

TIMELY RELEASE REPORT

2024



IDAHO
DEPARTMENT OF
CORRECTION

Report to the Legislature
Idaho Dept of Correction
Commission of Pardons and Parole
February 2024

Background

In March 2014, Idaho Governor C.L. “Butch” Otter signed into law Senate Bill 1357, also known as Justice Reinvestment Initiative (JRI), to help address three major challenges facing Idaho’s criminal justice system: a revolving door of recidivism from supervision and diversion programs, inefficient use of prison space, and insufficient oversight of recidivism-reduction investments.

Idaho Code §20-223, Section 11, mandates the Idaho Department of Correction (IDOC) and the Idaho Commission of Pardons and Parole (COPP) submit an annual report by February 1st of each year that provides the length of time incarcerated individuals serve up to their first release from prison. While the original bill stipulated a focus on property and drug offenses, and set a benchmark of 150%, this language was amended in 2017 with Senate Bill 1113 to remove the offense types and 150% benchmark. Despite this, IDOC and COPP continue to use these markers to enable consistent comparisons of the data.

2023 Population at a Glance

- A total of 804 individuals under IDOC jurisdiction serving time in prison on a property or drug conviction were released to parole for the first time between January 1 and December 31, 2023.
 - 83% (N=668) were released **before** 150% of the fixed portion of their term sentence
 - 17% (N= 136) were released **after** 150% of the fixed portion of their term sentence
- See Figure 1 (below)*

Primary Delay Reasons

- 54% (N=74) of delays were a result of credit for time served, with a person being parole eligible on arrival or parole eligible within six months of arrival.
 - 24% (N=32) of delays were a result of an incarcerated individuals’ own actions, including institutional behavior and disciplinary offense reports (DORs).
 - 19% (N=26) of delays were a result of having been previously denied parole on this sentence.
 - 1% (N=1) of delays were a result of program-related issues.
 - 2% (N=3) of delays were for other reasons
- See Figure 2 (below)*

Releases

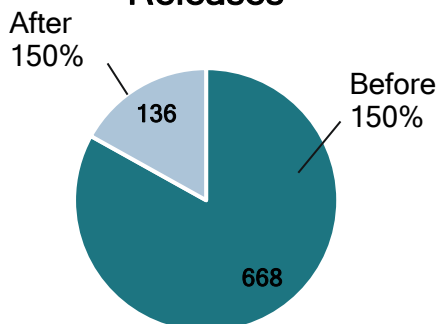


Figure 1, Releases before and after 150% of fixed term

Delay Reason

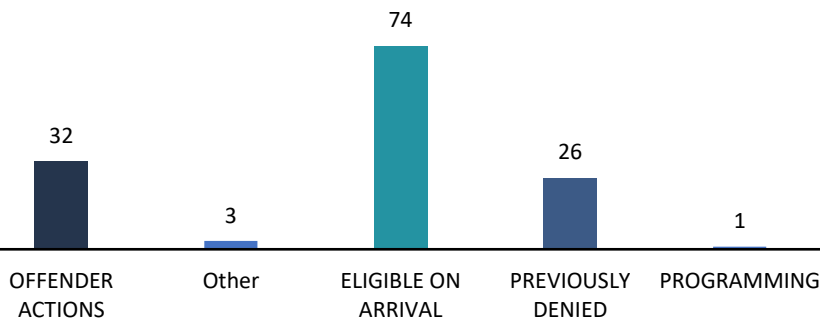


Figure 2, Primary Delay Reasons

Unified Sentencing Act

In order to understand the 150% calculation, one requires an understanding of the current sentencing structure in Idaho. The legislature passed the Unified Sentencing Act in 1986. Idaho Code 19-2513 created a sentencing system with two parts: a fixed term followed by an optional indeterminate term. The fixed portion ensures the individual serves a set period of time in prison without eligibility for parole. Idaho's criminal statutes typically provide a penalty for each crime and the judge has full discretion to set the minimum, or "fixed," portion. Once the fixed portion is completed, COPP has the discretion to release the individual at any time. The first parole eligible date takes into consideration the fixed term of possibly several sentences running concurrently or consecutively, minus any credit for time served.

150% Calculation

Several variables are used to determine whether an individual has served over 150% of their fixed term:

1. Sentence Effective Date. The date an individual's sentence goes into effect as determined by the court.
2. Parole Eligibility Date. The earliest date an individual can be released from incarceration to the community taking into consideration any consecutive or concurrent sentences or sentence enhancements.
3. First Parole Release. The date the individual was released to parole from an institution into the community for the first time while serving time on a sentence.
4. Credit for Time Served. Time spent either in county jail or previously incarcerated prior to a prison term (i.e., on a Rider).

