Justice Reinvestment
in IDAHO
IMPACT on the STATE

Idaho Department of Correction
Report to the Legislature—February 1st, 2018
Executive Summary

As part of the Justice Reinvestment Initiative (JRI), the state of Idaho required that the Board of Correction, "report to the legislature by February 1 of each year on the amount of savings generated and on the prison population impact under the policy framework of this act for the purpose of tracking the progress toward meeting the impact estimates and goals of the act".

This report has been generated to answer those questions.

Highlights

- Although Idaho’s prison population is at an all-time high it is still below the initial Council for State Governments (CSG) projections and well below Idaho Department of Correction (IDOC) projections.
  - As of January 1, 2018 IDOC’s prison population was approximately 400 offenders below CSG’s original projections.
  - Idaho has avoided over $21 million in potential costs from a reduction in prison beds being used since July 2014.
- The Limited Supervision Unit (LSU), developed at JRI’s inception, has saved over $7 million when compared to traditional caseloads since July 2014.
- Since the passage of JRI, the state of Idaho has invested an additional $12 million in SUD funding ($6.5 million to IDOC; $5.5 million to Idaho Department of Health and Welfare (IDHW)).
- IDOC has collected over $700,000 in restitution and closed almost 300 cases since JRI started.
- Since fiscal year (FY) 2015 Idaho has invested nearly $1.8 million in training for its staff.
- Idaho has also experienced a reduced reliance on Rider sentences—which in turn has led to a greater number of probation sentences.
- Idaho is still having difficulty keeping offenders who are already on supervision or who have been previously incarcerated from returning to prison.
  - Nearly 75% of termer admissions are from failed Riders, revoked probationers, and parole violators.
Introduction

In March of 2014, Idaho policymakers enacted Senate Bill (SB) 1357, more commonly known as the Justice Reinvestment Initiative (JRI). This bill came on the heels of an increasing prison population and above-average recidivism rates. The goal of this legislation was to enact policy changes through a data-driven approach designed to reduce correction spending, and reinvest savings into strategies that can reduce recidivism and decrease crime. In addition, SB 1357 requires the Idaho Department of Correction (IDOC) to produce multiple reports tracking the progress, implementation, as well as the investments and impacts of the JRI legislation.1

Prior to the enactment of SB 1357, the state of Idaho requested technical assistance from the Council for State Governments (CSG). Through an in-depth review of records, focus groups, and meetings with stakeholders, CSG identified three main challenges contributing to Idaho’s prison growth:

1) **Revolving Door.** The state’s supervision and diversion programs are not reducing recidivism

2) **Inefficient Use of Prison Space.** The majority of the prison population comprises people whose community supervision was revoked, people sentenced to a “Rider2”, and people convicted of non-violent crime who are eligible for parole but have not yet been released.

3) **Insufficient Oversight.** Idaho lacks a system to track outcomes, measure quality, and assure reliability of recidivism-reduction strategies, so policymakers are unsure whether their investments are yielding intended outcomes.

This report analyzes the progress made in these three areas since the JRI legislation went into effect July 1, 2014.

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2. A Rider is an offender committed to Retained Jurisdiction under the courts for up to 365 days. Upon completion, the courts will subsequently determine whether to place the offender on probation or send them to prison.
Idaho’s Investments

FY 2015

As JRI started at the beginning of Fiscal Year (FY) 2015 - a trailer bill was introduced to help support the implementation of justice reinvestment practices. SB 1433[^3] dedicated approximately $2.4 million to IDOC for FY 2015. Additionally, SB 1421[^4] included $7 million in funds to assist with the implementation of JRI. This money was designed to support:

1) Shifting 2.5 positions to Management Services (Information Technology—IT)
2) Five new Probation and Parole Officer positions
3) 19 Probation and Parole positions moved from the Parolee Supervision Fund to the General Fund
4) IT upgrades for the Idaho Commission of Pardons and Parole
5) Development of a web-based offender reporting (WBOR) system for the Limited Supervision Unit (LSU)
6) $6.5 million in community-based SUD services
7) $280,000 for five new PSI positions

Additional miscellaneous costs in FY 2015 include the Level of Service Inventory—Revised (LSI-R) validation study ($21,500) and additional funds for SUD services and training. Altogether, the total JRI related investment for FY 2015 was roughly $11.7 million.

