hearings*.

- b. Parole grants and release conditions.
- c. Releases to parole.
- d. Rescission and revocation actions*.
- e. Pending commutation recommendations* - Notifications for input are also sent to the Prosecuting Attorney's office and the sentencing court.
- f. Waivers of restitution payment as a parole condition* - If the condition is waived, victims have recourse through W.S. §7-9-103(d).
- g. Absconding from supervision.
- h. Discharge from parole.

*indicates prior notice is given to victims for the opportunity to provide input.

C. Hearings and Input

1. Certified victims who request notification will be given the opportunity to provide input via personal appearance, teleconference, video conference (if available), provide written comments, or submit a recording.
2. Victims shall address the following issues for the Board's consideration.
 - a. The continuing nature and extent of any physical, psychological, or emotional harm or trauma suffered;
 - b. The extent of any loss of earnings or ability to work suffered by the victim;
 - c. The continuing effect of the crime upon the victim and his/her family;
 - d. Any threats or reprisals from the offender or his/her family;
 - e. The request and reasoning for a no contact order or other special conditions;
 - f. Hearing deferral for ineligible inmates due to continuing emotional harm upon the victim.
3. Information submitted by victims should be concise and succinct.
4. Victims may request reimbursement for travel including lodging and mileage. Maximum reimbursement amounts are typically \$250 for in-state travel and \$500 for out-of-state travel. Reimbursement caps may be modified by a quorum of the Board based on the availability of funds.
5. Victims will be allowed to appear and/or submit information prior to the inmate's scheduled Parole Board Hearing. Victim appearances will be held at a separate location from the inmate hearing to ensure victim safety and confidentiality.

- D. All information provided by the victim will be made part of the Board file, but will not be available to the inmate. All victim involvement and communication with the Board will remain confidential.

- E. The Board has statutory authority to require payment of restitution, as ordered in the Judgment and Sentence, as one of the parolee's release conditions.
- F. Outreach
 - 1. The Board and the VSC will promote communications to enhance victims' and victim service providers' understanding of the public safety benefits of supervised parole release.
 - 2. The VSC shall facilitate and provide education and training to victims, advocates, coordinators, other victim service providers, and communities. Information is disseminated through webinars, phone conferences, and in person trainings, and is tailored for each audience. Trainings include Board authority and purpose, sentence structure, parole eligibility, and victim rights and services.
- G. Facilitate Inmate/Victim Communications
 - 1. The Parole Board Victim Services Coordinator may act as an intermediary for the written communication between victims and offenders if agreed upon by both parties.

OFFENDER APOLOGY LETTER BANK

I. POLICY

The Board will administer a program which enables inmates to write apology letters to victims to be submitted to the Board, with dissemination to victims to be regulated by the Board based on the victims' wishes and the letters' compliance with standards established by this policy and procedure. The intent of the program is to facilitate rehabilitation of inmates and remediation of the harm done to victims.

II. PROCEDURES

A. Inmates will be informed of their option to write an apology letter to the victim(s) of the crimes for which they are currently incarcerated. The content of the letters must meet the following criteria:

1. Letters will contain an apology to the victim(s) for the fact and impact of the crime and are not to reflect the inmate's regret for the fact of being caught, prosecuted and incarcerated or to otherwise bemoan the negative impact of the crime on the circumstances of the inmate.
2. Letters will not ask for forgiveness from the victim. Similarly, letters will not seek the victim's support for a parole, commutation or other favorable action for the inmate, as the program is not intended to place any responsibilities on victims in any manner.
3. Letters will not deny, minimize or make excuses for the crime, and should reflect acceptance of responsibility for the crime.
4. Letters will not proselytize for any religious belief.
5. Letters will be respectful to the victim and will not contain any content which might be construed as being rude, obscene, threatening, romantic, sexual or derogatory in nature.
6. Where there was a personal, romantic or family relationship with the victim prior to the crime, the letter will not contain pleas for re-establishment or strengthening of that relationship.
7. Letters will not complain about the conditions of confinement.
8. Only one offender apology letter per victim will be allowed, and letters will be limited to offenses that are currently being served.

B. Letters, accompanied by a Request to Participate form, will be mailed to:
Wyoming Board of Parole
ATTN: Victim Services Coordinator
3120 Old Faithful Road, Suite 300
Cheyenne, WY 82002

- C. The Victim Services Coordinator will review received inmate letters for compliance with this Policy and Procedure. Letters found to be non-compliant will be returned with instructions for correction. Compliant letters will be maintained in an Apology Letter Bank. If victims can be located, they will be informed of their option to receive the letter directly from the Board. Inmates will not be informed of victims' decisions regarding receipt of apology letters. For letters addressed to victims younger than the age of 16, a parent or guardian will act as the recipient of the letter to share with the victim if they deem appropriate.
- G. Victims who choose to receive apology letters will be offered the opportunity to send one written reply through the Board.
- H. Inmate/Victim Correspondence beyond or outside the scope of this policy is governed by WDOC Policy and Procedure. Requests for direct correspondence must be submitted to the Warden of the facility where the inmate is housed.
- I. Inmates for whom there is an existing legal order prohibiting contact with the victim may not participate in this program.
- J. An inmate's participation or non-participation in this program is wholly voluntary for the inmate and will not affect any decision made by the Board in the inmate's case.
- K. All correspondence received through this program will be maintained as privileged and confidential and will not be released by the Board except to the intended recipient or as otherwise may be required by law. Correspondence sent to and from WDOC facilities pursuant to this program will be handled as privileged mail by WDOC.
- L. The Board will distribute informational materials and forms for inmates' Request to Participate to WDOC facilities for dissemination to inmates. Caseworkers will help address any questions which inmates may have about the program and provide any assistance needed for participation.

Effective: July 1, 2012
Supersedes:

SPECIAL HEARINGS

I. POLICY

The Board will consider special matters at regularly scheduled hearings pertaining to removal or restoration of good time, awards of street time not previously credited, modification of parole conditions, unsupervised parole recommendations, rescission of parole, recommendations to waive restitution, and only in extraordinary cases, a parole interview or a commutation recommendation from the institution prior to an inmate's regularly scheduled hearing.

Special hearings for an inmate shall be requested in writing 45 days prior to a panel hearing by the warden, director of an ACC or the director of a WDOC residential treatment program. A report shall be submitted to the Board explaining in detail the reason the hearing is requested. After review of the report, the Executive Director or designee may determine whether the case will be heard at a panel hearing.

