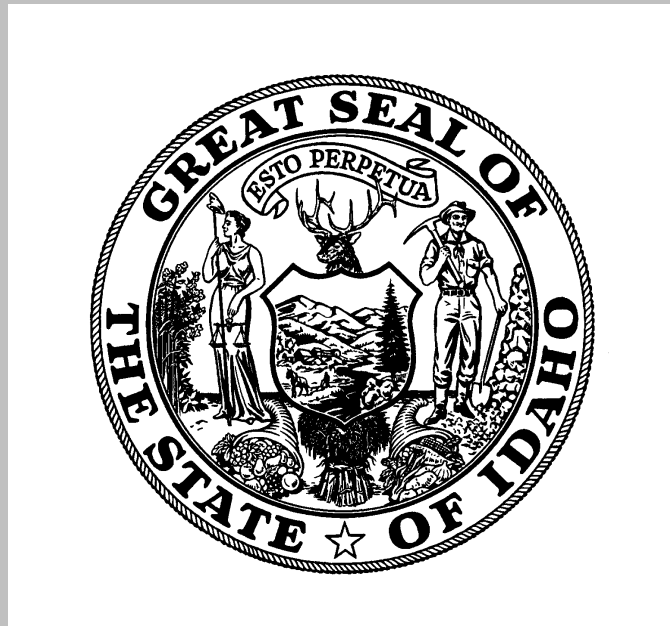


# PROCLAMATION RULES COMMITTEE RULES REVIEW BOOK

Submitted for Review Before  
**Senate Judiciary & Rules Committee**  
63rd Idaho Legislature  
First Regular Session



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2015*

**SENATE JUDICIARY & RULES COMMITTEE**

**ADMINISTRATIVE RULES REVIEW**

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**IDAPA 06 - BOARD OF CORRECTION**  
**06.01.02 - RULES OF CORRECTIONAL INDUSTRIES**  
**DOCKET NO. 06-0102-1401 (NEW CHAPTER)**  
**NOTICE OF PROCLAMATION OF RULEMAKING**

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE PROCLAMATION OF RULEMAKING**

**EFFECTIVE DATE:** Pursuant to Section 20-212(1), Idaho Code, this rule shall become final and effective 30 days after the date of publication of this proclamation in the Administrative Bulletin by the Office of the Administrative Rules Coordinator. The effective date of this rule is July 4, 2014.

**AUTHORITY:** In compliance with Section 20-212, Idaho Code, notice is hereby given that this agency has initiated rulemaking procedures. Section 20-413A, Idaho Code, (see 2014 senate bill S1374, effective July 1, 2014) requires the Idaho State Board of Correction to promulgate rules. Pursuant to Section 20-212(1), Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature pursuant to Sections 67-454, 67-5291, and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, shall apply to the Board, except as otherwise specifically provided by statute.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from the provisions of Section 67-5222, Idaho Code, regarding public participation in rulemaking.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this rulemaking is to comply with the legislative intent of Senate Bill 1374 (2014) which directs the Board of Correction to promulgate rules to provide terms and conditions for the operation of the agricultural inmate work program by Correctional Industries. These rules provide for establishing contracts with private agricultural employers while ensuring that non-inmate worker displacement does not occur, provides for inmate safety and security, and develops a system for deductions from inmate worker's wages.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

There is no fee or charge being imposed or increased through this rulemaking.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact on general fund as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from the provisions of Section 67-5220(2), Idaho Code, regarding negotiated rulemaking.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking proclamation, contact Andrea Sprengel, Services Manager, at (208) 577-5561.

DATED this 9th day of May 2014.

Andrea Sprengel  
Services Manager  
Idaho Correctional Industries  
1301 N. Orchard St. Suite 110  
Boise, ID 83706  
Ph: (208) 577-5561  
Fax: (208) 577-5560

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 06-0102-1401**

**IDAPA 06**  
**TITLE 01**  
**CHAPTER 02**

**06.01.02 - RULES OF CORRECTIONAL INDUSTRIES**

**000. LEGAL AUTHORITY.**

Pursuant to Sections 20-212, 20-408 and 20-413A, Idaho Code, the Board of Correction is authorized to promulgate and adopt rules necessary for Correctional Industries to enter into contracts with private agricultural employers for inmate labor. (7-4-14)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 06.01.02, "Rules of Correctional Industries," IDAPA 06, Title 01, Chapter 02. (7-4-14)

**02. Scope.** These rules are established to provide factors to be considered by Correctional Industries when entering into a contract with private agricultural employers for inmate labor to prevent non-inmate labor displacement, ensure inmate safety, identify security risks and needs, and disperse inmate earnings. (7-4-14)

**002. WRITTEN INTERPRETATIONS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein, so there are no written interpretations of these rules. (7-4-14)

**003. ADMINISTRATIVE APPEALS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein, so there are no provisions for administrative appeal. (7-4-14)

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference in this chapter. (7-4-14)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Street Addresses and Business Hours.** (7-4-14)

