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PROFILES IN PAROLE RELEASE AND REVOCATION:

Examining the Legal Framework in the United States

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Wyoming

By

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CONTENTS

1. Background; Sentencing System

a. Sentencing Framework	3
b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?	3
c. Which Agencies Are Responsible for the Supervision of Released Prisoners?.....	3
d. Which Agency Has Authority Over Parole Revocation?.....	3

2. Parole Release and Other Prison-Release Mechanisms

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System	3
b. Good Time, Earned Time, and Other Discounts.....	4
c. Principles and Criteria for Parole Release Decisions.....	4
d. Parole Release Guidelines.....	4
e. Risk and Needs Assessment Tools	5
f. Medical or Compassionate Release.....	5
g. Executive Clemency Power	5
h. Emergency Release for Prison Crowding	5

3. Parole Release Hearing Process

a. Format of Release Hearings.....	6
b. Information Before the Board; Factors the Board May Consider	6
c. Prisoners' Procedural Rights.....	6
d. Victims and Other Participants	6
e. Burden of Proof or Standards of Persuasion.....	7
f. Possible Outcomes at Parole Release Hearings; Form of Decisions	7
g. Administrative or Judicial Review of Parole Denial.....	7
h. Rescission of Parole Release Dates.....	8

4. Supervision Practices

a. Purposes of Supervision.....	8
b. Are All or Only Some Releasees Placed on Supervision?	8
c. Length of Supervision Term.....	8
d. Conditions of Supervision.....	9
e. Fees and Other Financial Sanctions	9

CONTENTS

5. Parole Revocation

a. Principles and Criteria of “When to Revoke”	10
b. Revocation Guidelines.....	10
c. Risk and Needs Assessment Tools	10
d. Preliminary and Final Revocation Procedures.....	11
e. Offenders’ Procedural Rights	11
f. Victims and Other Participants.....	11
g. Burden of Proof or Standards of Persuasion.....	12
h. Revocation and Other Sanctions	12
i. Issuing Parole Revocation Decisions.....	12
j. Administrative or Judicial Review of Parole Revocation Decisions.....	12
k. Re-Release Following Revocation	12

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction.....	12
b. Location in Government	12
c. Purpose (Vision/Principles/Rationale)	12
d. Appointment and Qualifications of Board Members.....	13
e. Tenure of Board Members, Ease of Removal.....	13
f. Training and Continuing Education	13
g. Workload	13
h. Reporting and Accountability of Parole Board	13

End Notes.....	14
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1. Background; Sentencing System

a. Sentencing Framework

The first agency responsible for prison release in Wyoming was the Board of Charities and Reform, established in 1889 under the state's constitution.¹ In 1947, the role shifted to the Board of Pardons, which was comprised of five elected officials: the governor, the secretary of state, the state auditor, the state treasurer, and the state superintendent of public instruction.² The Wyoming legislature created the Board of Parole in 1971. This parole board has existed in its current form since 2003, and has assumed the functions of the pardons board in addition to granting paroles.³

Felony offenders receive indeterminate sentences.⁴ There are no sentencing guidelines. However, Wyoming has instituted mandatory minimum sentences for some crimes⁵ as well as a habitual offender/"three-strikes" law.⁶

b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?

Yes, the Wyoming Board of Parole.⁷

<https://sites.google.com/a/wyo.gov/bop/home>

c. Which Agencies Are Responsible for the Supervision of Released Prisoners?

The Wyoming Department of Corrections supervises releasees.⁸

<http://corrections.wy.gov/doc/index.html>

d. Which Agency Has Authority Over Parole Revocation?

The Wyoming Board of Parole.⁹

2. Parole Release and Other Prison-Release Mechanisms

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System

General rules of release eligibility. Most felony offenders receive indeterminate sentences that contain a minimum and a maximum term. The maximum term may not be greater than the maximum provided by law, and the minimum term may not be less than the minimum provided by law and may not be more than 90% of the maximum term.¹⁰ Offenders with indeterminate sentences are eligible for parole when the minimum term imposed by the court, minus good time earned, is complete.¹¹

When an inmate begins imprisonment, the Department of Corrections calculates a projected parole eligibility date based on the full potential good time allowance and the minimum sentence. This calculation is not "an award of or entitlement to good time but is merely for administrative purposes."¹²

Inmates who have committed an escape, attempted escape, or assisted others to escape from any institution during a sentence are ineligible for parole on that sentence. Inmates who have committed assault with a deadly weapon on another inmate, an officer, or a staff member during a sentence are also ineligible for parole during that sentence.¹³

Violent offenders and sex offenders. There are no differences in release eligibility timing for those convicted of violent or sexual offenses. However, some repeat violent felony offenders may be convicted as habitual criminals; in that case, they will face a mandatory minimum term of incarceration that (with three or more such felonies) may include life.¹⁴

Life sentences. Inmates sentenced to life can become eligible if they are commuted by the Governor and if their minimum sentence has been served. The Board of Parole ("the Board") can make commutation recommendations to the Governor. The governor can release inmates sentenced to life without parole by pardoning them.¹⁵

Recurring eligibility after denial of release The Board schedules inmates for an annual parole release review after their first appearance, unless they submit a written waiver or refuse to participate.¹⁶

b. Good Time, Earned Time, and Other Discounts

Good time reduces both the minimum and maximum sentence, and wardens may reward good time at a rate not to exceed 15 days per month for each month served. To earn this type of discount, inmates must exhibit a "proper and helpful attitude," which "includes but is not limited to adherence to an individualized case plan, participation in work, education, vocational programs, job training, treatment, or rehabilitative programs as recommended by WDOC, the Board or the sentencing court, and adherence to the rules of the institution. Inmates who exhibit an "especially proper and helpful attitude" may earn up to an additional one month of special good time up to a maximum total reduction of one year.¹⁷

The Department of Corrections and the Board have the authority to remove or withhold good time credits for violations of institutional rules or for refusal to participate in rehabilitative programming while incarcerated.¹⁸ Only the Board has the authority to restore good time.¹⁹

c. Principles and Criteria for Parole Release Decisions

General statutory standard for release decisions. By statute, parole release of eligible inmates is truly at the discretion of the Board. However, the Board has developed several policies that provide guidance to the release decision.