The Executive Director or designee may initiate and direct matters for special hearings to a panel of the Board.

II. PROCEDURES

- A. A written report will be submitted with all requests for a special hearing including a current parole summary.
- B. These reports are to be brief but detailed and accurate in order to provide all necessary information supporting the request for a special hearing and permit the Board to make an informed decision.
- C. Requests for a special hearing shall be made at least 45 days prior to the next scheduled hearing at the institution. Requests which are not received in the allotted time frame may, at the discretion of the Board, be considered at a later scheduled board hearing at the institution.
- D. The decision of the warden, ACC director or director of a WDOC residential treatment program is final and not subject to appeal, as is the decision of the Board.

COMMUTATION

I. POLICY

The hearing panel will consider commutation of sentence requests at regularly scheduled hearings. When a majority vote of the panel agrees a commutation may be in order, it will forward the case to the Governor.

II. PROCEDURES

- A. During an inmate's regular scheduled hearing, commutation requests may be initiated by the inmate, the Director of WDOC or the hearing panel.
- B. The Board staff shall review commutation requests and barring extraordinary circumstances, the matter will be heard at the inmate's next scheduled board hearing.
- C. Any WDOC recommendation of commutation made on behalf of an inmate to the Board shall be submitted no less than 45 days prior to the inmate's scheduled hearing and shall be endorsed with the WDOC Director's signature.
- D. When the WDOC makes a recommendation to the Board on behalf of an inmate, Board staff will request written input from the sentencing court and prosecuting attorney and certified victim regarding the proposed commutation at least 45 days prior to the inmate's scheduled hearing.
- E. If no response to a request for input is received prior to the hearing, it will be considered there is no objection.
- F. If the hearing panel determines a recommendation is in order and the sentencing court, prosecutor's office, WDOC Director and certified victim have not been contacted, the panel may only make a conditional decision to make a recommendation, subject to a request for and review of input from those parties. The Board's staff shall notify these parties and request input. Upon receipt of the requested input or 45 days after the mailing date of the notification, a report including any input or lack thereof shall be submitted to the panel members to make a final decision whether or not a final commutation recommendation should go forward. If so, it shall be submitted to the Governor on a timely basis.
- G. Upon receipt of the Governor's decision on a commutation recommendation, that decision will be reported to the inmate and WDOC records, along with the original copy of the commutation document, if any.
- H. Upon denial of a recommended commutation by the Governor, the Board shall not make another recommendation in that case for a period of five (5) years from the date of denial or until a new Governor is in office, whichever is sooner, absent extraordinary circumstances which merit an earlier recommendation.

Effective: July 1, 2013
Supersedes: October 29, 2007

PAROLE SUMMARY COMMUTATION REPORTS

I. POLICY

The WDOC shall prepare and submit an accurate and current written report to the Board for scheduled inmate hearings. These reports shall be submitted to the Board staff thirty (30) days prior to the scheduled hearing. The format contained in the WCIS will be used.

II. PROCEDURE

A. A report will be submitted to include the following in narrative form. Thoroughness, accuracy and brevity are suggested.

1. Identifying information – name, number, date of birth, age, crime, place, sentence, date sentence began, county, and sentencing judge.
2. Sentencing information – sentence structure, maximum sentence, good time release date, projected earliest parole eligibility date, minimum sentence date, and board appearance date.
3. Dates of prior board appearances, action taken, and any special board notation.
4. Special instructions by sentencing judge.
5. Court ordered restitution amount and financial status of inmate's institutional account.
6. Details of offense. This shall be written in narrative form, indicating what actually happened and including plea bargain information.
7. Inmate's version of offense.
8. Victim statement.
9. Criminal history – include both juvenile and adult, dates, location, and disposition of offenses.
10. Personal history – narrative of pertinent information including marital history, employment history, educational history, and any other relevant information.
11. Psychological/psychiatric information.
12. Institutional history – including classification data, disciplinary record, work assignments and performance of programming expectations outlined in the case management plan.
13. Parole plan.
14. Staff comments (summary of adjustment and prognosis).
15. Staff recommendation.

B. The hearing panel may table a case with questionable, incomplete and/or inaccurate information contained in the summary and direct the WDOC to correct the summary before the hearing will be rescheduled.

- C. It is the inmate's responsibility to mail only one copy of any supportive materials (support letters, parole plan verification, certificates of accomplishment, etc.) so that they are received at the Board's administrative office no later than thirty (30) days prior to the panel hearing. Materials received later than that date may not be reviewed, at the Board's discretion.

Effective: April 14, 2006
Supersedes: February 16, 2005

PAROLE ELIGIBILITY

I. POLICY

Parole may be granted at the sole discretion of the Board when in the opinion of the Board there is a reasonable probability that an inmate of a correctional facility can be released without a detriment to the community or himself/herself. Parole shall be ordered only with the best interests of society being considered and not as an award of clemency; nor shall it be considered as a reduction in sentence or a pardon.

II. CRITERIA

- A. The inmate must have served his/her minimum term, less any special good time earned.
- B. The inmate must not be serving a life sentence or a death penalty sentence.
- C. The inmate will not be eligible for parole on the sentence from which he/she made an assault with a deadly weapon upon an officer, employee, or inmate of any institution.
- D. An inmate who has escaped, attempted to escape or assisted others to escape from an institution while on inmate status, on probation, on parole, or on pre-release status, will not be eligible for parole on the sentence from which he/she escaped, attempted to escape or assisted others to escape. When an inmate is unavailable for his/her annual review hearing due to escape status, the inmate automatically waives his/her right to a board appearance for that year.
- E. An inmate will not be granted parole to the street if he/she has had a major predatory disciplinary infraction as listed on page 39 within the year preceding the hearing, unless, on a case by case basis:
 - 1. The inmate is paroled to his/her detainer;
 - 2. The Board determines that extenuating or extraordinary circumstances exist regarding the major predatory disciplinary. For lesser disciplinaries the Board will use its discretion in reaching its decision on the appropriate impact of the behavior.
- F. The Board will consider whether there is a reasonable probability that the inmate is able and willing to fulfill obligations as a law abiding citizen.
- G. The inmate must submit a written parole plan prior to the hearing. This plan shall include living arrangements, employment opportunities, programming/treatment and medical considerations if applicable.