**a.** The Board of Correction administrative office is located at 1299 N. Orchard St., Suite 110, Boise, ID 83706-2266. Business hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (7-4-14)

**b.** Correctional Industries administrative office is located at 1301 N. Orchard St., Suite 110, Boise, ID 83706. Business hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (7-4-14)

**02. Mailing Addresses.** (7-4-14)

**a.** Mail regarding the Board of Correction rules shall be directed to the Board of Correction, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, ID 83706-2266. (7-4-14)

**b.** Mail regarding Correctional Industries shall be sent to Correctional Industries, 1301 N. Orchard St., Suite 110, Boise, ID 83706. (7-4-14)

**03. Telephone Numbers.** (7-4-14)

**a.** The telephone number of the Board of Correction is (208) 658-2000. (7-4-14)

**b.** The telephone number for Correctional Industries is (208) 577-5555. (7-4-14)

**04. Facsimile Numbers.** (7-4-14)

**a.** The fax number for the Board of Correction is (208) 327-7404. (7-4-14)

**b.** The fax number for Correctional Industries is (208) 577-5569. (7-4-14)

**05. Internet Websites Addresses.** (7-4-14)

**a.** The Internet website for the Board is [http://www.idoc.idaho.gov/content/about\\_us/leadership/board\\_of\\_correction](http://www.idoc.idaho.gov/content/about_us/leadership/board_of_correction). (7-4-14)

**b.** The Internet website for Correctional Industries is <http://ci.idaho.gov/>. (7-4-14)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules of Correctional Industries are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by Correctional Industries, and shall be open to the public for inspection and copying at all reasonable times. (7-4-14)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Inmate.** An individual in the physical custody of the Board. (7-4-14)

**02. Private Agricultural Employer.** As defined in 44-1601(2), Idaho Code, any individual engaged in farm labor contracting for an agricultural operation owned or operated exclusively by such individual or a member of such individual's immediate family, if such activities are performed only for such operation and exclusively by such individual, but without regard to whether such individual has incorporated or otherwise organized for business purposes. (7-4-14)

**03. Work Site.** Any place where inmates may be found when assigned to a work project. (7-4-14)

**011. ABBREVIATIONS.**

**01. IDOC.** Idaho Department of Correction. (7-4-14)

**02. IDOL.** Idaho Department of Labor. (7-4-14)

**012. CONTRACTS WITH PRIVATE AGRICULTURAL EMPLOYERS.**

Correctional Industries shall make all reasonable efforts to ensure non-inmate workers are not displaced when entering into a contract with a private agricultural employer for inmate labor. (7-4-14)

**01. Wage Determination.** On an annual basis, Correctional Industries shall request a prevailing wage determination letter from the Idaho Department of Labor (IDOL) for the prevailing wage of the region for Standard Occupational Classification codes related to the agricultural work to be performed. (7-4-14)

**02. Prior to Contract.** Prior to entering into any contract with a private agricultural employer for inmate labor, Correctional Industries shall conduct a work site evaluation with assistance from Idaho Department of Correction staff to identify inmate safety and security risks and needs. (7-4-14)

**03. Contract Requirements.** Contracts with a private agricultural employer will include the following: (7-4-14)

**a.** At a minimum, the hourly rate per inmate paid to Correctional Industries by the private agricultural employer for inmate labor will be set at the prevailing wage provided by IDOL for that region, or state minimum wage, whichever is higher. The hourly rate per inmate will also account for any other costs the private agricultural employer would be required by law to pay for non-inmate workers even if not required by law to pay for inmate workers, for example workers compensation insurance premiums. (7-4-14)

**b.** The security and safety provisions identified during the work site evaluation and the responsibilities of each party. Security and supervision of the inmates will be provided at the work site by Idaho Department of Correction (IDOC) correctional officers. (7-4-14)

**c.** A statement certifying that the private agricultural employer was unable to employ a sufficient number of non-inmate workers to complete the job as described in the contract. (7-4-14)

**013. INMATE COMPENSATION.**

**01. Correctional Industries Betterment Account.** The moneys received from the private agricultural employer for inmate labor shall be deposited into the Correctional Industries Betterment Account pursuant to Section 20-416, Idaho Code. The funds deposited will be dispersed between Correctional Industries and the IDOC to cover costs of the agricultural inmate labor program and contribute to the Idaho Victim's Compensation Fund. (7-4-14)

**a.** The funds dispersed to Correctional Industries will also be used in accordance with Section 20-416, Idaho Code. (7-4-14)

**b.** The funds dispersed to IDOC shall also be used to offset the costs incarceration, supplement education opportunities to inmates, provide resources for reentry to the community, or any other use identified by the director as a means to reduce recidivism. (7-4-14)

**02. Inmate Trust Account.** All remaining funds will be deposited into the inmate's trust account. Upon deposit, deductions for court-ordered financial obligations, including child support and restitution, will be made by IDOC. Any other deductions by IDOC will be made according to IDOC policy. (7-4-14)