FY 2016

FY 2016, unlike FY 2015, did not have any specific monies earmarked for JRI. Rather, it provided additional dollars for SUD resources and training—both in the community among and in the prison facilities. The allocations were:

- $8.8 million was allocated for SUD services
- $500,000 for training purposes
- $27,000 payment for maintenance and monitoring of our Web-Based Offender Reporting (WBOR) system.
- $9 million in funding for JRI related activities and services.


Idaho’s Investments

FY 2017
FY 2017, much like FY 2016, saw all of the JRI related funds appropriated for SUD services and training. Altogether IDOC received:

- $9 million in funding for JRI related activities
- $8.3 million was allocated for SUD services
- $500,000 for training.
- Just over $260,000 in grant funding for training

FY 2018
FY 2018, saw all JRI related funding focused on SUD services and training. However, nearly half of the training funds were eliminated after FY 2017. In FY 2015 IDOC undertook steps to change the programming offered within the facilities and in the community. $205,000 of the training budget was allocated to train staff within the institutions between FY15-FY17, so FY 2018 is the first year that this funding is no longer being received. In total:

- $8.6 million in total funding
- $8.3 million for SUD
- $295,000 for training

Total JRI Appropriations
In total since the beginning of FY 2015 IDOC has received just over $38 million in JRI related funds (i.e. SUD services, training dollars, or funding for new hires/technical support related to JRI activities). The funds have been distributed consistently over the past four fiscal years with the majority of funds directed toward SUD services ($33.3 million).
Challenge 1: A Revolving Door

After a thorough analysis of systems maintained by a myriad of criminal justice agencies throughout Idaho (IDOC, Commission of Pardons and Parole, Idaho Supreme Court and Idaho State Police), "CSG concluded that Idaho’s supervision and diversion programs are not reducing recidivism.” The next few sections of this report tracks progress that has been made since the inception of JRI on eradicating these challenges.

Findings and Analysis

A) From calendar year (CY) 2014 to CY 2017, 17% of probationers and 19% of Riders fail and are returned to prison within one year.

- These percentages consist mostly of property, alcohol and drug offenders
- 71% of current property offenders started on probation while an additional 22% started on a Rider—since the enactment of JRI.
- 69% of alcohol offenders started on probation with 23% starting on a Rider.
- 71% of drug offenders started on probation while an additional 19% started on a Rider (Figure 1).

Figure 1. Percent of IDOC population by crime group and the legal status on which they started

5. All figures and data analysis included in this report were done using IDOC data.
• Of new felony convictions since 2012, probationers (67.5%) and Riders (20.5%) make up approximately 88% of the IDOC supervised population (Figure 2). This equates to an average of 3,940 offenders per year since 2012. This average has increased in 2017 to roughly 4,530 offenders per year.

**Figure 2. New Felony commitments by month 2012-2017**

![Graph showing new felony commitments by month from 2012 to 2017 with Probation: 68%, Rider: 20%, Term: 12%]

• With approximately 36% of these offenders recidivating annually, there are just over 1,400 offenders who were initially diverted from a term prison stay who are now occupying a prison bed. This number increased to 1,630 offenders in 2017.

**Impact:** These findings ultimately show that Idaho is having difficulty diverting offenders away from a prison stay. About 33% of probationers are revoked and returned to prison within a three year period, whereas nearly 42% of Riders failed during that same period. This indicates that a greater emphasis needs to be placed on diverting offenders away from either a prison stay or return to incarceration.

**B) The average length of a probation sentence is right around four years in Idaho. Yet, most revocations from probation occur within the first 1.5 years of supervision.**

• Since 2010, the median length of stay on probation is 1.1 years prior to a Rider and 1.3 years prior to term.

• Conversely, those who are successful on probation serve a median length of approximately three years.

• Over 75% of probationers who are revoked do so within the first three years of probation.