III. PROCEDURES

- A. The Board shall recognize and take into account that a sentence is usually imposed by the trial court for the following purposes:
 - 1. Punishment;
 - 2. Rehabilitation;
 - 3. General deterrence;
 - 4. Removal from society.
- B. The Board shall conduct an interview of the inmate either in person, by telephone or by video conference before granting or denying parole. Parole will not be granted to an inmate who refuses to be interviewed.
- C. The Board may require an inmate to apply to and successfully complete a sex offender program, substance abuse treatment program, or any other programming requirements deemed appropriate by the Board prior to a parole grant or a release to parole and/or as a parole condition.
- D. The Board may parole an inmate to a community correctional facility. While at a community correctional facility, the parolee shall comply with the rules and regulations of the facility and attend counseling as recommended by the staff or required by the Board or the supervising agent.
- E. The Board can parole an inmate into the Intensive Supervision Program (ISP).
- F. In making parole decisions, the Board may consider all relevant information at its disposal.
- G. In granting parole, the Board shall fix terms and conditions it deems proper to govern the conduct of the parolee while parole is in effect.
- H. An inmate shall not be released from an institution until a parole grant and agreement has been signed by and served upon the inmate.
- I. A reasonable attempt shall be made to notify the certified victims before an inmate is released to parole.

Major Predatory Violations include the following WDOC Code of Inmate Discipline violations:

- MJ2P Arson, Knowingly or negligently starting a fire or causing an explosion.
- MJ5P Escape, Escape that involved weapons, force, or injury to others.
- MJ7P Extortion/ Blackmail, The obtaining of property or money from another by wrongful use of actual or threatened force, violence or fear.
- MJ10P Homicide, The act of purposely, knowingly, recklessly, or negligently causing the death of another human being.
- MJ11P Hostage/Restraint, Detaining, holding, taking, or restraining a person by force or against his/her will.
- MJ13P Major Assault, Any willful use of force or violence that causes serious physical injury to another either with or without a weapon, or through the use of any substance, instrument, or device which can cause serious physical injury.
- MJ14P Major Contraband, Weapons, (including but not limited to a firearm, knife, bludgeon instrument, explosive devices, or other instrument, material, or substance which is readily capable of causing physical injury or fear of safety).
- MJ17P Rioting, Three or more inmates participating in violent behavior and inciting.
- MJ19P Sexual Misconduct without mutual consent.
- MJ23P Theft, Taking of the property of another from his/her person or in his/her presence and the taking is by means of violence or intimidation.
- MJ24P Threats, Impeding any WDOC employee, contractor, or visitor in a threatening or intimidating manner and exhibiting conduct which could reasonably cause the person to fear for his/her safety.

Major Predatory Violations include the following ACC Code of Discipline violations:

- MJ1 Arson, Setting fire with the potential of causing damage or injury to persons or property.
- MJ2 Assault, Unlawful attempt and ability to commit a violent injury on the person of another.
- MJ3 Battery, Any willful use of force or violence upon the person of another.
- MJ7 Escape that involved weapons, force, or injury to others. Failure to remain within the extended limits of confinement. Failure to return to the facility within the time prescribed by the facility. Leaving place of employment without authorization from the facility. Failure or neglect to return to the facility within the time prescribed or when specifically ordered to do so.
- MJ8 Extortion (or Blackmail), The obtaining of property or money from another by wrongful use of actual or threatened force, violence or fear.
- MJ9 False Imprisonment, The unlawful violation of the personal liberty of another which consists of confinement or detention without sufficient legal authority.
- MJ10 Kidnapping, The unlawful taking and carrying away of a human being by force or against his/her will.
- MJ13 Manslaughter, The unlawful killing of another human being without malice, either expressed or implied. It may be either voluntarily, in the heat of passion, or involuntary.
- MJ14 Mayhem, The infliction of an injury which disfigures, disables, or dismembers another.
- MJ15 Murder, The unlawful killing of another human being with malice aforethought, either expressed or implied, and all lesser included offenses.
- MJ17 Robbery, A larceny where the taking of the property is from the person of the victim or in his/her presence and the taking is by means of violence or intimidation.
- MJ18 Sexual Assault, Subjecting another person to sexual penetration against the victim's will and/or understanding. Subjecting another person to perform any sexual act against his/her will.
- MJ26 Gang Activities, Organizing or being a member of a gang which engages in criminal activities, threatens the order and security of the institution and/or promotes racism.
- MJ27 Gathering around, blocking, or impeding any staff member or visitor, in a threatening, or intimidating manner and exhibiting conduct which could reasonably cause the person to fear for his/her safety.
- MJ29 Possession or manufacture of a deadly weapon or explosive device or possession of materials suitable for manufacture.
- MJ32 Rioting or inciting others to riot.

PAROLE PLAN

I. POLICY

- A. The Board shall require an inmate seeking parole to submit a written detailed parole plan prior to the hearing for the Board's consideration.
- B. The plan shall include the following information:
 - 1. A suitable living arrangement upon release;
 - 2. Potential employment;
 - 3. Any planned schooling/vocational training;
 - 4. Counseling/treatment programs recommended and their availability in the placement location.

II. PROCEDURES

- A. Prior to appearing before the Board for parole consideration, the inmate will meet with appropriate institutional staff to discuss the proposed parole plan and its feasibility.
- B. The inmate shall submit in writing information about potential housing, employment, documentation of acceptance into a schooling/training program, and counseling/treatment program availability plus acceptance into the program.
- C. Institutional staff shall incorporate the inmate's parole plan into the parole summary for review by the Board.
- D. Institutional staff shall include in the summary thoughts about the strengths and weaknesses of the inmate's parole plan.
- E. The WDOC will verify and approve the parole plan provided to the Board prior to the inmate's release to the community. However, with the exception of ISP placements, final approval or denial of a plan is within the authority of the Executive Director or designee.
- F. Results of the pre-release investigation by the WDOC shall be made known to the Board staff prior to the proposed release.

PAROLE GRANT & AGREEMENT

I. POLICY

- A. All paroles granted shall be subject to the general conditions and special conditions stipulated in the parole grant and agreement. Sex offender terms and conditions will be added when appropriate and made part of the parole grant and agreement. The inmate shall agree to the general and special conditions in writing prior to release on parole. Conditions may be added by board action at any time prior to release and must be agreed to by the inmate. Conditions may be changed, new conditions added, or conditions rescinded subsequent to the inmate's release.
- B. Staff of the WDOC, Division of Field Services, shall immediately notify the Board if any of the ordered conditions cannot be met.