Parole may be granted when in the opinion of the Board there is a reasonable probability that an inmate of a correctional facility can be released without being 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; and it shall not be considered as a decrease in sentence or a pardon.²⁰

In addition, the Board must "recognize and take into account that a sentence is usually imposed by the court for the following purposes: 1. Punishment; 2. Rehabilitation; 3. General Deterrence; 4. Removal from society; and that the minimum sentence imposed reflects the court's judgment as to the appropriate time for the Board to consider a parole."²¹

Statutory factors the board must consider. There are no statutory factors that the Board must consider apart from the basic parole eligibility requirements described above. However, the Board's brochure lists several factors that it purports to use in making release decisions about individual offenders. These include:

- Social background and history;
- Criminal record;
- Facts of the current offense and its continuing impact on victims;
- Institutional behavior and rehabilitative efforts;
- Medical and mental health issues and treatment needs; and
- Suitability of parole plans.²²

In considering these factors, the Board states that "public safety, victim concerns, and treatment and control of the offender are the primary considerations."²³

Special standard for sex/drug offenders. "The Board may require an inmate to apply to and successfully complete a sex offender program, substance abuse treatment program, or any other program deemed appropriate by the Board prior to a parole grant or a release to parole [...]"²⁴

d. Parole Release Guidelines

Parole release guidelines used for most offenders (other than sex offenders). The Board utilizes the Parole Decision Guideline Tool ("PDGT") which was developed in conjunction with the Department of Corrections and Richard Stroker from the Center for Effective Public Policy. However, policymakers have not yet validated this tool.²⁵

The Board calculates PDGT scores using a combination of institutional factors and risk scores. As noted above, these scores come from the Core COMPAS and Reentry COMPAS instruments as well as STATIC 99R and Stable 2007 for sex offenders. The institutional factors provide two additional scores: one for disciplinary incidents and one for case plan progress; these are then added together. The Board members involved in deciding a case can decide how best to weigh the scores presented to them; there are also factors like victim input that are not included in the score but may factor into release decisions.²⁶ A copy of the forms used as part of the PDGT is available as part of the addendum to this report.

Statutory mandate. Though the PDGT has been adopted by the Board, there is no statutory mandate to use parole release guidelines.

Transparency. The Board has recently drafted a handbook for parole board members that contains information about the parole decision guidelines tool and will be made available online.²⁷ A copy of the PDGT is available in the addendum to this report.

e. Risk and Needs Assessment Tools

Risk instruments utilized. Wyoming utilizes the COMPAS risk assessment for all inmates.²⁸ This assessment informs sentencing in the courts, parole release decisions, and supervision requirements in the community.²⁹

Statutory Mandate. There is no statute that requires risk assessment at the parole consideration phase.

Transparency. As noted above, the Board will be making details about risk assessment use in Wyoming available in the form of a parole handbook. The risk assessment score is often shared with the inmate, as is discussed in § 3c of this report.

Sex offenders. For sex offenders, the Board also utilizes the Static 99-R and Stable 2007 risk assessments.³⁰

f. Medical or Compassionate Release

The Board may grant medical parole to any inmate eligible for parole, or to an inmate ineligible for parole that:

- Has a serious incapacitating medical need;
- Is incapacitated by age;
- Is permanently physically incapacitated; or
- Suffers from a terminal illness.³¹

The Board must also determine that the inmate is not likely to abscond or break the law upon release, that living arrangements are in place, and that public health, safety, and welfare would not be compromised. The prosecuting attorney and the sentencing court must be notified and allowed to advise the Board prior to a medical parole decision. A 2/3 majority vote of the full board is required for this method of release. The Board has the power to impose terms and conditions of medical parole, including periodic medical progress reports.³² Medical parole may be revoked if a condition of parole is violated or if the basis for this type of parole no longer exists.³³

The Department of Corrections may grant compassionate leave for shorter periods. This leave may be used to visit family members, attend funerals, interview with employers, or seek medical diagnosis or treatment.³⁴

g. Executive Clemency Power

The Board may make recommendations to the Governor to commute the sentences of inmates other than those sentenced to life without parole.³⁵ The complete offender file, the record of the last hearing, the petition, the panel commutation recommendation form and any input received will be forwarded to the full Board for review.³⁶ Upon a decision by a majority of the members of the full Board to recommend a commutation, the Executive Director or his designee shall forward the Board's recommendation to the Governor. Upon receipt of the Governor's decision, the Executive Director shall inform the inmate and WDOC records of the decision. Upon denial of a recommended commutation by the Governor, the Board cannot make another recommendation in that case for five years or until a new Governor is elected, whichever is sooner, "unless extraordinary circumstances are presented which merit an earlier recommendation."³⁷

Factors which the Board may consider regarding possible commutation recommendations include the nature and seriousness of the crime, the sentence imposed, the offender's behavior in prison, evidence of remorse, age, medical condition, and risk and needs assessments.³⁸

h. Emergency Release for Prison Crowding

There are no statutory provisions for emergency prison population reduction.

3. Parole Release Hearing Process

a. Format of Release Hearings

Inmates serving sentences shorter than three years receive their first hearing in the quarter immediately before the quarter in which they will complete their minimum sentences, making them eligible for parole, and, if denied, can appear during the same quarter in future years. If an inmate is serving a sentence between 3 and 15 years, their first hearing is scheduled a year and a quarter prior to parole eligibility. Finally, if an inmate is serving over 15 years, their first hearing is scheduled three years prior to parole eligibility. When eligible, an inmate will first be interviewed in person, by telephone or by video conference, unless he/she refuses to be interviewed, or has submitted a written waiver. Parole will not be granted to an inmate who refuses to be interviewed. In “exigent circumstances,” inmate interviews may be conducted by one or more members of the board, but are normally conducted by a panel.³⁹

Hearings are then conducted by a three Board member panel, the Board Secretary, and the Deputy Director. Also present are the inmate, the inmate’s caseworker, and any inmate support persons. The Board of Parole limits the attendees to the following:⁴⁰

- 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 – the caseworker presenting the 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.

Prior to the hearings, all Board members review all file materials on each inmate they will interview, including reports from the Department of Corrections on the crime, criminal and family history, assessed risks and needs, institutional adjustment and behavior, victim input and parole plans. A decision by the majority of a hearing panel is considered to be a decision by the Board.⁴¹

b. Information Before the Board; Factors the Board May Consider

In each case, the hearing panel shall consider all material received, the testimony of the inmate and supporters, victims, case workers and counselors. As mentioned above, the panel then decides whether the inmate will be paroled or spend another year in prison.⁴²

An inmate is required to complete and submit a parole plan prior to the hearing. Required information includes the inmate’s plan for community housing, employment, programming, treatment and medical and mental health care.⁴³

c. Prisoners’ Procedural Rights

The inmate may request the presence of family, friends, and/or an attorney at the hearing. “Inmates are required to appear personally and phone or tele-video appearances are not permitted, except as determined in advance by the Board Chairman or his/her designee” in rare circumstances. Those present are allowed to provide relevant information. “Statements are not to be taken under oath and are not subject to cross-examination.” The hearing panel members may ask questions as necessary to their determination.⁴⁴