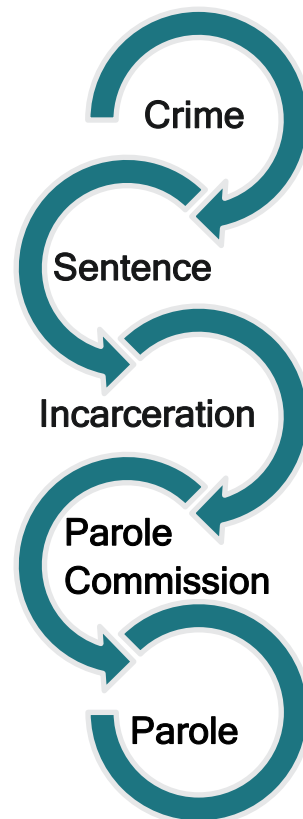


Figure 3, Parole Process

Three separate entities are responsible for the processes by which people convicted of a felony offense enter prison, are housed and treated while in prison, and are released from prison. These entities include the Idaho Supreme Court, Idaho Department of Correction, and the Idaho Commission of Pardons and Parole. Five major steps occur during this process; 1) a felony crime is committed, 2) the individual charged with a felony crime is convicted and sentenced by the courts, 3) once sentenced, the individual is incarcerated in prison under the jurisdiction of the Idaho Department of Correction, 4) the individual goes before the Idaho Commission of Pardons and Parole, and 5) if granted parole, the individual is released to parole to serve the remainder of their sentence in the community (see figure 1)

Findings and Conclusions

Between January 1 and December 31, 2023, 804 people sentenced to a term in prison for a property or drug offense conviction were released to parole for the first time, an increase of 26% when compared to 2022. In addition to the overall number of first time parolees increasing, the number of parolees released before serving 150% of their fixed time also increased. *See Figure 4 (below)*

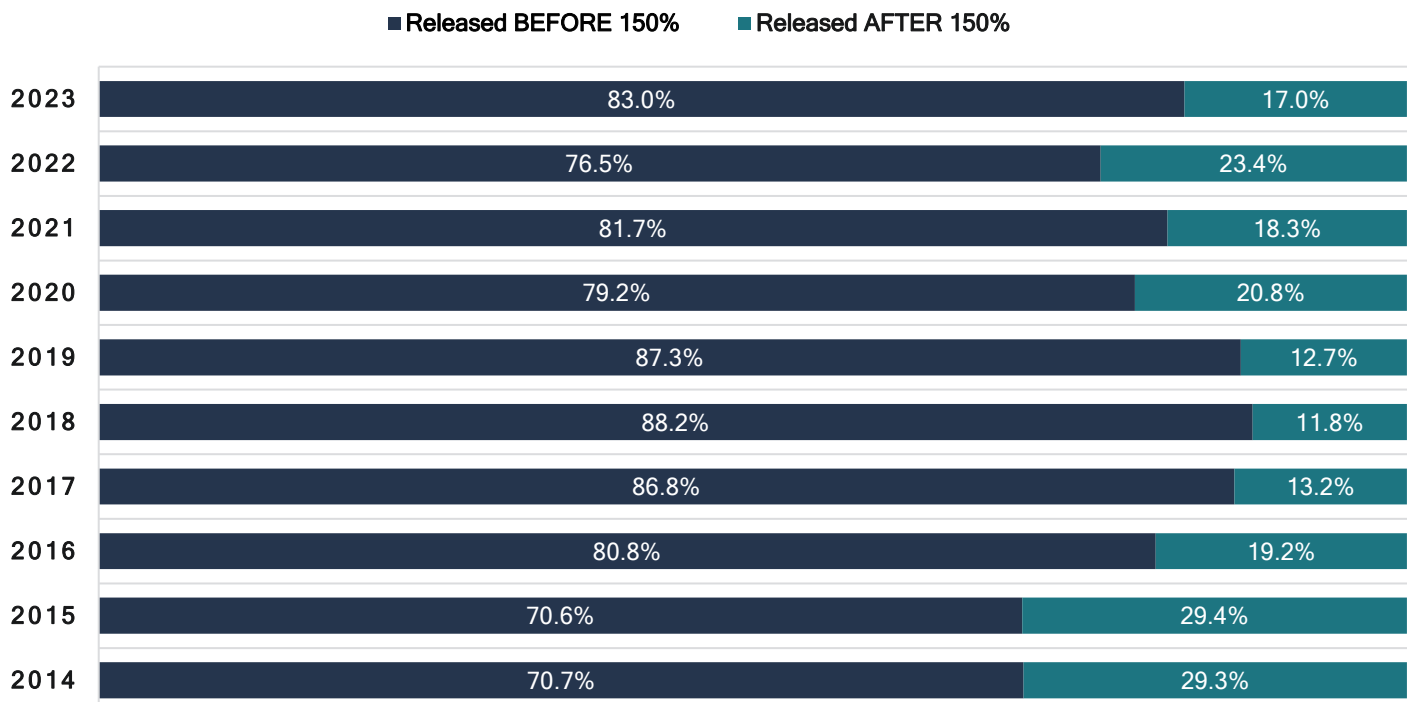


Figure 4, First Time Parole Releases by Year

The percentage of people serving time in prison for a property or drug offense and released past 150% of their fixed sentence significantly increased between 2021 (18.3%) and 2022 (23.4%). Simultaneously, the total number of individuals released in 2022 decreased 29.5% from 2021.

The Idaho Department of Correction and Idaho Commission of Pardons and Parole continue working together toward a streamlined, automated process that will enable standardized documentation of the reasons for delay or denial of first-time parole release of people serving property or drug offense convictions.