II. PROCEDURES

- A. Following the parole hearing, when parole has been granted, the inmate will be interviewed by staff and a signed parole agreement will be secured.
- B. A subsequent field investigation will be conducted by the WDOC for verification and agreement of the inmate's parole plan.
- C. If any condition ordered by the Board cannot be met in the parolee's proposed placement, the parole agent shall notify the Board staff in writing.
- D. Within the remedies established by the Board, parole agents upon immediate notification of the Board may impose temporary conditions upon parolees in addition to those imposed by the Board. Parole agents upon immediate notification of the Board may also temporarily suspend conditions imposed by the Board when it is in the best interest of the community and the parolee's reintegration into the community.
- E. When an inmate is paroled to be effective upon acceptance to a program, and acceptance can not be obtained within 60 days of the eligibility, the institution and case worker shall so advise the Board in writing. Staff will refer the matter to the Board for further review and disposition.
- F. Unless otherwise directed by the Board in specific cases, all inmates paroled to detainers or WDOC contracted or operated facilities shall be transferred as an inmate and shall not attain parole status until arrival at the location of such detainer or facility.

RESCISSION

I. POLICY

The inmate's parole is subject to immediate rescission by the Board if any of the following occurs prior to parole release:

1. Violation of any law, a major predatory disciplinary violation and/or three (3) or more of any major disciplinary violations;
2. Escape;
3. If any portion of a parole plan or any representation made by the inmate or any other person on his/her behalf is found to be false or misleading; or,
4. New information is discovered bearing on the Board's decision.

II. PROCEDURES

- A. WDOC staff shall immediately notify Board staff of the occurrence of any incidents listed in paragraphs I. 1-4 above or of any other incident meriting a WDOC recommendation for a rescission and will forward disciplinary paperwork, staff reports or any other supporting documents to the Board.
- B. Upon receipt of notification of a qualifying incident, the Executive Director or designee shall place a hold on the inmate's release to parole and will notify the institution and the inmate of initiation of the rescission process.
- C. Notice to the inmate shall include an advisement of the inmate's right to submit a statement or documents to the Board which might impact the rescission decision and that such statement is due no later than ten (10) days from the e-mailing date of the notice.
- D. After ten (10) days from e-mailing of the notice have elapsed, Board staff shall submit the matter along with the inmate's statement, if any, and other relevant documents to the members who voted for the grant of parole to decide whether or not to rescind. In the event a quorum of the panel is not available, the case shall be referred to the Chairman for a decision.
- E. Board staff shall notify the inmate and the institution of the Board's decision. If rescission is declined, the hold on parole release shall be lifted.

Effective: July 1, 2013
Supersedes: July 1, 2010

RESTITUTION, CRIME VICTIMS COMPENSATION AND OTHER MONETARY OBLIGATIONS AS CONDITIONS OF PAROLE

I. POLICY

- A. Restitution will be included as a condition of parole if the original sentence order requires restitution and specifies a dollar amount.
- B. The Board may modify the amount of restitution to be paid as a condition of parole if it finds the parolee is not reasonably capable of making the payments. Factors to be considered are as follows:
 - 1. Physical and mental health condition;
 - 2. Age;
 - 3. Education;
 - 4. Employment circumstances;
 - 5. Potential for employment and vocational training;
 - 6. Family circumstances;
 - 7. Financial conditions and whether the defendant has an ability to pay or whether a reasonable probability exists that the defendant will have an ability to pay;
 - 8. Number of victims;
 - 9. Pecuniary damages to each victim;
 - 10. Whether compensation has been paid to any victim under the Crime Victim Compensation Act;
 - 11. What plan of restitution will most effectively aid the rehabilitation of the inmate and other appropriate factors.
- C. If, during the inmate's parole hearing, the Board contemplates waiving any or all of the restitution as a condition of parole for any reason, the case shall be tabled until the Board's staff has had the opportunity to notify any victims to elicit their input on the matter.
- D. Payment of debts owed pursuant to the Crime Victims Compensation Act will be required as a condition of parole. The Board shall set the schedule or amounts of payments, subject to modification based on change of circumstances. If the Board does not order payment of a victim's compensation debt, or orders only partial payment, it shall state on the record the reason(s) therefore.
- E. The Board may require payment of the following obligations as conditions of parole if it finds the parolee is reasonably capable of making the payments, taking into account the factors enumerated in paragraph B. 1-7 above.
 - 1. Support of dependents of the parolee;
 - 2. Court ordered fines, reimbursement for the services of the public defender or court appointed counsel and the victim surcharge;
 - 3. Costs or partial costs of evaluations, treatment, services, programs or assistance the parolee is receiving;
 - 4. Cost or partial cost of supervision of the parolee imposed under the Intensive Supervision Program.
- F. The institution shall provide the Board a report on the financial status of the inmate's institutional account in the parole summary.

II. PROCEDURE

- A. If a recommendation is made by the WDOC or Board staff to waive payment of any restitution as a condition of parole, the Board's staff shall attempt to locate and notify certified victims of the intent to modify or to waive the amount of restitution to be paid as a condition of parole. If located, the victim shall be given the opportunity to provide written comments prior to the Board making its decision.
- B. WDOC shall advise the Board staff of such recommendations no later than 75 days prior to expiration of sentence.
- C. WDOC shall advise the Board staff of cases in which the Agent believes that a parolee is or will be unable to completely pay their restitution to the victim or the victims' compensation fund prior to the completion of parole. The Agent will advise the Board staff of the failure to pay no later than 75 days prior to completion of parole and will make a recommendation whether or not a revocation should be pursued based upon the failure to pay. Board staff will set the matter as a special hearing for the Board to review and decide whether or not to initiate a revocation action.

UNSUPERVISED PAROLE

I. POLICY

When it appears no useful purpose will be served by continuing a parolee under active supervision, the Board may grant a release from supervision subject to conditions. Agents may make a recommendation for unsupervised status at any time deemed appropriate.