Inmates are not automatically provided access to the information the Board considers, but may gain such access by requesting it through the DOC or through an attorney.⁴⁵ Inmates are generally provided with their COMPAS scores, and specific questions can be reviewed by the inmate for accuracy.⁴⁶

d. Victims and Other Participants

No person shall be granted a parole until the board makes a reasonable effort to notify victims who have registered to receive notification of the hearing, and provides a reasonable opportunity for the victim(s) to provide written comments to the board relative to the parole.⁴⁷ Any person victimized by an offender who has been sentenced to incarceration in the Department of Corrections is eligible to receive information and notification from the Board regarding the offender’s parole status, per the Wyoming Crime Victim Bill of Rights.⁴⁸

Certified victims are provided the opportunity to meet with the Board at a separate location before the Board interviews the offender.⁴⁹ Certified victims who request

notification will be given the opportunity to provide input via personal appearance, teleconference, videoconference (if available), or alternatively, provide written comments, or submit a recording.⁵⁰

Victims are offered the opportunity to address the following issues for the Board's consideration:

- 1) The continuing nature and extent of any physical, psychological, or emotional harm or trauma suffered;
- 2) The extent of any loss of earnings or ability to work suffered by the victim;
- 3) The continuing effect of the crime upon the victim and his/her family;
- 4) Any threats or reprisals from the offender or his/her family;
- 5) The request and reasoning for a no contact order or other special conditions;
- 6) Hearing deferral for ineligible inmates due to continuing emotional harm upon the victim.⁵¹

Key witnesses, prosecutors, victim witness coordinators and advocates who have participated in the criminal prosecution shall be offered the opportunity to be informed in writing by the Board about any decision to grant parole and any conditions of supervision that are imposed.⁵² 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.⁵³ At the parole hearing, Department of Corrections "case-workers inform the Board about their views of the inmate's institutional performance and readiness for parole."⁵⁴

The Board publishes its hearing schedules on its official website.⁵⁵ Projected parole eligibility, release and discharge dates pertaining to specific offenders can be obtained by calling the Department of Corrections Central Office or directly contacting a specific institution or parole office, if the location where an offender is incarcerated or under supervision is known.⁵⁶ However, parole hearings conducted by the Board are in executive session and are not open to the public.⁵⁷

e. Burdens of Proof or Standards of Persuasion for Release

The Board does not specify an evidentiary standard for its release decision-making.

f. Possible Outcomes at Parole Release Hearings; Form of Decisions

After the interview, the hearing panel will render its decision and notify the inmate of the decision. In the event parole is denied, the reason(s) for the denial are provided.⁵⁸ If parole is granted, an inmate will not be released from an institution until a parole grant and agreement has been signed by and served upon the inmate.⁵⁹ There are several alternatives that the Board may consider in certain cases. It may:

- Require an inmate to apply to and successfully complete a sex offender program, substance abuse treatment program, or any other program it deems appropriate prior to a parole grant or a release to parole and/or as a parole condition.
- Parole an inmate to or upon completion of an adult community correctional facility program after first making a determination that the inmate poses a low risk of escape or violence. The inmate must agree in writing to abide by the regulations of the program provider and any other conditions imposed by the Board or Department of Corrections.
- Parole an inmate to the Intensive Supervision Program (ISP), a court supervised treatment program, the Sex Offender Management Program, the Shared Living Arrangements Program or any other community program or housing facility deemed appropriate.
- Parole an inmate to begin serving a consecutive sentence, provided that such a parole does not operate as a release from incarceration, and only allows the consecutive sentence to begin running concurrently with the parole sentence, unless the consecutive sentence is one of probation.⁶⁰

g. Administrative or Judicial Review of Parole Denial

The conduct of the Board's hearings and its final decisions are specifically exempt from all provisions of the Wyoming Administrative Procedure Act including the provisions for judicial review.⁶¹ However, federal courts in Wyoming have reviewed some Board activities through habeas corpus or federal civil rights statutes. For example, in *Seavolt v. Escamilla*, the Tenth Circuit held that Wyoming's parole statute did not give rise to a legitimate expectation of release and thus did not give rise to a liberty interest protected by due process.⁶² In *Buckham v. Hargett*, the U.S. District Court for the District of Wyoming considered if a Board policy update on scheduling release hearings violated the constitutional prohibition on *ex post facto* laws and held that the policy was constitutional.⁶³

h. Rescission of Parole Release Dates

Parole is subject to immediate rescission by the Board if any of the following occurs before 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.⁶⁴

If any incident that merits a recommendation for rescission occurs, the DOC staff must notify the Board. The Executive Director will then place a hold on parole release and notify the inmate of the potential for rescission. The inmate has a right to submit a statement or documents to the Board within ten days of receiving this notice. The Board members (or the Chairman if no quorum is available) will then vote on whether or not to rescind parole.⁶⁵

4. Supervision Practices

Parole supervision rate. On December 31, 2015, there were 812 individuals on parole in Wyoming, for a rate of 181 parolees per 100,000 adult residents. This is lower than the 50-state average of 304 per 100,000 adult residents.⁶⁶

a. Purposes of Supervision

The Department of Corrections has addressed the issue of reentry and release planning noting that:

[R]eentry is the release planning process all offenders will go through and includes the continuation of services from the institution to the community. The goal of reentry is to increase public safety and reduce recidivism by developing a release plan that best fits the offender's needs. [...] Release planning includes several aspects such as treatment, housing, supervision, employment, education, health care, and other services. This includes additional release consultation, referrals, assistance with barriers to successful community transition, and additional case planning to address special needs and the individual's risk.⁶⁷

The agency claims that "addressing the offender's needs through programming and services while in the institution and continuing these services upon release will enhance the offender's likelihood of success."⁶⁸

b. Are All or Only Some Releasees Placed on Supervision?

The Board initially places all parolees on supervision. However, "when it appears that no useful purpose will be served by continuing a parolee under active supervision, the Board may grant a release from supervision subject to conditions."⁶⁹ Agents may make a recommendation for unsupervised parole at any time they find it appropriate.⁷⁰

c. Length of Supervision Term

Maximum supervision terms. Successful parolees are discharged from parole when they complete their maximum sentences, minus their good time. The court imposing the sentence will establish a maximum term within the statutory range.⁷¹

Early termination. Parolees may be eligible for early termination of supervision based upon the analysis of a number of factors, including their:

- history of parole violations;
- compliance with conditions/treatment programs;
- stability of employment/residence;
- status of monetary obligations;
- risk assessments/likelihood of relapse/recidivism; and,
- other relevant factors unique to them.⁷²

A special report will be prepared and submitted by the supervising agent detailing the reasons for a recommendation for unsupervised parole status. Board staff will present the case at an administrative special hearing and will provide the hearing panel with complete file materials, including the latest parole summary and all available assessment information. Department of Corrections agents will no longer actively supervise the parolee, but the parolee shall remain under the legal custody of the Board of Parole until the expiration of the sentence already fixed or until otherwise discharged.⁷³