**014. -- 999. (RESERVED)**

**IDAPA 06 - BOARD OF CORRECTION**  
**06.01.02 - RULES OF CORRECTIONAL INDUSTRIES**  
**DOCKET NO. 06-0102-1501**  
**NOTICE OF PROCLAMATION OF RULEMAKING**

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE PROCLAMATION OF RULEMAKING**

**EFFECTIVE DATE:** In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 6, 2015.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. Section 20-413A, Idaho Code, requires the Idaho State Board of Correction to make rules. Pursuant to Section 20-212(1), Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature pursuant to Sections 67-454, 67-5291, and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, shall apply to the Board, except as otherwise specifically provided by statute.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and reason for adopting this rule:

This rulemaking will amend IDAPA 06.01.02, Rules of Correctional Industries by revising the method used to compensate inmate workers. The revision to Subsection 013.02 provides inmate workers will be compensated pursuant to a graduated scale in accordance with Section 20-412, Idaho Code. This rulemaking also amends Paragraph 013.01.b. by limiting the use of program funds by the Idaho Department of Correction.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

No fees or charges are imposed or changed in this rulemaking.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proclamation, contact Andrea Sprengel, Services Manager, at (208) 577-5561.

DATED this 25th Day of November 2014.

Andrea Sprengel, Services Manager  
Idaho Correctional Industries  
1301 N. Orchard St. Suite 110  
Boise, ID 83706  
Ph: (208) 577-5561 / Fax: (208) 577-5560

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 06-0102-1501**

**013. INMATE COMPENSATION.**

**01. Correctional Industries Betterment Account.** The moneys received from the private agricultural employer for inmate labor shall be deposited into the Correctional Industries Betterment Account pursuant to Section 20-416, Idaho Code. The funds deposited will be dispersed between Correctional Industries and the IDOC to cover costs of the agricultural inmate labor program and contribute to the Idaho Victim's Compensation Fund. (7-4-14)

**a.** The funds dispersed to Correctional Industries will also be used in accordance with Section 20-416, Idaho Code. (7-4-14)

**b.** The funds dispersed to IDOC shall also be used to offset the costs of incarceration, supplement education opportunities to inmates, and provide resources for reentry to the community, ~~or any other use identified by the director as a means to reduce recidivism.~~ (7-4-14)(2-6-15)

**02. Inmate Trust Account.** ~~All remaining funds~~ Inmates will be compensated for their work in accordance with Section 20-412, Idaho Code. Inmate earnings will be deposited into the inmate's trust account. Upon deposit, deductions for court-ordered financial obligations, including child support and restitution, will be made by IDOC. Any other deductions by IDOC will be made according to IDOC policy. (7-4-14)(2-6-15)



## IDAPA 06 - BOARD OF CORRECTION

### 06.02.01 - RULES GOVERNING THE SUPERVISION OF OFFENDERS ON PROBATION OR PAROLE BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE

DOCKET NO. 06-0201-1501 (NEW CHAPTER)

#### NOTICE OF PROCLAMATION OF RULEMAKING

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE PROCLAMATION OF RULEMAKING**

**EFFECTIVE DATE:** In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 6, 2015.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is given that this agency has adopted a rule by proclamation and it is being published in this edition of the Idaho Administrative Bulletin. Section 20-212, Idaho Code, requires the Idaho State Board of Correction to make rules and pursuant to Sections 20-212(1), 67-454, 67-5291, and 67-5292, Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature for final approval, but no other provisions of chapter 52, title 67, Idaho Code, apply to the Board, except as specifically addressed by statute.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and reason for adopting this rule:

The board creates these new rules for the supervision of offenders on probation or parole by the department of correction's probation and parole division. These rules identify requirements and standards for supervising offenders and establish a standard response matrix for positive and negative behavior of offenders. The Board develops these new rules to comply with and carry out the requirements of the Justice Reinvestment Act of 2014.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

No fees or charges are imposed or changed in this rulemaking.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance concerning this proclamation, contact Alan Stewart, Policy Coordinator, at (208) 658-2079.

DATED this 25th Day of November, 2014.

Alan Stewart, Policy Coordinator  
Idaho Department of Correction  
1299 N. Orchard St., Suite 110  
Boise, ID 83706  
Ph: (208) 658-2133 / Fax: (208) 327-7404

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 06-0201-1501**

**IDAPA 06**  
**TITLE 02**  
**CHAPTER 01**

**06.02.01 - RULES GOVERNING THE SUPERVISION OF OFFENDERS ON PROBATION OR PAROLE  
BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE**

**000. LEGAL AUTHORITY.**

**01. Section 19-2601(5), Idaho Code.** Pursuant to Section 19-2601(5), Idaho Code, if the court places a defendant on probation to the Board of Correction the court shall include in the terms and conditions of probation a requirement that the defendant enter into and comply with an agreement of supervision with the Board. (2-6-15)