II. PROCEDURES

- A. 1. A special report will be prepared and submitted by the supervising agent detailing reasons for a recommendation for unsupervised parole status. Matters to be addressed will include:
- History of parole violations
 - Compliance with conditions/treatment programs
 - Stability of employment/residence
 - Status of monetary obligations
 - Risk indicated by assessments/likelihood of relapse/recidivism
 - Other relevant factors.
2. Board staff will present the case as an administrative special hearing and will provide the hearing panel with complete file materials, including the latest parole summary and all available assessment information. Agents will testify telephonically or in person when the case is heard.
- B. The following conditions will apply:
1. WDOC Agents will no longer actively supervise the parolee, but shall report any known parole violations to the WDOC Interstate Compact Division (Compact). The Compact will notify the Parole Board Staff of reported violations. Agents may continue to exercise statutory authority over unsupervised parolees if authorized by both the district supervisor and by the compact administrator/deputy compact administrator to include the following: arrest and hold, having official contact with the parolee, reporting, and any other action that may be authorized by the district supervisor and compact administrator/deputy compact administrator. Such actions will be taken as necessitated by public safety concerns. Compact Administrator or deputy compact administrator Staff may recommend to the Board to modify the parolee's status back to a supervised status or may recommend that revocation action be initiated.
 2. The parolee shall make written reports to the Compact at a minimum of once every six (6) months or as specified by the Compact which shall include his/her current address, employment and earnings for the period. WDOC shall conduct quarterly NCIC checks and report

- any law violations to the Board.
3. The parolee shall remain under the legal custody of the Board of Parole until expiration of the sentence already fixed or until otherwise discharged. The parolee shall obey the law at all times. All conditions of the controlling parole grant and agreement, except for provisions requiring permission from the agent, shall remain in effect and be enforceable against the parolee. Additional special conditions may be ordered as appropriate.
 4. Unsupervised parole does not restore lost civil rights.
 5. The parolee waives all extradition rights and will consent to return from another state to Wyoming without contest upon issuance of a Board warrant for a parole violation.
 6. Parolees on unsupervised status will be required to revert to supervised status before they can relocate to another state through the Compact. Parolees on unsupervised status are prohibited from remaining in another state for more than 30 consecutive days.
- C. The Board may revoke the parole grant if the parolee, while under unsupervised parole status, commits a new crime, violates any condition or fails to report as directed. Revocation actions will be initiated and presented by the Compact.

PAROLE TO DETAINER/DEPORTATION

I. POLICY

- A. The Board may parole eligible inmates to other jurisdictions having detainers for purposes of prosecution or other disposition of pending charges, service of sentences of imprisonment or supervised release, for ICE processing, or for deportation only.
- B. A parole to a detainer is subject to revocation and does not operate as a discharge of the inmate.
- C. An inmate paroled to a detainer shall remain in the physical custody of WDOC until physical custody is transferred to the agency which issued the detainer or its agent, at which time he/she will enter parole status.
- D. For paroles to detainers other than those for deportation only, the Board will impose general and special conditions, including but not limited to paragraph 10 G on the standard Parole Grant and Agreement, and the inmate will be required to sign it for use in the event the parolee is released from the detainer and goes to active supervision status on the Wyoming Parole Grant.
- E. For paroles for deportation only, the Parole Grant and Agreement For Deportation Only will be utilized and the inmate will be required to sign it. The Parole Grant and Agreement for Deportation Only will be deemed violated if the parolee is not deported or prosecuted for illegal entry, is to be released by immigration authorities before deportation, or returns to this country after being deported.

II. PROCEDURES

- A. Parole Summaries will include full information about detainers, which will include the jurisdiction, the nature of the detainer (e.g. untried charges, probation or parole violation, sentence information if applicable, escapes or absconscions, ICE, etc.), whether it has been verified that the other jurisdiction still wants and will transport the inmate and whether or not a warrant is in place. In the case of ICE detainers, the summary will indicate whether deportability of the inmate has been determined, if a final order of deportation is in place or if ICE has indicated its intent to prosecute the inmate for illegal entry into the US. The summary shall include the institution's recommendation as to Board action in detainer cases.
- B. If the Board paroles to a detainer other than For Deportation Only, the inmate and the jurisdiction taking custody will be required in writing by the

Board to inform WDOC in the event the parolee is released from the detainer's custody prior to discharge of the Wyoming sentence, in which case the parolee may either be directed to return to Wyoming for parole supervision or may remain in another jurisdiction under Wyoming parole status pursuant to the Interstate Compact. If the Board is informed the parolee has been released from custody but has not reported to WDOC, such information will constitute an allegation of a violation of the Parole Grant and Agreement and a Board Order of Arrest shall issue and be entered on NCIC for the parolee's return to WDOC custody for revocation proceedings.

C. If the Board grants a parole For Deportation Only, the following procedure shall be followed:

1. If a final order of deportation is not in place, Board staff will contact ICE to obtain one. The Board's Release Notice shall not issue until the Board is in possession of a final order of deportation or written notice of the United States' intent to prosecute the inmate for illegal entry into this country.

2. When the inmate is released to the custody of ICE, the Board shall provide written notice to ICE that the individual is not to be released from its custody within the United States or its Territories, and that the Board and WDOC are to be notified in the event ICE intends to release the parolee from its custody in this country. ICE will be requested to provide written confirmation to the Board when the individual has been transported out of this country.

3. In the event the Board is notified of ICE's intent to release the parolee prior to deportation, such information will constitute an allegation of a violation of the Parole Grant and Agreement for Deportation Only, and a Board Order of Arrest shall issue and be transmitted to ICE for return of the parolee to WDOC custody for revocation proceedings.

4. When Board staff is informed that the inmate has been released to the custody of ICE, it will submit a Supervised Release File to DCI for entry on NCIC along with a copy of the Parole Grant and Agreement for Deportation Only.

5. If the Board is notified of an NCIC hit on the parolee, such information will constitute an allegation of a violation of the Parole Grant and Agreement for Deportation Only and a Board Order of Arrest shall issue and be entered on NCIC for return of the parolee to WDOC custody for revocation proceedings.

MEDICAL PAROLE

I. POLICY

- A. An inmate who meets the general criteria for parole eligibility may be granted a parole for medical reasons in the Board's discretion.
- B. An inmate who is not eligible for a parole under the general criteria for parole eligibility, other than one sentenced to death or life without parole, may be granted a parole pursuant to criteria set forth in paragraphs II A through E of this policy and procedure.
- C. If the Board finds that a parole would be appropriate for medical reasons, but the inmate does not meet the criteria for parole eligibility under paragraphs I A or B above, the Board may recommend that the Governor grant a commutation as necessary to achieve parole eligibility.