Extension of supervision term. While it does not appear that the Board can extend the parole supervision term, it can remove any awarded good time allowance for failure to comply with the conditions of parole.⁷⁴

Incentives; "goal parole" If a parolee complies with the conditions of parole, the Board may award parole good time for each month served on parole. Parole good time may be awarded to a parolee in an amount not to exceed twenty (20) days per month for each month served on parole, which awards shall reduce the maximum sentence of the parolee.⁷⁵ The award of parolee good time may reduce the period of parole by up to 40%.⁷⁶

d. Conditions of Supervision

There is sparse statutory guidance about what parole conditions in Wyoming should include. By statute, “the Board shall fix the terms and conditions it deems proper to govern the conduct of the parolee while the parole is in effect. The terms and conditions may be special in each case or they may be governed by general rules and regulations of the board, or both.”⁷⁷ Also, parolees may be required to participate in chemical dependency treatment programs.⁷⁸ The payment of restitution and other financial sanctions, discussed below, is also a mandatory condition of parole.⁷⁹

According to the Board’s website, the typical conditions of supervision include “compliance with all laws, regular reporting to an Agent, abstinence from alcohol and drugs, urinalysis and breath testing, engagement in treatment programs, payment of restitution and other costs imposed by the Board [...] and other specific conditions in specific cases.”⁸⁰

There is little state-level case law on which conditions of parole are considered inappropriate or are constitutionally invalid.

Sex offenders. Sex offenders may be required to adhere to “special conditions” of parole. These conditions include the monitoring of telephone and internet usage, no possession of any kind of pornography, restrictions on travel and on loitering in certain locations, and taking a sex offender assessment paid for by the parolee. A full list of sex offender conditions can be found as an addendum to this draft.

Modification of conditions. The Board may impose modifications to conditions or may add conditions during the term of parole without the consent of the parolee. Written notice of modifications or additions of conditions by the Board or parole agents will be provided to the parolee who is required to sign indicating an understanding of and an 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 period of parole shall constitute a violation and grounds for revocation.⁸¹

If the Department of Corrections submits a recommendation to modify parole, the staff may schedule the case to be heard by the Board or submit the recommendation to the board members who initially granted parole. In exigent circumstances, Board staff may obtain approval from the Board Chairperson to modify the conditions of parole. Board staff may also forward modification requests submitted by inmates to a panel of the Board, if approved by the Executive or Deputy Director. Finally, the Executive Director may refer cases without an external request as deemed appropriate in his/her discretion.⁸²

Incentives; lighter conditions. Along with graduated punishments, the Department of Corrections has instituted a series of incentives for good behavior while on parole. These are part of the PRISM matrix described more extensively below, and include reducing supervision or contact, allowing alternative living arrangements, awarding parole good time, or issuing verbal praise.⁸³ In addition, early termination of parole supervision may be a result of good behavior.⁸⁴

e. Fees and Other Financial Sanctions

Parole supervision fees. Parolees may be required to pay the cost or partial cost of supervision if they are required to participate in the intensive supervision program.⁸⁵ However, the Board must first find that the parolee is reasonably capable of making the payments, taking into account physical and mental health, age, education, employment circumstances, potential for employment or vocational training, family circumstances, and general financial condition.⁸⁶

Payments for drug and alcohol testing and treatment. Parolees may be required to pay the cost or partial cost of any evaluations, treatments, services, programs, or assistance received while on parole. As with supervision fees, the Board must find that the parolee is reasonably capable of making the payments.⁸⁷

Restitution. Restitution will be included as a condition of parole, if the original sentence order requires restitution and specifies a dollar amount.⁸⁸ The condition can be waived if it will be an undue hardship on the parolee or his family.⁸⁹ Other options to address nonpayment of restitution include modifying the amount of restitution due or revoking parole.⁹⁰ The offender’s obligation continues even if waived as a parole condition, and victims may institute a civil action to recover restitution.⁹¹

Child support. A parolee may be required to support dependents as a condition of parole, again subject to a finding that he or she is reasonably capable of doing so.⁹²

Other financial obligations. Again, based on a parolee’s ability to pay, the board may include parole conditions pertaining to the payment of court ordered fines, reimbursement for the services of court-appointed counsel, or a criminal case surcharge, which can be between \$100 and \$400 depending on the crime.⁹³

Incentives; reduction of economic sanctions. There does not appear to be an incentive system related to economic sanctions. It appears that financial hardship is more likely to trigger a reduction in sanctions than any other factor.

5. Parole Revocation

Parole revocation proceedings. In 2015, there were a total of 26 parolees who were returned to incarceration on a new sentence and 110 parolees whose parole was revoked.⁹⁴

Absconders. There is no reliable figure for how many individuals absconded from parole in 2014; the Bureau of Justice Statistics reports 1 absconder from Wyoming that year.⁹⁵

a. Principles and Criteria of “When to Revoke”

Policy considerations. The Department of Corrections uses a parole violations matrix (the Positive Reinforcements, Incentives, and Sanctions Matrix or “PRISM”) to respond to parolee behavior. This matrix offers several administrative sanctions that parole agents may impose.⁹⁶ In addition, with the Board’s permission, parole agents may use jail or adult community corrections sanctions to respond to parole violations committed by non-intensive supervision parolees. These same agents may also petition the Board to modify parole conditions as a result of violations. The availability of these alternatives may contribute to fewer parole revocations.⁹⁷

As one article about Wyoming parole explains:

Before parole is revoked [...] the agent will have usually exhausted all available options short of revocation in the form of graduated sanctions, including increased monitoring and drug testing, community service, restrictions on personal time such as curfew, or short-term confinement at a jail or half-way house. If the violations are numerous enough or if the parolee’s violation is sufficiently serious, revocation may be the only option.⁹⁸

When they do occur, parole revocation proceedings are “governed by a consideration of public safety and offender rehabilitation.”⁹⁹

Legal predicates. Revocation must result from a violation of the conditions of parole.¹⁰⁰ However, under the parole violation matrix, low- and medium-level violations do not result in revocation.¹⁰¹

Statutorily enumerated factors. There are no statutory factors that must be evaluated in the parole revocation process, apart from those that are part of the hearing process discussed below.

b. Revocation Guidelines

In order to provide the opportunity to address parole violations by means other than returns to prison, the Board of Parole supports use of the PRISM response matrix which provides guidance to parole agents in responding to violations via a system of graduated sanctions. The matrix lists several groups of violations, including those regarding law violations, compliance, weapons, travel and residence restrictions, evaluation and treatment programs, money, employment and school, drugs and alcohol, searches, residence, reporting and contacts, associates, surveillance, and special conditions. The Board also uses the violation matrix in the hearing process to identify revocation cases that should be dismissed and sanctioned by the Department of Corrections instead.¹⁰²