**Impact:** Absent any changes to Idaho’s sentencing practices, these findings indicate a need for more front-end resources. Ensuring that offenders have access to support, housing, and treatment could reduce recidivism rates among this population. Ideally, once these offenders pass through the most difficult periods of supervision they could then be transferred to the Limited Supervision Unit (LSU) or potentially be candidates for early discharge.
C) The number of offenders convicted of a drug offense from 2010-2016 rose steadily each year, until 2017. IDOC experienced a decline in the number of new felony sentences for offenders whose most serious crime was a drug offense. This may indicate a downward trend as drug offenders generally have higher LSI-R scores and are more likely to recidivate.

- The number of offenders sentenced to drug offenses has increased almost 8.0% since 2010. However it has decreased 4.5% from calendar year 2016 to 2017.
- Drug offenders constituted 31.0% of prison term sentences in 2017, a decrease of 4.5% from the previous year, but an increase of 3.0% from 2010.
- Similar patterns have emerged for probationers (30.0% in 2010; 49.5% in 2016 and 45.0% in 2017) and Riders (31.5% in 2010; 42.3% in 2016 and 37.5% in 2017) (Figure 3).

Figure 3. Proportion of New Felony sentences for Drug crimes by legal status

Impact: As Idaho’s drug population has continued to increase, an impact is being placed on IDOC facility and community populations. Most drug offenders routinely have higher LSI-R scores, which makes them more likely to recidivate. However, some progress is being made as the 2017 figures have decreased to levels similar to 2014-2015 which could indicate the beginning of a downward trend. Without further analysis it is difficult to say why the decrease took place in 2017.
**D) Much more funding is given to institutional-based programs (in-patient) than to community-based programs (out-patient). Further, many offenders in the community do not receive the treatment they need.**

- Between CY 2014 and CY 2017, an average of 2,300 offenders were admitted to the Rider program each year. These offenders stayed on average between six and eight months.
- The average cost to incarcerate an offender at an IDOC facility between 2014 and 2017 was $63 per day. Therefore, an average Rider cohort during this time period would be estimated to cost $26.5 million.
- Conversely, IDOC spends about $8.3 million per year (FY 2015—FY 2018) in SUD funding to provide treatment for about 4,500 offenders annually.

**Impact:** These findings coincide with CSG’s previous results. IDOC is currently reaching more offenders in the community each year, but still a gap in services persists. Additional resources have been given to the Idaho Department of Health and Welfare (IDHW) to close this gap in services. Currently, IDOC is working with IDHW to determine how to best allocate these funds and reach the most possible offenders.

**E) Part of SB 1357 mandated a victim restitution collection process.**

- According to IDOC’s inmate funds policy, restitution is garnished from an offender’s inmate account. The only item which can be garnished prior to restitution is child support.

**Impact:** Since 2015 IDOC has collected over $730,000 in restitution payments (Figure 4). They have also closed nearly 300 restitution cases all across Idaho. Ultimately, the state of Idaho has placed a much higher priority on collecting restitution dollars for victims and their families. However, there is still much work to be done in this area as there is a significant amount of funds outstanding.

**Figure 4. Restitution dollars collected by IDOC 2015-2017**

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tr>
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<td>2016</td>
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<td>2017</td>
<td>$347,112</td>
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6. Based on calculations from IDOC’s Budget and Payroll department.
7. Based on calculations from IDOC’s Fiscal department.
8. IDOC SUD Funding Utilization Report
10. IDOC Funds: Inmate: Policy
Challenge 2: Inefficient Use of Prison Space

The second major challenge outlined by CSG was Idaho’s "prison population comprised of offenders whose community supervision was revoked, people sentenced to a 'Rider' and offenders convicted of a non-violent crime who are parole eligible but have not yet been released."

Findings and Analysis

A) From 2012 to 2016 an average of 42.7% of Idaho’s monthly admissions to term or rider came from offenders whose probation or parole has been revoked. In 2017, that number increased to 51.2%, nearly a 9% growth.

- Since the implementation of JRI in July of 2014, Idaho has seen very little change to the composition of our prison’s termer population. Prior to JRI the termer population at our facilities was comprised mostly (76.7%) of those offenders who had either failed a Rider (16.7%), those who have had their probation revoked (32.0%) and those who have violated their parole (28.0%).