II. PROCEDURES

- A. Notwithstanding any other provision of law restricting the grant of parole, except for inmates sentenced to death or life imprisonment without parole, the Board may grant a medical parole to any inmate meeting the conditions specified in this section. The Board shall consider a medical parole upon receipt of written certification by a licensed treating physician that, within a reasonable degree of certainty, one (1) of the following circumstances exist:
 - 1. The inmate has a serious incapacitating medical need which requires treatment that cannot reasonably be provided while confined in a state correctional facility;
 - 2. The inmate is incapacitated by age to the extent that deteriorating physical or mental health substantially diminishes the ability of the inmate to provide self-care within the environment of a correctional facility;
 - 3. The inmate is permanently physically incapacitated as the result of an irreversible injury, disease or illness which makes significant physical activity impossible, renders the inmate dependent on permanent medical intervention for survival or confines the inmate to a bed, wheelchair or other assistive device where his mobility is significantly limited; or
 - 4. The inmate suffers from a terminal illness caused by injury or disease which is predicted to result in death within twelve (12) months of the application for parole.
- B. The Board may only grant a medical parole to an otherwise ineligible inmate if it first determines:
 - 1. That, based on a review of all available information, one (1) or more of the conditions specified in paragraph II A 1 through 4 above exist;
 - 2. That the inmate is not likely to abscond or violate the law if released;

3. That living arrangements are in place in the community and sufficient resources are available to meet the inmate's living and medical needs and expenses; and
 4. That the inmate does not have a medical condition that would endanger public health, safety or welfare if the inmate were released, or that the inmate's proposed living arrangements would protect the public health, safety or welfare from any threat of harm the inmate's medical condition may pose.
- C. Upon the Board's request, an independent medical evaluation by a licensed physician shall be conducted, provided to the Board and paid for by the Department.
 - D. The Board shall provide the prosecuting attorney and the sentencing court with prior notice of, and the opportunity to provide input regarding, a medical parole hearing for an inmate who is otherwise ineligible for parole.
 - E. Decisions regarding applications for a medical parole will be made by a two-thirds majority vote of the full membership of the Board. Hearings may be conducted by three members of the Board. Other members required for the decision will review the written evidence and the audio of the hearings before rendering their decisions either telephonically or in writing. The Board's final decision shall be rendered no less than 15 days from the date of the hearing unless tabled for further information.
 - F. In cases of decisions granting medical paroles, the Board shall make all of the findings and determinations required by this policy on the record.
 - G. The Board shall impose terms and conditions of parole as it deems necessary, including but not limited to requiring periodic medical progress reports at intervals of not more than six (6) months, in granting a medical parole. A medical parole may be revoked if the parolee violates a condition of parole or if the medical condition which was the basis for the grant of parole no longer exists or has been ameliorated to the extent that the justification for medical parole no longer exists.
 - H. In the event the Board finds parole is appropriate for medical reasons for an inmate who is not eligible for parole under general criteria and none of the conditions listed in paragraph II A 1 through 4 exists, the Board may recommend a commutation to the Governor as necessary to achieve parole eligibility.

Effective: July 1, 2012
Supersedes: June 25, 2008

PAROLE TO CONSECUTIVE SENTENCE

I. POLICY

- A. Parole to a consecutive sentence is the allowance of an inmate to commence serving a consecutive term of imprisonment prior to the expiration of the maximum date of his/her current sentence or good time release date.
- B. Parole to consecutive sentence is under specific conditions, subject to revocation, and does not operate as a discharge of the inmate.
- C. Should the inmate's consecutive sentence terminate prior to the completion of the period of parole to the consecutive sentence, the inmate shall remain incarcerated and appear before the Board with a parole plan. Once the parole plan has been investigated and approved, the inmate may be released to parole.

II. PROCEDURES

- A. The inmate will be scheduled for an interview by the Board at the first eligible date on the consecutive sentence. The Board may conduct the interview in person, by telephone, or by video conference.
- B. The institution shall submit a parole summary to the Board with a recommendation relative to parole to consecutive sentence.
- C. If the Board agrees to parole to the consecutive sentence, the inmate will be subject to the following conditions:
 - 1. Continued participation in recommended programs and proper and/or helpful attitude, conduct and/or behavior;
 - 2. Adherence to the rules of the institution.
- D. WDOC will compute his/her parole eligibility date on the next sentence and the inmate will be scheduled for a hearing at the appropriate time.
- E. At the scheduled hearing, the institution shall submit a parole summary with a parole plan.
- F. The Board will review the parole plan and, if approved, will set the terms and conditions of parole on both sentences if appropriate, or only one if the other(s) have expired.

PAROLE IN ABSENTIA

I. POLICY

When a Wyoming inmate is serving his/her sentence in another state's prison the Board may approve a parole plan for the inmate without his/her personal appearance before the Wyoming Board of Parole.

II. PROCEDURES

- A. WDOC shall inform Board staff of the minimum parole eligibility date and so notify the appropriate authorities of the state where the inmate is incarcerated.
- B. Within 180 days of the minimum release date, the WDOC staff will request a progress report and a recommendation from the appropriate authorities of the state holding the inmate, including a parole recommendation when appropriate.
- C. When the progress report is received the WDOC staff shall include the information in the parole summary for consideration by the Board.
- D. Consistent with the Board calendar, a conference call hearing, or video conference, will be held by the Board for those inmates incarcerated out of state.
- E. If the Board grants parole and establishes terms and conditions, the Board staff will facilitate the transmission of the document to the state where the inmate is incarcerated and ask that necessary written consent to terms and conditions be obtained from the inmate.

PAROLE GRANT MODIFICATIONS

I. POLICY

The Board may modify the parole grant and agreement.

II. PROCEDURE

- A. When the WDOC submits a recommendation to modify conditions of parole, Board staff may schedule the case as an administrative special.
- B. In lieu of personal appearance, a Cooperative Case Report may be submitted along with the parolee's written consent to such modification. In exigent circumstances, Board staff may obtain concurrence of two members outside of a hearing to approve modifications.
- C. In lieu of formal revocation procedure, WDOC may utilize this process to bring necessary information of a parolee's non-compliance with parole supervision to the Board's attention to obtain the Board's direction and authorization for further actions and conditions.
- D. The Board may specify on the parole on arrangement form and the parole grant and agreement form that the Agent is authorized to impose any programming deemed necessary as a condition of parole.
- E. The Board may impose modifications to conditions or may add conditions during the parole without the consent of the parolee.
- F. Written notice of modifications or additions of conditions by the Board or Agents will be provided to the parolee and the parolee will be required to sign indicating understanding of and agreement to the same. A parolee's refusal to agree or comply with modifications or addition of conditions imposed by the Agent or the Board during the parole shall constitute a violation of the parole and grounds for revocation.