Low-level violations, such as missing a scheduled appointment or failing to pay supervision fees, may result in a verbal reprimand, increased agent contact, community service, increased drug testing, or other mild sanctions. Medium-level violations, such as the deliberate failure to abide by a restitution plan or changing residence without prior approval may result in a written reprimand, increased surveillance, curfew, or other sanctions. High-level violations such as drug possession may result in jail, adult community corrections sanctions, intensive supervision, revocation, or other more severe sanctions.¹⁰³

c. Risk and Needs Assessment Tools

It does not appear that the Board uses risk or needs assessment tools at the revocation phase.

d. Preliminary and Final Revocation Procedures

Arrest or summons. A parole agent can “request a peace officer to arrest any parolee without a warrant if the agent has probable cause to believe the person has violated the conditions of his probation or parole.”¹⁰⁴ However, an agent will only arrest and detain a parolee pending a preliminary hearing if it is necessary. Revocation proceedings can also be initiated by interstate compact authorities or by the Chairperson of the Board.¹⁰⁵

The Board may also order the arrest and return to custody of any parolee who has absconded, been apprehended in another state after travelling there without permission, is subject to a detainer issued by interstate compact authorities, or is detained due to a board panel initiating revocation for failure to pay restitution.¹⁰⁶ “The written order of the board is sufficient warrant for any peace officer to return a parolee to custody.”¹⁰⁷

Preliminary hearing. A preliminary hearing must be held before the Board can issue orders of arrest to detain a parolee until a revocation hearing can be conducted. The revocation process is initiated when a parolee is served preliminary hearing paperwork. The preliminary hearing must be set as soon as practicable, but no more than 48 hours after the service of the petition. The preliminary hearing is informal, and can be conducted either in person or telephonically. This hearing is unnecessary if the parolee waives it, or has been convicted of a felony while on parole.¹⁰⁸

At the end of the hearing, the hearing officer will prepare a summary of the proceeding, inclusive of a decision on whether probable cause exists to believe that the conditions of parole have been violated. In Wyoming, “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.” Furthermore, “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.”¹⁰⁹

If probable cause exists, the hearing officer can recommend that the revocation proceedings be dismissed and that parole conditions be modified. A dismissal and modification requires the approval of the Chairperson or of two board members. The hearing officer can also recommend revocation. The Chairperson has the power to recommend that a parolee be released pending the final hearing, while the hearing officer may make a recommendation that the parolee be allowed to self-report for the hearing.¹¹⁰

Final hearing. Final revocation hearings will be conducted by the Board within a reasonable time after the preliminary hearing to determine if violations occurred, if they should revoke parole, if they should credit street time or award parole good time, and whether to grant a re-parole. Even if a parolee admits to a violation, the Board must still hold a hearing to determine the proper consequences of the violation.

The Chairperson of the hearing must conduct the proceedings, administer oaths and affirmations, explain the process to be followed, rule on procedural matters, objections, motions, offers of proof and evidence, question witnesses, and permit other panel members to question witnesses.¹¹¹

e. Offenders’ Procedural Rights

Written notice of the revocation hearing must be provided to the parolee before the hearing which will explain “the purpose of the hearing and the alleged violation(s) of parole.”¹¹³ The parolee is entitled to confront and cross-examine witnesses at the hearing, unless the hearing officer determines that doing so would present a substantial present or subsequent danger of harm to the person. Parolees are entitled to hear and know the evidence used against them. They can also offer evidence on their own behalf and can testify or remain silent.¹¹⁴

The parolee may obtain private counsel, 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.¹¹⁵ Note that the Board rarely appoints an attorney for a parolee facing revocation because “in the vast majority of revocation cases, the allegations are not especially difficult or complex, and usually the parolees admit to the violations, permitting the Board to proceed directly to the dispositional phase of the hearing.”¹¹⁶

f. Victims and Other Participants

The Board provides victim interviews upon request.¹¹⁷ Victims have the opportunity to be informed in writing by the Board about “any pending revocation of parole, any associated return to custody, the revocation hearing date” and the disposition that follows revocation proceedings.¹¹⁸

There is also a statutory requirement that the offices of prosecutors, victim witness coordinators and advocates who have participated in the criminal prosecution shall be offered similar opportunities, that is, to be informed in writing by the Board about “any pending revocation of parole, any associated return to custody, the revocation hearing date” and disposition of revocation proceedings.¹¹⁹ The Board may also request additional information such as judicial comments and any other information that may be of assistance in rendering its decisions.¹²⁰

As mentioned previously, revocation hearings conducted by the Board are in executive session and are not open to the public.¹²¹

g. Burdens of Proof or Standards of Persuasion for Revocation

A parole violation must be proven by a preponderance of the evidence.¹²²

h. Revocation and Other Sanctions

The Department of Corrections has established alternative sanctions to parole revocation. Options other than revocation include the modification of conditions, the imposition of administrative sanctions, and short periods of incarceration, and/or other penalties depending on the severity of the violation.¹²³ The Chairperson may dismiss a pending revocation case at any time when it is deemed to be in the best interest of the public, which allows the Department of Corrections to impose less punitive sanctions.¹²⁴

At the end of a revocation hearing, unless otherwise ordered by the board, a parole violator must be returned to custody.¹²⁵

The state's statute also dictates that "[i]n computing the remainder of the sentence to be served by a parole violator, no credit shall be given against his/her original sentence for any portion of the time between his/her release on parole and his/her return to the institution, unless the board directs otherwise."¹²⁶ The Board can determine how much credit for street time and parole good time should be retained by considering the field agent's recommendations, the time on parole before violations occurred, employment while on parole, community and family support systems, participation in programming, and the number and seriousness of parole violations.¹²⁷

i. Issuing Parole Revocation Decisions

Revocation hearings take place each month.¹²⁸ Four Board members constitute a quorum. A decision by a majority of the members of a panel constitutes the decision of the board.¹²⁹

A written decision from the Board will be provided to the parolee within 15 days "of the conclusion of the hearing and a copy of the decision will be provided to the parolee."¹³⁰

j. Administrative or Judicial Review of Parole Revocation Decisions

Revocation decisions may be subject to judicial review. District Courts can inquire into whether Board decisions are supported by evidence, arbitrary, capricious, or an abuse of discretion.¹³¹

k. Re-Release Following Revocation

The Board can order that offenders serve less than the remainder of their original sentence. If this is the case, such offenders may eventually be re-released on parole.¹³²

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction

By statute, the Board may review applications for parole, grant parole, set conditions for supervision, and revoke parole.¹³³

b. Location in Government

The Board has operated as an independent agency since 2003.¹³⁴

c. Purpose (Vision/Principles/Rationale)