- Comparatively, since the inception of JRI these same groups comprise 73.4% of our termer population—a 3.3% reduction. This is due largely to the fact that both our failed Rider and parole violator percentages have gone down. However, probation revocations have increased by over 3.0% (Figure 5).

Figure 5. Admissions to Term breakdown
**Impact:** This aligns closely with the previous challenge. Currently, Idaho uses a large percentage of its facilities to house returning offenders. Until more emphasis is placed on supporting offenders upon release or while on probation, by providing additional resources (i.e. treatment, mentoring, housing, etc.), Idaho will continue to see a large portion of their prison population as returning offenders.

**B) Since 2014 offenders in Idaho receive an average length of indeterminate sentence that is 2.8 times longer than their determinate or fixed portion.**

- These findings coincide with CSG’s results in 2012. From 2014-2017 the average fixed sentence was approximately 2.3 years with an indeterminate portion of just over 6.5 years (Figure 6).

![Figure 6. Length of New Felony Sentences by Offense Type](image)

**Impact:** Lengthy unified sentences, such as those that in Figure 6 can create large discretionary periods for parole consideration. Unless Idaho changes its sentencing practices these type of sentences will continue to occur.
C) Starting in 2010 IDOC saw an increase in Rider dispositions, due to the expansion of the Rider program in Idaho’s facilities. From 2012 to 2016, about 23% of sentences were to a Rider.

- In 2017, the percentage of new commitments placed on Rider versus probation had decreased to 20.5% for Rider vs. 67.5% for probation.
- It should be noted, however, that the overall Rider population has been increasing in Idaho facilities (Figure 7). From July 2012 to December 2017, the Rider population in Idaho prisons has increased 15.5%.

**Figure 7. Rider Population 2012-2017**

**Impact:** The current trend of relying less on Rider programs for new commitments, has resulted in an increased number of probationers. This, in turn, should result in fewer offenders in Idaho facilities as well as potential cost-savings by treating these offenders in the community (Figure 8).

**Figure 8. Rider vs. Probation New Commitments 2012-2017**
D) Using data from 2012, CSG calculated that IDOC “was releasing offenders to parole after serving an average of 207% of their fixed term”. After the initial analysis, it was determined a revised methodology should be used which resulted in a much lower percentage.

- In actuality, it was determined first-time parole releases from prison between July 2012 and June 2014 were serving closer to 145% of the fixed portion of their sentence (median of 120%), much lower than previously calculated.

- Since JRI legislation was implemented, first time parole releases from prison were serving on average 142% (median 118%) of the fixed portion of their sentence. In 2017 this number further decreased to an average of 130% of their fixed term (median 106%). This is a decrease of 15% from pre-JRI to 2017.

- When looking solely at drug and property offenders in 2017, approximately 87% (75% prior to JRI) of offenders were released prior to serving 150% of their fixed term (Figure 9)\textsuperscript{11}.

**Impact:** Unlike previous years, we have begun to see dramatic decreases in the percent portion of the fixed term being served. Even minor decreases in this area means that offenders are getting released as close to their parole eligibility date as possible. However, these numbers reflect only first-time parole releases. As seen in previous sections, most offenders who are incarcerated are not first-time parole releases. So, there is still room for growth in this area.

*Figure 9. Property and Drug offender releases before and after 150% of fixed sentence 2014-2017*

The third and final challenge brought forth by CSG was a "lack of a system to track outcomes, measure quality, and assure reliability of recidivism-reduction strategies, so policymakers are unsure whether their investments are yielding..."

Findings and Analysis

A) Since CSG’s original evaluation of Idaho’s practices, Idaho had not validated the LSI-R since 2002. Since the passage of SB 1357, IDOC is now mandated to validate the LSI-R every five years.

Impact: This legislation has created a more reliable and valid risk assessment tool. The regularly validated LSI-R provides IDOC and Idaho Commission of Pardons and Parole a better idea of which offenders require higher levels of supervision as well as better placement into the correct programming/treatment. This, in turn, should create better outcomes for offenders and reduce recidivism rates.

B) Since the implementation of SB 1357 additional changes have been made to both IDOC and the Commission of Pardons and Parole.