**02. Section 20-212, Idaho Code.** Pursuant to Section 20-212, Idaho Code, the Board shall make all rules necessary to carry out the provisions of Title 20, Chapter 2, Idaho Code, not inconsistent with express statutes or the state constitution. (2-6-15)

**03. Section 20-217A, Idaho Code.** Pursuant to Section 20-217A, Idaho Code, the director shall assume all the authority, powers, functions and duties as may be delegated to him by the Board. (2-6-15)

**04. Section 20-219(3), Idaho Code.** Pursuant to Section 20-219(3), Idaho Code, the Board shall have the discretion to determine the level of supervision of all persons under its supervision, except those who are being supervised by problem solving courts. (2-6-15)

**05. Section 20-219(5), Idaho Code.** Pursuant to Section 20-219(5), Idaho Code, in carrying out its duty to supervise felony probationers and parolees, the Board shall use evidence-based practices, shall target the offender's criminal risk and need factors with appropriate supervision and intervention and shall focus resources on those identified by the board as moderate and high-risk offenders. Supervision shall include the use of validated risk and needs assessments measuring criminal risk factors, specific individual needs and driving variable supervision levels. (2-6-15)

**06. Section 20-219(7)(b), Idaho Code.** Pursuant to Section 20-219(7)(b), Idaho Code, the Board shall promulgate rules in consultation with the Supreme Court to establish a matrix of swift, certain and graduated sanctions and rewards to be imposed by the Board in response to corresponding violations of or compliance with the terms or conditions imposed. Sanctions for violations shall include, but are not limited to, community service, increased reporting, curfew, submission to substance use assessment, monitoring or treatment, submission to cognitive behavioral treatment, submission to an educational or vocational skills development program, submission to a period of confinement in a local correctional facility for not more than three (3) consecutive days and house arrest. Rewards for compliance shall include but are not limited to, decreased reporting and transfer to limited supervision. (2-6-15)

**07. Section 20-221(2), Idaho Code.** Pursuant to Section 20-221(2), Idaho Code, any party or the Board may submit a request to the court to modify the terms and conditions of probation for any probationer at any time during the period of probation. (2-6-15)

**08. Section 20-221(3), Idaho Code.** Pursuant to Section 20-221(3), Idaho Code, any party or the Board may submit a request to the court to terminate the probation for any probationer at any time during the period of probation. (2-6-15)

**09. Section 20-224(2), Idaho Code.** Pursuant to Section 20-224(2), Idaho Code the Board shall use a validated risk assessment to determine, for each offender, the risk of re-offense and suitability for release and the Commission is to use the risk assessment in determining parole. (2-6-15)

**10. Section 20-227(1), Idaho Code.** Pursuant to Section 20-227(1), Idaho Code the arrest authority given to probation and parole officers by this section apply where the court has provided for the service of discretionary jail time. (2-6-15)

**11. Section 20-228, Idaho Code.** Pursuant to Section 20-228, Idaho Code the Commission shall include in the conditions of parole a requirement that the offender enter into and comply with an agreement of supervision with the Board. (2-6-15)

**12. Section 20-233(2), Idaho Code.** Pursuant to Section 20-233(2), Idaho Code, the Board may submit a request to the Commission for a final order of discharge from the remaining period of parole for any parolee under the Board's supervision at any time during the period of parole. (2-6-15)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 06.02.01, "Rules Governing the Supervision of Offenders on Probation or Parole by the Department of Correction, Division of Probation and Parole," IDAPA 06, Title 02, Chapter 01. (2-6-15)

**02. Scope.** These rules are established to govern the supervision standards, processes and procedures, and the parameters of a matrix of swift, certain and graduated sanctions and rewards to be implemented and used by the Board in response to corresponding violations of or compliance with the terms or conditions of probation and parole imposed by the court, the Commission, or by the agreement of supervision and reporting offender progress and conduct to the court, Commission and the prosecuting attorney. (2-6-15)

**002. WRITTEN INTERPRETATIONS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there are no written interpretations of these rules. (2-6-15)

**003. ADMINISTRATIVE APPEALS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there is no provision for administrative appeal. (2-6-15)

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference in this chapter. (2-6-15)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Street Address.** The Board of Correction administrative office and the Idaho Department of Correction are located at 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. Business hours are typically 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. (2-6-15)

**02. Mailing Address (Board of Correction).** Mail regarding the Board of Correction rules shall be directed to the Board of Correction, Attn: Management Assistant, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

**03. Mailing Address (Dept. of Correction).** Mail regarding the Idaho Department of Correction shall be sent to 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

**04. Telephone Number.** The telephone number of both the Board and Department is (208) 658-2000. (2-6-15)

**05. Facsimile Number.** Faxes shall be sent directly to the person, division, bureau, or unit as requested. If the fax number is not provided by the person, division, bureau, or unit, contact the Department's main reception at (208) 658-2000 to obtain the fax number. (2-6-15)