"The mission of the Board is to conduct prompt, fair, and 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."¹³⁵

Additionally, policy created by, or implemented by, the Board "recognizes the punishment, deterrent and incapacitation purposes of sentencing in criminal cases." Nonetheless, "those concerns are balanced by the knowledge based on evidence that the majority of inmates will have better long term success if released to a period of community supervision before they finish their sentences rather than finishing their sentences in prison and coming back to the community with no conditions of supervision or support from an agent."¹³⁶ The Board's mission is also shaped by the "belief that offenders should be viewed as human beings who are capable of positive change, that the Board plays an important role in fostering such change and that all offenders should be given a fair chance to benefit from change opportunities."¹³⁷

d. Appointment and Qualifications of Board Members

The Board of Parole consists of seven part-time members appointed by the governor with the advice and consent of the senate.¹³⁸

Qualifications? No more than four members may be of the same political party.¹³⁹

e. Tenure of Board Members, Ease of Removal

The seven board members serve six year terms, and can be re-appointed.¹⁴⁰

f. Training and Continuing Education

New Board members will be provided an orientation regarding their duties and powers, which includes a review of policies and procedures.¹⁴¹

g. Workload

In 2015, there were 61 hearing days. The Board conducted 1121 parole interviews and granted 630 inmates parole.¹⁴² There were 182 revocation hearings, resulting in 95 revocations with re-incarceration.¹⁴³ There were also 79 victim interviews, 100 victim input letters, and 759 initial victim letters sent.¹⁴⁴

h. Reporting and Accountability of Parole Board

The Board produces an Annual Report as required by state law, but it lists limited information related to specific performance goals, rather than general information about how many overall hearings are conducted, etc.¹⁴⁵ There is also some information, including more data on the Board's workload, in the bi-annual Strategic Plan.¹⁴⁶

Some records of the Board are available for public inspection upon request, if there is a justifiable reason for release as determined by the Executive Director of the Board. "Board records involving medical, psychological and sociological data on offenders 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 offender or for public inspection."¹⁴⁷