JAIL AND ACC SANCTIONS FOR NON-ISP PAROLEES

I. POLICY

The Board supports the use of Jail and ACC Sanctions by agents as an alternative to revocations in cases of violations by non-ISP parolees, but retains the authority to deny agents' requests for such sanctions.

II. PROCEDURES

- A. Agents who elect to pursue up to a thirty (30) day jail sanction or up to a sixty (60) day ACC sanction in lieu of initiating revocations shall submit a violation report to Board staff. The violation report will include details of the violation which is grounds for the sanction, a history of previous jail or ACC sanctions which have been imposed in that case, and the sanction which is being recommended.
- B. Board staff will transmit the violation report to any one member of the Board to approve or deny the recommended sanction.
- C. The member will render a decision to Board staff within twenty-four (24) hours of receipt of the violation report. Staff will forward that decision to the Agent.
- D. If no decision is received after twenty-four (24) hours of receipt of a recommended jail sanction, the agent may proceed with the jail sanction action in accordance with WDOC procedures.
- E. Agents may not proceed with an ACC sanction without Board approval. Approval by a Board member must include a finding that the individual does not pose a risk of violence or escape and constitutes authority for the agent to pursue the ACC sanction in accordance with WDOC procedures.
- F. If a member denies a recommended sanction, he/she may recommend an alternative response to the violation such as a lesser sanction or initiation of a revocation action.
- G. Agents may utilize jail sanctions pursuant to this policy for parolees at ACCs as an alternative to program termination and revocation.
- H. Violations used as grounds for jail and ACC sanctions under this policy may not be used as grounds for subsequent revocation actions.
- I. Time spent serving jail or ACC sanctions is not street time and must be credited as incarceration time in the event of a subsequent revocation.
- J. Jail and ACC sanctions for ISP parolees are governed solely by WDOC policy and procedure and are not subject to Board approved/denial authority.

Effective: July 1, 2010
Supersedes:

REVOCATION OF PAROLE

I. POLICY

The Board shall conduct revocation proceedings upon initiation by WDOC Agents, Interstate Compact Authorities or the Chairperson of the Board. Proceedings will be governed by consideration of public safety and offender rehabilitation and will be conducted in compliance with governing laws.

II. PROCEDURES

A. Issuance of Orders of Arrest (OOA)

1. Board staff shall issue an OOA to secure a parolee's return to custody for revocation proceedings using the Chairperson's signature stamp, with written standing authority of the Chairperson, under the following circumstances, unless the Chairperson authorizes self-reporting:
 - a. After probable cause of a violation(s) is found at a preliminary hearing.
 - b. After a preliminary hearing is waived by the parolee.
 - c. Upon receipt of an agent's written report alleging that a parolee has absconded and cannot be apprehended pursuant to the agent's arrest authority.
 - d. Upon information that a parolee has been apprehended in another state where he/she is not authorized to be.
 - e. Upon information that a parolee has been convicted of committing a felony while on parole.
 - f. Upon request of another state pursuant to the Interstate Compact for Adult Offender Supervision (ICAOS) when mandated by ICAOS Rules.
 - g. Upon request of a panel initiating a revocation action for non-payment of restitution.
2. Board staff shall issue an OOA to secure a parolee's return to custody for revocation proceedings with express authority of the Chairperson when:
 - a. Requested by any member of the Board.
 - b. Requested by another state pursuant to ICAOS where an OOA is not mandated by ICAOS Rules.
3. OOAs will be entered on NCIC when:
 - a. The parolee is out of state.
 - b. The parolee has absconded and whereabouts are unknown.
 - c. In-state officials refuse to arrest or detain the parolee unless

the NCIC entry is made.

4. Service of preliminary hearing papers or the issuance of an OOA prior to the expiration of a parole period is considered an initiation of the parole revocation process and tolls the expiration of the parole period until the board makes a final disposition. However, a parolee may not be detained longer than the time remaining on the sentence at the time of arrest less good time awards plus the street time. The Executive Director or his designee may dismiss a pending revocation case and quash the OOA if further detention will result in illegal incarceration.
5. The Chairperson may dismiss a pending revocation case and quash an OOA at any time when it is deemed to be in the best interest of the public.

B. Preliminary Hearings

1. Preliminary hearings will be afforded to parolees in order to establish probable cause for a final revocation hearing except that they are not required where the violation consists of a felony conviction.
2. In-State Parolees
 - a. Agents may initiate a preliminary hearing by requesting setting of a hearing date by Board staff and service of a petition for preliminary hearing on the parolee. Preliminary hearings shall be set as soon as practicably possible, but no sooner than 48 hours, after service of the petition.
 - b. The Agent may use arrest and hold authority to have the parolee detained pending the preliminary hearing if deemed necessary.
 - c. The agent sends the petition for preliminary hearing, along with all evidence, to the Board hearing officer prior to the hearing, and informs the Board if the hearing is waived.
 - d. The Board hearing officer shall conduct the preliminary hearing with the parolee and the agent as petitioner either in person or telephonically. The hearing shall be conducted in accordance with the following guidelines:
 - i. The hearing shall be informal;
 - ii. The parolee shall be given written notice of the hearing;
 - iii. Notice shall set forth the alleged violation of condition of parole;
 - iv. The parolee shall be entitled to confront witnesses at the hearing unless, in the opinion of the hearing officer, to do so would be dangerous to the witness;
 - v. The parolee is entitled to hear and know evidence against him/her and to cross examine witnesses;

- vi. The parolee can produce evidence in his/her behalf and may testify in his/her behalf or remain silent;
 - vii. The parolee may be represented by retained counsel, or an attorney may be appointed when a timely and plausible claim is made that the alleged violation(s) did not occur and or a timely and plausible claim is made that there are substantial reasons which justified or mitigated the violation, and those reasons are so complex or difficult to develop that counsel is needed to present them.
 - viii. The hearing officer will make a summary of the proceedings and his/her decision as to whether probable cause exists that leads him/her to believe that conditions of parole have been violated;
 - ix. Probable cause is defined as the state of facts which would lead a person of ordinary caution or prudence to believe and conscientiously entertain a strong suspicion of an individual's violation of the terms of parole or conditional release. It is a determination that the allegations of the violations are not frivolous, but present a substantial and easily recognizable question which is worthy of consideration by the parole board.
 - x. If probable cause is found not to exist, the parolee shall be released and continued on parole;
 - xi. If probable cause is determined to exist, or if the preliminary hearing is waived, the hearing officer's recommendations may include any one of the following:
 - 1. A recommendation that revocation proceedings be dismissed, along with any recommended modifications of conditions of parole. Upon approval of the Chairperson or of two of the granting Board members, the revocation proceedings shall be dismissed and conditions modified.
 - 2. A recommendation that revocation be considered by the Board. In such case, staff shall schedule the case for a final hearing before the Board.
 - 3. If consideration of revocation is recommended, the hearing officer may recommend to the Chairperson that the parolee be allowed to self-report to the final hearing.
- e. After the preliminary hearing has been conducted or waived, the agent shall submit a cooperative case report to the Board providing details of the violation(s), a summary of the parolee's overall performance on parole, a description of intermediate interventions which were employed to address violation(s) as they occurred and the agent's recommendations regarding re-incarceration or re-parole and street time and good time

awards if applicable.