**06. Internet Website and Electronic Mailing Address.** The Department's Internet website can be found at <http://www.idoc.idaho.gov/>. The Department's electronic mail address for general correspondence is: [inquire@idoc.idaho.gov](mailto:inquire@idoc.idaho.gov). (2-6-15)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules of the Board are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by the Department of Correction, and shall be open to the public for inspection and copying at all reasonable times. (2-6-15)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Agreement of Supervision.** A written agreement prepared by the Department for each offender under supervision by the Board that sets forth in language that is clear and easy to understand the specific acts that an offender must do, or must not do, while on probation or parole including compliance with the terms and conditions of probation or parole. (2-6-15)

**02. Assessment of Potential to Re-Offend.** Use of an actuarial instrument that has been validated in Idaho to determine the likelihood of an offender engaging in future criminal behavior, measure criminal risk factors, and define specific individual needs. (2-6-15)

**03. Board.** The State Board of Correction. (2-6-15)

**04. Commission.** The Commission of Pardons and Parole. The decision-making body that has the authority to grant, revoke, reinstate, or refuse parole. The Commission of Pardons and Parole is commonly referred to as the Parole Commission. (2-6-15)

**05. Department.** The Idaho Department of Correction. (2-6-15)

**06. Director.** The director of the Idaho Department of Correction. (2-6-15)

**07. Discretionary Jail Time.** A suspended jail sentence imposed as a condition of probation, to be used by the probation officer in increments not to exceed forty-eight (48) hours without prior court approval or as approved by the court. (2-6-15)

**08. Division.** The Idaho Department of Correction, Division of Probation and Parole. (2-6-15)

**09. Division Chief.** The exempt employee in authority over the Department's Division of Probation and Parole. (2-6-15)

**10. Idaho Response Matrix.** A matrix of graduated sanctions and rewards established by the Board in consultation with the Supreme Court that provides for responding swiftly and certainly to offender violations or compliance with the terms and conditions of probation or parole imposed by the court or the Commission and the Agreement of Supervision with the intent to promote long-term behavioral change. (2-6-15)

**11. Offender.** A probationer or parolee under the legal care, custody, supervision, or authority of the Board, including a person within or outside of the state of Idaho pursuant to an agreement with another state or contractor. (2-6-15)

- 12. Parolee.** A person who: (2-6-15)
- a.** Has been released from a facility by the Commission prior to the completion of his sentence; (2-6-15)
  - b.** Agrees to comply with certain conditions established by the Commission; and (2-6-15)
  - c.** Remains under the supervision of a PPO for the established period of parole. (2-6-15)
- 13. Probationer.** A person who is permitted by the court to continue to live and work in the community while being supervised by the Board under the terms and conditions ordered by the court and the agreement of supervision for an established period of time rather than being held in prison. (2-6-15)
- 14. Reward.** An incentive used to acknowledge an offender’s compliance with terms and conditions of probation or parole, the agreement of supervision, the offender management plan or other prosocial behavior. (2-6-15)
- 15. Sanction.** A sanction is a response identified in the Idaho Response Matrix (IRM) to be implemented by the PPO to respond to offender behavior that is contrary to the terms and conditions of probation or parole set by the court or Commission or the agreement of supervision. A sanction may result in a report to the court, prosecuting attorney or Commission, regarding the offender’s behavior and actions. These reports may include filing a Probation or Parole Violation Report with arrest, a Probation Violation Report without arrest with an order to show cause or a request for review; or a Special Progress Report or a warning letter forwarded to the court, prosecuting attorney or Commission which may contain a request for a change, addition, or modification of a term or condition of probation or parole. (2-6-15)
- 16. Terms and Conditions of Probation or Parole.** The specific terms and requirements, including special terms and conditions, ordered by the court or Commission in the case of a particular offender. (2-6-15)
- 011. ABBREVIATIONS.**
- 01. AOS.** Agreement of Supervision. (2-6-15)
  - 02. OMP.** Offender Management Plan. (2-6-15)
  - 03. PPO.** Probation and Parole Officer. (2-6-15)
  - 04. IRM.** The Idaho Response Matrix. (2-6-15)
- 012. REQUIRED DEPARTMENTAL POLICIES AND DOCUMENTS.**
- 01. Supervision Standards.** Agreement of Supervision and Response Matrix of Sanctions and Rewards. The Department shall establish policies in conformance with this rule that govern the standards and processes for offender supervision and the terms of a standard agreement of supervision (AOS) for all probationers and parolees. The Department shall establish policies governing the operation of the Idaho Response Matrix (IRM) set forth in Appendix 1 containing sanctions and rewards to be imposed in the discretion of the probation and parole officer in response to an offender’s compliance or non-compliance with the terms and conditions of probation or parole imposed by the court, the Commission or in the AOS. (2-6-15)
- 02. Supervision of Offenders.** The Department shall supervise probationers and parolees in conformance with the Idaho Response Matrix (IRM) set forth in Appendix 1. (2-6-15)
- 03. Agreement of Supervision.** The AOS developed by the Department will include, in non-technical language, the specific behavioral restrictions and requirements for the offender, including compliance with the terms and conditions of probation or parole and the terms of the IRM established under these rules. The Department shall establish policies requiring PPOs to review the AOS with each offender under the supervision of the Board and require each offender to sign the AOS. The policy will provide that at the time of execution of the AOS the PPO will

discuss with the offender the following: (2-6-15)