END NOTES

- ¹ Wyo. Dep't of Corr., *Annual Report FY 2016* at 1 (2016), <https://docs.google.com/a/wyo.gov/viewer?a=v&pid=sites&srcid=d3lvLmdvdnxb2N8Z3g6NmYzZWYxNjhjM2JmN2I5YQ> [Hereinafter *Annual Report*].
- ² Daniel M. Fetsco, *Early Release from Prison in Wyoming: An Overview of Parole in Wyoming and Elsewhere and an Examination of Current and Future Trends*, 11 Wyo. L. Rev. 99, 103 (2011), citing *About Us*, Wyo. Board of Parole, <http://boardofparole.wy.gov/aboutus/History.htm> (last visited Nov. 24, 2010).
- ³ *Id.* at 104; Wyo. Bd. of Parole, *Board of Parole History*, <https://sites.google.com/a/wyo.gov/bop/about-us> (last visited Jul. 13, 2017).
- ⁴ Wyo. Stat. Ann. §§ 6-10-101, 7-13-201.
- ⁵ See, e.g. Wyo. Stat. Ann. § 6-3-301 (imposing a mandatory minimum sentence for aggravated burglary).
- ⁶ Wyo. Stat. Ann. § 6-10-201 (outlining potential sentences for habitual "criminal[s]").
- ⁷ Wyo. Stat. Ann. § 7-13-402(a).
- ⁸ Wyo. Stat. Ann. § 7-13-405.
- ⁹ Wyo. Stat. Ann. § 7-13-402(j).
- ¹⁰ Wyo. Stat. Ann. § 7-13-201. Specific sentences are incorporated into the statutes criminalizing each offense; felonies are not grouped by level as they are in some jurisdictions.
- ¹¹ Wyo. Stat. Ann. § 7-13-402(a).
- ¹² GOV GTA - 0 Wyo. Code R. § 3(d) (LexisNexis).
- ¹³ *Id.*, See also Wyo. Stat. Ann. § 7-13-803-806 (pardon application).
- ¹⁴ Wyo. Stat. Ann. § 6-10-201.
- ¹⁵ Wyo. Stat. Ann. § 6-10-301 (b), (c).
- ¹⁶ Wyo. Bd. of Parole, *Policy and Procedure Manual* at 21 (2017) <https://drive.google.com/file/d/0B40JeCUHCGYGUXJFLWR-WYT10T1k1/view> [hereinafter *Policy Manual*].
- ¹⁷ GOV GTA - 0 Wyo. Code R. § 3(b) (LexisNexis).
- ¹⁸ GOV GTA - 0 Wyo. Code R. § 5 (LexisNexis). Withholding or removal of good time is sometimes called "flattening" in local corrections parlance. See David M. Fetsco, *Early Release from Prison in Wyoming: An Overview of Parole in Wyoming and Elsewhere and an Examination of Current and Future Trends*, 11 Wyo. L. Rev. 99, 107-08 (2011).
- ¹⁹ Correspondence with Daniel Fetsco, Exec. Director, Wyo. Bd. of Parole (Dec. 8, 2016).
- ²⁰ Policy Manual, *supra* note 16 at 35.
- ²¹ *Id.* at 37.
- ²² Wyo. Bd. of Parole, *Brochure*, <https://drive.google.com/file/d/0BxgGvgRMOUrUYmhYOXhFSHd6VDA/edit> (last visited Jul. 13, 2017) [Hereinafter *Parole Brochure*].
- ²³ *Id.*
- ²⁴ Policy Manual, *supra* note 16 at 35-36, 38.
- ²⁵ Correspondence with Daniel Fetsco, Exec. Director, Wyo. Bd. of Parole (Jan. 11, 2016).
- ²⁶ Correspondence with Daniel Fetsco, Exec. Director, Wyo. Bd. of Parole (Jun. 15, 2017).
- ²⁷ Dec. 2016 Correspondence with Daniel Fetsco, *supra* note 19.
- ²⁸ Policy Manual, *supra* note 16. See also Joan Barron, *Parole Board Gets High-Tech Help*, Casper Star Tribune (Sept. 7, 2014) http://trib.com/opinion/columns/barron-parole-board-gets-high-tech-help/article_4f2b86ee-cce8-5560-9671-2e57bb2863b6.html.
- ²⁹ Jan. 2016 Correspondence with Daniel Fetsco, *supra* note 25.
- ³⁰ Policy Manual, *supra* note 16.
- ³¹ Wyo. Stat. Ann. § 7-13-424.
- ³² *Id.*; Policy Manual, *supra* note 16 at 30.
- ³³ Policy Manual, *supra* note 16 at 30. The Board may instead recommend a commutation from the governor if the above requirements are not met by the inmate.
- ³⁴ Wyo. Stat. Ann. § 7-13-701.
- ³⁵ Wyo. Stat. Ann. § 6-10-301(c).
- ³⁶ Policy Manual, *supra* note 16 at 30. The matter will be set for hearing by all seven (7) members of the Board (the full Board).
- ³⁷ *Id.* An inmate may submit a Petition for Commutation Hearing once per five years. Notifications of the proposed action and pending hearing and solicitations of input, if not already sent, will be sent to certified victims, the sentencing court, the prosecutor's office and the WDOC Director.
- ³⁸ *Id.* at 31-32.
- ³⁹ Policy Manual, *supra* note 16 at 22-23.
- ⁴⁰ *Id.* at 20.
- ⁴¹ *Id.*
- ⁴² Wyo. Bd. of Parole, *Strategic Plan 2017-2018* at 2-3 (2016), <https://drive.google.com/file/d/0B40JeCUHCGYG0h3Yl-BLZF9WVU/view> [hereinafter *Strategic Plan*].
- ⁴³ Policy Manual, *supra* note 16 at 40.
- ⁴⁴ *Id.* at 20, 24.
- ⁴⁵ Correspondence with Daniel Fetsco, *supra* note 18.
- ⁴⁶ June 2017 Correspondence with Daniel Fetsco, *supra* note 26.
- ⁴⁷ Wyo. Stat. Ann. §§ 1-40-204(d), 7-13-402(d); see also Wyo. Bd. of Parole, *Victim Services: How to Register*, <https://sites.google.com/a/wyo.gov/bop/victim-services/victimwitness-notification-program#HowToRegister> (last visited Jul. 13, 2017).
- ⁴⁸ Wyo. Stat. Ann. § 1-40-203(b).
- ⁴⁹ Parole Brochure, *supra* note 22.
- ⁵⁰ *Id.* Victim hearings are now sometimes conducted via Skype. See David M. Fetsco, *Early Release from Prison in Wyoming: An Overview of Parole in Wyoming and Elsewhere and an Examination of Current and Future Trends*, 11 Wyo. L. Rev. 99, 104 (2011).
- ⁵¹ Policy Manual, *supra* note 16 at 27.
- ⁵² Wyo. Stat. Ann. § 1-40-204(d)(i).
- ⁵³ Policy Manual, *supra* note 16 at 2.
- ⁵⁴ Strategic Plan, *supra* note 42 at 2.
- ⁵⁵ Wyo. Bd. of Parole, 2017 *Parole Board Hearing Schedule*, <https://sites.google.com/a/wyo.gov/bop/hearing-schedules> (last visited Jul. 13, 2017).
- ⁵⁶ Offender information cannot be released if it could compromise the physical safety of the individual. Requests must be offender specific. The department does not release comprehensive lists of the WDOC inmate/offender population. See Wyo. Dep't of Corr. Pol. 1.009 Release of Information (eff. Feb. 15, 2017), <https://docs.google.com/a/wyo.gov/viewer?a=v&pid=sites&srcid=d3lvLmdvdnxb2N8Z3g6MjMyNWEyMjQxYWVhNDVhMA>.
- ⁵⁷ Policy Manual, *supra* note 16 at 11.
- ⁵⁸ *Id.* at 24.
- ⁵⁹ *Id.* at 38.
- ⁶⁰ *Id.* at 37-38.
- ⁶¹ Wyo. Stat. Ann. § 7-13-402(f).
- ⁶² *Seavolt v. Escamilla*, 17 Fed. Appx. 806 (10th Cir. 2001).
- ⁶³ *Buckham v. Hargett*, No. 14-CV-00196-F (D. Wyo. March 10, 2014).
- ⁶⁴ Policy Manual, *supra* note 16 at 42.
- ⁶⁵ *Id.*
- ⁶⁶ Danielle Kaeble & Thomas P. Bonzcar, Bureau of Justice Statistics, *Probation and Parole in the United States*, 2015 at 21 (Appendix Table 4) (Dec. 2016), <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>.
- ⁶⁷ Wyo. Dep't of Corr., *Offender Reentry and Community Resources*, <http://corrections.wy.gov/services/transition.html> (last visited Jun. 15, 2016).
- ⁶⁸ *Id.*
- ⁶⁹ *Id.*
- ⁷⁰ Policy Manual, *supra* note 16 at 45.
- ⁷¹ Wyo. Stat. Ann. § 7-13-201.
- ⁷² Policy Manual, *supra* note 16 at 45.
- ⁷³ *Id.* at 46.
- ⁷⁴ GOV GTA - 0 Wyo. Code R. § 9 (c) (LexisNexis).
- ⁷⁵ GOV GTA - 0 Wyo. Code R. § 8 (b) (LexisNexis).
- ⁷⁶ Parole Brochure, *supra* note 22.
- ⁷⁷ Wyo. Stat. Ann. § 7-13-402.
- ⁷⁸ Wyo. Stat. Ann. § 7-13-1615. Common institutions and programs that the inmates can parole to are: i) Adult Community Corrections Facility (ACC) - Casper, Cheyenne, Gillette; ii) Intensive Supervision Program (ISP); iii) Intensive Treatment