- Aside from additional efficiencies in data collection and analysis, the most prominent addition is the creation of the Commission of Pardons and Parole’s own dedicated offender management system. This allows parole hearing officers and other staff the ability to enter data more efficiently that can be used by hearing officers and parole board members to better inform decisions regarding the outcomes of offenders.

Impact: As part of SB 1357 the Commission of Pardons and Parole was required to implement a new set of parole guidelines. This new management system allows better tracking of an offender’s behavior, programming, etc. All of this data is used in an algorithm to determine whether an offender meets the point criteria for release. Overall, since the implementation of JRI—both IDOC and the Commission of Pardons and Parole have made substantial strides in data collection and analysis.
Impact of Justice Reinvestment
Cost Avoidance/Savings/Investments

Cost-Avoidance—Prison Population

Without changes to IDOC current practices, the prison population was expected to reach approximately 9,400 offenders by FY 2019. CSG estimated that up to $150 million could be averted by reducing the state’s prison population and avoiding the construction of an additional prison. Using IDOC’s average yearly prison population we can calculate an estimated cost-avoidance. Using methodology developed by the Results First\textsuperscript{12} model (Washington State Institute for Public Policy) which focuses only on operating expenses directly associated with inmates (this excludes items such as: employee development, maintenance, administrative costs, etc.) IDOC can estimate our cost-avoidance on an annual basis.

Using the formula described above, the cost per day for an offender under IDOC supervision is approximately $29.85 (FY2017)\textsuperscript{13}, if there is no change in staffing personnel. Using these figures IDOC has averted approximately $21 million\textsuperscript{14} in prison costs since JRI was implemented 42 months ago (Figure 10).

**Figure 10. Forecasted prison population to actual 2005-2019**

Estimated averted costs between FY 2015 and January 2018 is: $21,130,850. As of January 1st, 2018 there were approximately 431 fewer offenders than CSG projected.

Current savings estimate $36.00 per day for 2014, $29.96 for 2015, $28.66 for 2016 and cost of offender per day in 2017 is $29.85

\textsuperscript{12} Idaho Results First (2012) - Definitions, Methodology, Results
\textsuperscript{13} based on figures and calculations from IDOC’s Budget and Payroll department.
\textsuperscript{14} Figures based on a new calculation—using only costs related to offenders. Population counts come for IDOC data on a yearly average.
These cost-avoidance calculations are based on IDOC’s own projection of bed needs. As indicated in Figure 10, the current population has fluctuated over the past several years. Currently, the population is increasing at a steady pace.

The cost-savings in this report compared to last year’s has remained almost unchanged. This is largely due to a new methodology in calculating actual savings. This current figure should more accurately represent the actual amount of potential deferred costs. The new calculation does not include the cost of security in the savings because IDOC has not reduced the prison population to such a number that would warrant a reduction in staff. Further, a yearly average is now being used for the offender population rather than a one day snapshot. This should give a better representation of actual offenders in beds over the course of a year.

The figures in this report are cost-avoidance, not necessarily cost-savings. Rather, these are additional costs that have been diverted. IDOC did not request additional funding for these forecasted offenders—so there is no extra money in IDOC coffers. In addition, there has not been any monies allocated for construction of a new facility, so there is no additional savings there either.

**Savings—LSU**

One of the most popular aspects of SB 1357 is the Limited Supervision Unit (LSU). This provides PPOs the ability to promote lower-risk or well-behaved offenders to a less supervision intensive caseload, where the offenders are responsible for checking in online. Research has shown that over supervising this population can actually contribute to higher recidivism rates. LSU is managed by three full-time staff at IDOC and, at year end 2017, had a population of 2,037 offenders. Not only does LSU allow PPO’s to get offenders off their caseload, thereby reducing caseload sizes, the cost of supervision is much less than normal supervision.

In FY 2017 the average cost per year for supervision per offender on a regular caseload was $1,762 ($4.83 per day). The average cost per offender annually on the LSU caseload is $85.47 ($ .23 per day). Using these figures, the LSU caseload alone saved roughly $3.7 million in 2017. Altogether, the LSU offender caseload has saved over $7 million since JRI implementation in July 2014.