- a. The terms and conditions of probation or parole; (2-6-15)
- b. The terms of the AOS; (2-6-15)
- c. The provisions of the IRM; (2-6-15)
- d. The consequences of non-compliance with the terms and conditions of probation or parole and the terms of the AOS; and (2-6-15)
- e. The rewards and incentives for compliance with the terms and conditions of probation or parole and the terms of the AOS. (2-6-15)

**04. Idaho Response Matrix (IRM).** The IRM which has been developed by the Department in consultation with the Idaho Supreme Court and approved by the Board is set forth in Appendix 1. The Department shall establish policies that: (2-6-15)

- a. Designate which sanctions for offender behavior are appropriate for response by the PPO without supervisor approval, and which sanctions for offender behavior require supervisor approval. (2-6-15)
- b. Define when non-compliant behaviors require a report to the court, prosecuting attorney or Commission. (2-6-15)
- c. Require the imposition of an escalated sanction, or a sanction requiring a report (special progress report or report of violation) to the court, prosecuting attorney, or Commission when the non-compliant offender behavior involves a special term or condition of probation or parole. (2-6-15)

**05. Use of Idaho Response Matrix (IRM).** The Department shall establish policies requiring PPOs to respond to offender behaviors by providing a reward or sanction in accordance with the IRM. Departmental policy will require PPOs to utilize the IRM to address offender non-compliance with the terms and conditions of probation or parole and the agreement of supervision by utilizing the system of graduated responses found in the IRM. PPOs will also utilize rewards from the IRM to reinforce goal achievement and compliance with terms and conditions of probation or parole and the agreement of supervision. (2-6-15)

**06. Assessment of Potential to Re-Offend.** The Department shall establish policies requiring the use of a validated actuarial assessment to determine the potential to re-offend and needs of each offender under the Department's supervision. The policy shall require assessments be performed upon intake for all offenders and at least annually thereafter for offenders whose most recent assessment score is in the moderate or high range of risk to re-offend. All offenders shall be re-assessed after a significant incident that indicates re-assessment should take place e.g. the filing of a special progress report or a probation or parole violation. (2-6-15)

**07. Development of Offender Management Plan (OMP).** The Department shall establish policies requiring that PPOs review all actuarial assessments of the potential to re-offend and needs of each offender under the PPOs' supervision and use the information to develop an OMP with the offender to establish goals and behaviors that will address the offender's identified needs and encourage compliance with the terms and conditions of probation or parole. (2-6-15)

**08. Responding to Non-Compliant Behaviors.** The Department shall establish policies providing that: (2-6-15)

- a. All alleged violations of the terms and conditions of probation or parole and the AOS that require investigation are investigated and documented within the time limits established by Department policy. (2-6-15)
- b. A report will be sent to the court or Commission any time that discretionary jail time is imposed. (2-6-15)

**c.** Non-compliant behaviors that require a report to the court, prosecuting attorney, or Commission under the terms of the IRM will be reported within the time limits established by Department policy. (2-6-15)

**09. Encouraging Compliant Behaviors.** The Department shall establish policies providing that: (2-6-15)

**a.** The PPOs will assess an offender's readiness for change regarding the identified needs of the offender throughout the period of supervision. (2-6-15)

**b.** When the PPO observes or is made aware of the offender's efforts at prevention of non-compliance with conditions of supervision, or the offender is making progress on targeted behaviors the PPO will promptly provide a reward. Responses available to the PPO to address desired behavior are included in the IRM. (2-6-15)