END NOTES

- Unit (ITU)- WSP and WWC facilities; and iv) Parolee Residential Treatment Program (PRTT). Wyo. Bd. of Parole, *Institutions and Parole Program Options*, <https://sites.google.com/a/wyo.gov/bop/institutions-and-programs/institutions-and-parole-program-options> (last visited Jul. 13, 2017).
- ⁷⁹ Wyo. Stat. Ann. § 7-13-421. However, “if the board finds the parolee is not reasonably capable of making the payments . . . the board may modify the amount of restitution to be paid.” *Id.*
- ⁸⁰ Wyo. Bd. of Parole, *Parole Supervision*, <https://sites.google.com/a/wyo.gov/bop/faq#TOC-Parole-Supervision> (last visited Jul. 13, 2017).
- ⁸¹ *Id.*
- ⁸² *Id.*
- ⁸³ See Wyo. Dep’t of Corr., *PRISM Violation Grid*, http://www.intrastatecompact.org/Portals/0/library/statefiles/WY/WY_Violation_Grid.pdf (last visited Jul. 13, 2017) [Hereinafter *PRISM Grid*].
- ⁸⁴ See Policy Manual, *supra* note 16 at 45.
- ⁸⁵ Wyo. Stat. Ann. §§ 7-13-421(h)(iv), 7-13-1102.
- ⁸⁶ Wyo. Stat. Ann. §§ 7-13-421(h), 7-9-106(a)(iii).
- ⁸⁷ Wyo. Stat. Ann. § 7-13-421(h).
- ⁸⁸ *Helmlinger v. State*, 855 P.2d 363, 365 (Wyo. 1993) (“This statute specifically contemplates that the sentencing court will make an order for restitution, and the Board of Parole will enforce that order unless the Board determines the parolee is not reasonably capable of making the payments.”).
- ⁸⁹ Wyo. Stat. Ann. § 7-13-421(d); Policy Manual, *supra* note 16 at 43 (“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.”).
- ⁹⁰ Wyo. Stat. Ann. § 7-13-421 (a) (“The board may modify the amount of restitution to be paid, taking into account the factors enumerated in W.S. 7-9-106.”; Wyo. Stat. Ann. § 7-13-402 (j) (“The board may order the arrest and return to the custody of the department of any parolee who has absconded from supervision, been charged with or convicted of a crime while on parole or committed an alleged violation of parole.”).
- ⁹¹ Wyo. Stat. Ann. § 7-13-421 (a) – (g).
- ⁹² Wyo. Stat. Ann. § 7-13-421 (h) – (i).
- ⁹³ Wyo. Stat. Ann. §§ 7-13-421(h)(ii), 1-40-119 (listing potential surcharges).
- ⁹⁴ Kaeble & Bonczar, *supra* note 66 at 25 (Appendix Table 6).
- ⁹⁵ Danielle Kaeble *et al.*, U.S. Dep’t. of Justice Bureau of Justice Statistics, *Probation and Parole in the United States*, 2014 at 20 (2015).
- ⁹⁶ See PRISM Grid, *supra* note 79.
- ⁹⁷ Policy Manual, *supra* note 16 at 53-54. Note that intermediate sanctions such as jail or placement in community corrections also require a hearing under Wyo. Stat. Ann. § 7-13-408 (b)-(d). There are also administrative sanctions available for parolees who are on intensive supervision parole. Wyo. Stat. Ann. § 7-13-1107 (b).
- ⁹⁸ Daniel M. Fetsco, *Early Release from Prison in Wyoming: An Overview of Parole in Wyoming and Elsewhere and an Examination of Current and Future Trends*, 11 Wyo. L. Rev. 99, 106 (2011).
- ⁹⁹ Policy Manual, *supra* note 16 at 55.
- ¹⁰⁰ See Wyo. Stat. Ann. § 7-13-408 (outlining the revocation process).
- ¹⁰¹ Violations that result in revocation include: failure to register as a sex offender, conviction for a new misdemeanor or felony, deliberate patterns of non-compliance, possession of firearms or weapons (especially as a felon), location violations, failure to abide by travel restrictions, deliberate failure to complete treatment, tampering with a drug test, refusal to take a drug or alcohol test, drug possession, refusal of search, inspection, or a home visit, absconding, contact with a prohibited victim or co-defendant, tampering with electronic monitoring equipment, or possessing certain surveillance equipment. PRISM Grid, *supra* note 83.
- ¹⁰² PRISM Grid, *supra* note 83.
- ¹⁰³ *Id.*
- ¹⁰⁴ Wyo. Stat. Ann. § 7-13-411(a)(iii).
- ¹⁰⁵ Policy Manual, *supra* note 16 at 56-58.
- ¹⁰⁶ Policy Manual, *supra* note 16 at 55.
- ¹⁰⁷ Wyo. Stat. Ann. § 7-13-402(j).
- ¹⁰⁸ Policy Manual, *supra* note 16 at 56.
- ¹⁰⁹ *Id.*
- ¹¹⁰ *Id.*
- ¹¹¹ *Id.* at 58.
- ¹¹² *Id.* at 59.
- ¹¹³ See Wyo. Stat. Ann. § 7-13-408(c)(i).
- ¹¹⁴ Wyo. Stat. Ann. § 7-13-408.
- ¹¹⁵ *Fetsco v. Shillinger*, 835 P.2d 1136, 1139 (Wyo. 1992). “Furthermore, counsel should be provided if the violation, even if uncontested or a matter of public record, is supported by substantial reasons which justify or mitigate the violation and are complex or otherwise difficult to present”.
- ¹¹⁶ *Id.*
- ¹¹⁷ Strategic Plan, *supra* note 42 at 2, 8.
- ¹¹⁸ Wyo. Stat. Ann. § 1-40-204(d)(ii).
- ¹¹⁹ *Id.*
- ¹²⁰ Policy Manual, *supra* note 16 at 2.
- ¹²¹ *Id.* at 11.
- ¹²² *Id.* at 58.
- ¹²³ PRISM Grid, *supra* note 83. Note that the Board conducts “an independent audit of the merit of revocation cases referred to it by WDOC agents.” The Board identifies “revocation hearings cases which it believes merited intermediate sanctions rather than revocations.” The results of that study will be included in the preliminary revocation hearing process to aid the Board hearing officers in making recommendations and will be shared with WDOC Agents to assist them in initiating revocation actions. Wyo. Parole Bd., *Strategic Plan 2015-2016*, http://www-wsl.state.wy.us/slpub/strategic_plans/2013/2013_081_BOP%20Strategic%20Plan%202015.pdf.
- ¹²⁴ Policy Manual, *supra* note 16 at 56.
- ¹²⁵ Wyo. Stat. Ann. § 7-13-403(b).
- ¹²⁶ Wyo. Stat. Ann. § 7-13-404.
- ¹²⁷ Policy Manual, *supra* note 16 at 59.
- ¹²⁸ Parole Brochure, *supra* note 22.
- ¹²⁹ See Wyo. Stat. Ann. § 7-13-401(f).
- ¹³⁰ Policy Manual, *supra* note 16 at 59.
- ¹³¹ *Pisano v. Shillinger*, 835 P.2d 1136, 1139 (Wyo. 1992).
- ¹³² Wyo. Stat. Ann. § 7-13-403(b).
- ¹³³ Wyo. Stat. Ann. § 7-13-401(f).
- ¹³⁴ Wyo. Bd. of Parole, <http://boardofparole.wyo.gov/> (last visited Jun. 15, 2016).
- ¹³⁵ Strategic Plan, *supra* note 42 at 1.
- ¹³⁶ *Id.*
- ¹³⁷ Annual Report, *supra* note 1 at 2.
- ¹³⁸ See Wyo. Stat. Ann. § 7-13-401(b).
- ¹³⁹ *Id.*
- ¹⁴⁰ *Id.*, see also Policy Manual *supra* note 16 at 4.
- ¹⁴¹ Policy Manual, *supra* note 16 at 9.
- ¹⁴² *Id.*
- ¹⁴³ Strategic Plan, *supra* note 42 at 3.
- ¹⁴⁴ *Id.*
- ¹⁴⁵ *Id.* at 4; See also Policy Manual, *supra* note 16 at 14.
- ¹⁴⁶ See Strategic Plan, *supra* note 42.
- ¹⁴⁷ Policy Manual, *supra* note 16 at 13.