3. Interstate Compact for Adult Offender Supervision (ICAOS) Parolees
 - a. Orders of Arrest for paroles being supervised in another state pursuant to ICAOS may be issued at the discretion of the Chairperson based on the supervising state's request or based on information of alleged violations unless mandated by ICAOS Rules.
 - b. The supervising state will be requested to conduct a preliminary hearing before the parolee's return to Wyoming, and such hearing will have the same standing and effect as a hearing conducted in Wyoming.
 - c. If the parolee is returned to Wyoming before a preliminary hearing is conducted, the Board hearing officer shall conduct a preliminary hearing with the Wyoming ICAOS administrator or designee as petitioner.

4. Absconders

When absconders are apprehended it is the responsibility of the agent who was supervising at the time of the absconscion to set the matter for a preliminary hearing.

- C. Revocation Hearing

1. Final revocation hearings will be conducted by the Board at WDOC facilities within a reasonable time after the preliminary hearing, or waiver thereof, to determine whether or not violations occurred, whether or not to revoke parole, whether or not to credit street time or award parole good time, and whether or not to grant a re-parole.
2. The standard of proof for finding a violation of a parole condition is a preponderance of the evidence.
3. The parolee may admit to the alleged violation(s), in which case an evidentiary hearing to determine guilt will not be conducted but a hearing will still be afforded to determine disposition of the matter.
4. Upon revocation, no credit will be given against the sentence for time spent on parole other than time spent in detention unless otherwise ordered by the Board. Time spent pending or serving a new sentence after the OOA issued, making the parolee unavailable for return to a WDOC facility for revocation proceedings, will not be credited unless ordered by the Board.
5. The following procedures are required in final parole hearings:

- a. Written notice of the revocation hearing will be provided to the parolee prior to the hearing by the WDOC through transmittal from Board staff, which will set forth the purpose of the hearing and the alleged violation(s) of parole.
 - b. The parolee shall be entitled to confront witnesses at the hearing unless, in the opinion of the hearing officer, to do so would be dangerous to the witness.
 - c. The parolee is entitled to hear and know evidence against him/her and to cross-examine witnesses, and may produce evidence in his/her behalf and may testify in his/her behalf or remain silent.
 - d. The parolee may obtain legal counsel at his/her expense, or an attorney may be appointed if a timely plausible claim is made that the alleged violation(s) did not occur, and/or a timely and plausible claim is made that there are substantial reasons which justified or mitigated the violation, and those reasons are so complex or difficult to develop that counsel is needed to present them.
 - e. A written decision of the Board will be rendered within fifteen (15) days of the conclusion of the hearing and a copy of the decision will be provided to the parolee and to WDOC.
6. The Chairperson of the hearing panel will perform the following tasks:
- a. Conduct the hearing.
 - b. Administer oaths and affirmations.
 - c. Explain the process to be followed during the hearing.
 - d. Rule on all procedural matters, objections, and motions.
 - e. Rule on offers of proof and receive relevant evidence.
 - f. Question witnesses.
 - g. Permit the other panel members to question witnesses.
7. The Board will consider, but it is not limited to, the following factors in determining credit for street time and awards or removal of parole good time credit:
- d. The field agent's recommendations.
 - e. Time on parole before violation(s) occurred.
 - f. Length of employment history while on parole.
 - g. Community and family support systems.
 - h. Participation in treatment/counseling programs while on parole.
 - i. Number of violations while on parole.
 - j. Seriousness of the violation(s) and seriousness of the offense for which the parolee was initially sentenced.
8. The Board may reconsider decisions made at revocation hearings giving less than full credit for street time. Requests for reconsideration of street time credit may only be considered by a panel of the Board at an inmate's regularly scheduled hearing or at a

special hearing when requested by the Warden or Program Director pursuant to the Board's Special Hearings Policy and Procedure. Street time decisions will not be reconsidered for individuals who are currently on parole.

9. In the event a waiver is received, the waiver shall be entered into the record along with the admission and findings of the Board.

RESTORATION OF VOTING RIGHTS FOR NON-VIOLENT OFFENDERS

I. POLICY

- A. The Board will review applications for restoration of voting rights to convicted felons. Voting rights will be restored to persons convicted of a non-violent felony or non-violent felonies arising out of the same occurrence or related course of events, providing the applicant has not been convicted of any other felonies other than the conviction(s) arising from the same occurrence for which restoration of rights is being sought and not less than five (5) years have elapsed since expiration of the sentence(s).
- B. Applications will be presented to a panel of the Board for review, with staff recommendations. The Board member(s) will make an initial determination, advising the applicant of the decision and of the right to a hearing to contest a denial.
- C. Following a contested case hearing or waiver of the hearing, the decision rendered by the Board shall be deemed a final administrative determination and is not subject to judicial review.

II. PROCEDURES

- A. The Board's staff will review applications and will conduct a criminal background check through the Wyoming Division of Criminal Investigation.
- B. Applications will be forwarded to the Board for an initial determination.
- C. The Board's Chairperson will issue a signed certificate restoring voting rights to the approved applicant if an application is approved.
- D. The Board's staff will notify the office of the Secretary of State of the name and address of any applicant having his/her voting privileges restored by the Board.
- E. When an application is denied, the Board will notify the applicant, in writing, listing the reasons the application was denied and advising of the right to a contested case hearing.
- F. If the applicant contests the decision, the case shall be scheduled for a contested case hearing, conducted pursuant to the Administrative Procedures Act, before the Board within ninety (90) days.

Effective: September 25, 2007
Supersedes: February 16, 2005