**013. -- 999. (RESERVED)**

**SEE NEXT TWO PAGES FOR RESPONSE MATRIX / CHART**  
**(APPENDIX 1)**

**BOARD OF CORRECTION  
Supervision of Offenders on Probation or Parole**

**Docket No. 06-0201-1501 - New Chapter  
PROCLAMATION RULE**

Response Matrix			Response Chart Key:				Low Magnitude	Moderate Magnitude	High Magnitude	Parolee Specific P	DUI	Domestic Violence	Sex Offender
Reward	Desired behaviors	Conditions	Event	Low risk	Moderate risk	High risk	Sanction	90/180	DUI	DV	SO		
Low	Moderate	High		1	2	3							
1	1	1	No violations since last contact (review at every contact)	Obey all laws	Confirmed unlawful activities	1	1	2	Align w/risk	Plus 1 (when related to substance use or operation of a motor vehicle)	Plus 1 (for violent/DV related behaviors)	Plus 1 (for behavior related to sex offense)	
					Charge for new crimes (misdemeanor)	2	2	2					
					Charge for new crimes (felony)	PV	PV	PV	PV				
1	1	2	No violations for last 3 months (review at every contact)	Report any contact/detention with law enforcement	Repeated contact with LE for obtainable offense	2	2	3	Align w/risk				
					Fail to report LE contact within 24 hours and/or fail to disclose to LE that on supervision	1	1	1					
					Possession of firearm	PV	PV	PV	PV				
					Possession of dangerous weapon used or intended to be used for other than normal or usual purposes	3	3	3	90 day				
1	1	2	Reports all LE contacts	Searches and seizures	Failure to allow PPO or any LE officer to perform search of person, residence or vehicle	3	3	3	Align w/risk				
1	1	2	Demonstrates cooperation and engagement to support supervision	Searches and seizures	Deliberate failure to report to PPO (avoiding supervision)	2	2	2					
1	1	1	Positive decision making	Report as directed to meet with PPO	Late or missed meeting	1	1	1				Align w/risk	
1	1	1	On time for all meetings	Report as directed to meet with PPO	Absconding	PV	PV	PV	180 day				
1	1	1	Open communication with PPO (provides information openly and willingly)	Travel without permission	Leave district without permission	1	1	2					
1	1	1	Provides and follows schedules	Travel without permission	Leave state without permission	2	2	3					
1	1	2	Prosocial activities	Obey curfew	Failure to obtain or abide by travel permit conditions	2	2	2					
1	1	2	Identifies risk/problems with PPO	Obey curfew	Failure to abide by curfew	1	1	2					
2	2	3	Evidence of positive lifestyle changes	Cooperate with lawful requests of PPO	Fail to follow case plan elements related to conditions/agreement of supervision	1	1	1					
				Confidential informant	Act as a CI, except as allowed by IDOC policy and with consent of the court and IDOC	2	2	2					
				Obtain and comply with evaluation and program plan as directed by court or PPO	Failure to meaningfully participate in criminogenic specific programming	1	2	2					
					Association with known felon without PPO permission	1	1	1					
1	2	2	Appropriate peers and activities (gains new prosocial peers)	Shall not associate with any persons designated in writing by PPO	Associations with individuals involved in criminal activity	2	2	2				Plus 1 (each w/individuals convicted of sex offenses)	
					Association with active gang members	2	2	3				Align w/risk	
1	1	1	Attends support groups	No contact with victim without permission	Any contact with victim/NCD without permission by PPO and court	2	2	2				Plus 1	
1	1	2	Seeks appropriate residence and roommates	Obtain and comply with evaluation and program plan as directed by court or PPO (specific to family/marital)	Failure to complete evaluation as directed	1	1	1				Plus 1 (DV exit)	
1	1	1	Family/roommates	Obtain and comply with evaluation and program plan as directed by court or PPO (specific to family/marital)	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	1	2				Plus 1 (DV Treatment)	
2	2	2	Steady employment	Maintain or actively seek full time employment or approved educational alternative/vocational training	Change employment w/o permission	1	1	1					
1	2	2	Progress in program/education	Obtain GED/HSE	Terminated from employment	1	1	2					
1	1	1	Provides documentation	Obtain GED/HSE	Failure to comply with job search/GED/HSE/vocational training	1	1	1				Align w/risk	
1	2	2	Prosocial activities	Obtain and comply with evaluation and program plan as directed by court or PPO	Engage in treatment and counseling	Failure to meaningfully participate in and successfully complete programs as directed	1	1	2				
1	1	1	Clean UAs	Obtain evaluation and program plan as directed by court or PPO	Failure to complete evaluation as directed	1	2	2				Plus 1 (based on LSU/DV eval)	
2	2	2	Admits or discloses to ADD use (prior to testing)	Engage in treatment and counseling	Failure to attend programing or treatment	1	1	2				Plus 1	
2	2	2	Evidence of recovery oriented lifestyle	Engage in treatment and counseling	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	2	2				Plus 1 (based on LSU/DV eval)	
1	1	2	Completes evaluation/positive participation in treatment program	Engage in treatment and counseling	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	2	2				Plus 1 (based on LSU/DV eval)	
2	3	3	Completion of treatment program	No controlled substances	Misuse of prescription	2	2	2				Plus 1 (based on LSU/DV eval)	
				No alcohol	Purchase, possession or consume alcohol in any form	1	2	2				Plus 1 (based on LSU/DV eval)	
				Substance abuse testing	Enter any establishment where alcohol is primary source of income	1	2	2				Plus 1 (based on LSU/DV eval)	
					Failure to submit to testing/positive test (includes testing through interlock, SCRAM, TAO or other remote testing device)	2	2	2				Plus 1 (based on LSU/DV eval)	
					Tampering, adulterating/diluting or otherwise deliberately attempting to subvert substance testing (including not installing or removing/tampering with remote testing device)	2	2	2				Plus 1 (based on LSU/DV eval)	
1	1	1	Open communication with agent /provider	Obtain and comply with evaluation and program plan as directed by IDOC agent	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	1	2					
1	1	2	Positive participation in treatment program	Engage in treatment and counseling	Fail to comply with behavioral health RX instructions (medication compliance)	1	2	2					
2	3	3	Completion of treatment program	Engage in treatment and counseling	Fail to comply with behavioral health RX instructions (medication compliance)	1	2	2					
1	1	2	Stable living environment	Residence	Change of residence without approval by PPO	1	1	2				Align w/risk	
1	1	2	Seeks appropriate residence and roommates	Residence	Change of residence without approval by PPO	1	1	2				Align w/risk	
1	1	1	Discloses risks for residence verification (pets, visitors, etc.)	Residence	Fail to admit and grant agent safe access to residence and property	3	3	3					
1	1	1	All payments current	Cost of supervision	Failure to pay COS as directed by PPO	1	1	1					
1	2	2	Demonstrates planning and budgeting	Court ordered financial obligations	Failure to pay all court costs and fines as directed.	1	1	1					
					Failure to pay restitution as directed.	2	2	2					
SEX OFFENDER SPECIFIC BEHAVIOR (in addition to all other conditions) NOTE: Sex offender risk considers results from the STATIC 99/STABLE assessment													
2	2	2	Evidence of recovery oriented lifestyle	Testing	Failure to submit to polygraph and/or plethymograph as directed.	2	2	3					
2	2	2	Evidence of recovery oriented lifestyle	Treatment	Failure to comply with activity request procedures while in active treatment.	2	2	3				NA	
1	1	2	Positive participation in treatment program	Treatment	Failure to meaningfully participate in criminogenic specific programming	1	2	3					
					Failure to complete evaluation as directed	1	2	3					
				Relationships	Entering into a dating, romantic, or sexual relationship without PPO and treatment provider consent	1	2	3				Align w/risk	
				Contact with minors	Contact with any minor child under the age of 18 without approved chaperone	2	2	3					
				Possession/exposure to sexually stimulating materials	Frequent establishments where pornographic materials are the main source of income.	2	2	3				Align w/risk	
					Possession of pornographic material.	2	2	3				Align w/risk	
					Viewing of pornographic material.	2	2	3					
1	2	3	Prosocial Activities	Engaging in sexually deviant behavior.	Participating in phone sex, cross dressing, voyeurism, exhibitionism, public masturbation, footage, safe, masochistic behavior or bestiality.	3	3	3				NA	
				Internet access	Accessing the internet via computer, laptop, telephone, or other electronic device without permission from PPO.	2	2	3					
					Possessing password protected files including social media files, email, and dating site files.	1	2	3					
				Access to minors	Frequenting or loitering in places where minors congregate.	2	2	3					
					Living near schools or licensed daycares.	2	2	3					
Items set by the courts and parole commission to address specific crimes				Special conditions	Failure to comply with special conditions.	Use appropriate matrix response + 1 to increase magnitude of response. If not in Matrix respond with report.							
Reporting Requirements: 1) Any level 3 response; 2) new felony or serious misdemeanor (DUI/DV/Violence (based on circumstances)); 3. 9 or more violation points within a six month period.													
Repeated noncompliance with the same condition results in graduating the response by one level													