**Figure 11. LSU-Cost Savings 2017**

15. Based on figures and calculations from IDOC’s Fiscal department.
In previous iterations of this report IDOC has been unable to accurately portray what reinvestments were made during JRI. Although this process is still somewhat difficult in nature due to future costs that are being deferred, not current savings, some estimates can be given regarding the progress being made in the areas of Substance Use Disorder (SUD) services and training for staff.

Prior to JRI, IDOC was appropriated roughly $6.7 million in SUD funding (FY 2014). Since the implementation of JRI, IDOC has been given an average of $8.33 million per fiscal year (FY 2015-FY 2018) in SUD funding. This is an increase of just over $1.6 million per year, for a total investment of $6.5 million in additional SUD services. Further, the Idaho legislature has given the Idaho Department of Health and Welfare approximately $5.5 million in additional mental health and substance-use funds to help close the gap in offenders needing services in the community (Figure 12). This equates to $12 million in additional investments for SUD services since the passage of JRI legislation.

In addition, IDOC received a $1.5 million Bureau of Justice Assistance (BJA) grant to fund re-entry case managers in the community to help bridge the transition between prison and parole. These resources should reduce the number of parolees who returned to term periods of incarceration, as this is one of the biggest concerns IDOC is currently facing.

Since the implementation of JRI in FY 2015, IDOC has seen additional support for training of IDOC staff. From FY 2015 to FY 2017, IDOC received $500,000 per year for training both community and prison staff. Further, in FY 2017 IDOC received additional grant monies of $260,000 for training purposes.

**Investments—SUD**

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<th>FY 2017</th>
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<td>$8,804,000</td>
<td>$8,638,000</td>
<td>$35,118,100</td>
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16. Based on calculations from IDOC’s Fiscal department.
17. Annual Community Gap Analysis 2018: https://www.idoc.idaho.gov/content/document/annual_community_gap_analysis_2018
Impact of Justice Reinvestment

Conclusions

Areas of Concern

Currently, Idaho still has a large percentage of offenders in their facilities who have been previously incarcerated or on supervision prior to being incarcerated. As noted in Challenge 2, marginal gains have been made in reducing the number of offenders who constitute IDOC’s term population, referring specifically to failed Riders, parole violators and probationers who have been revoked. This seems to be the single biggest issue as Idaho, once again, faces a rising prison population.

Improvements

Although there are still concerns with Idaho’s current prison population, there has been substantial strides made in other areas. Idaho’s prison population is still below the initial CSG projections and well below IDOC’s initial projections. This has resulted in a significant amount of averted costs ($21 million).

Further, LSU has been shown to be a very valuable asset to not only the probation and parole division, but IDOC overall. This unit alone has saved over $7 million in offender supervision costs. This trend should continue as the LSU population had been consistently increasing until recently.

Figure 13. LSU Caseload Size by month (July 2014-December 2017).
Improvements Cont.

There have been other improvements in IDOC practices as well. Prior to JRI, Idaho put very little emphasis on collecting restitution. Further, it was a very arduous and sometimes painful process for victims and their families. Now there is legislation in place to streamline this process. To date, IDOC has collected over $700,000 in restitution and closed nearly 300 cases. This trend will continue over the coming years.

Idaho is relying less on Rider sentences than it has in years past. However, this has not resulted in fewer Riders currently in IDOC custody. Another major improvement since the implementation of JRI is the reduced number of offenders who are held past 150% of the fixed portion of their sentence.

Some of the biggest improvements within IDOC are hard to quantify. Data collection and analysis—a major reform of JRI have improved drastically over the past few years. IDOC has also created legislation to validate its risk assessment tool (LSI-R) every five years. Similar improvements have been made within the Idaho Commission of Pardons and Parole. IDOC is also in the process of upgrading its Offender Management System (OMS), which should help make the data more reliable and valid.

Overall, JRI has provided valuable insight into IDOC operations, but hasn’t come without issues. There has already been changes made to the JRI legislation—specifically in regards to how parole violators are handled, moving away from 90-day or 180-day sanctions into a parole violator diversion process. There have been other minor adjustments to the legislation as well. IDOC will continue to track and monitor its own internal progress towards achieving the goals set forth by JRI.

Questions concerning this report may be directed to:

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