Response Chart						
Rewards			M a g n i t u d e  I n c r e a s e s	Sanctions		
Level 1	Level 2	Level 3		Level 1	Level 2	Level 3
Verbal Recognition	Mitigate sanction 1 level (positive behavior arising from violation behavior)	Place on Online Reporting	Verbal warning	Noncompliance letter	Special progress report/warning letter	
	Clean UA certificate	Court/Commission recognition		Domain/Behavior Specific Programing	Electronic Monitoring	
Certificate of completion	Good conduct ticket/token (x2)	Reduce supervision level / refer to LSU (reassess to classify by risk)	Skills Practice with PPO	Increase level of supervision (increase reporting/testing for 30, 60, 90 days)	DJT (less than 48 hours)	
Good conduct ticket/token	DM written recognition	Request modification of appropriate condition	Written Assignment (Thinking Report, letter of apology, or other report)	Community Service (when ordered)	Request additional/more restrictive conditions from court (review)	
Impromptu call to recognize good conduct			Increase reporting/testing for week		Sheriff's Inmate Labor Detail (if available in jurisdiction)	
Approve travel request (in state)	Termination of consequence	Request early discharge (for appropriate offenders)	Recovery Planning	Restrictive Curfew	DJT (48 hours or more)	
PPO written recognition	Adjust curfew		Travel Restrictions (no out of district/out of state)			
Mitigate sanction 1 level (positive behavior arising concurrent with non-compliant behavior)	Reduce reporting requirements		Directed Action Planning (behavior contract)	House Restriction	In custody (IDOC) programing (request to modify terms and conditions/impose suspended)	
	Consider request to modify association restrictions					
	Enhanced Travel request (out of state)					
	Place on Online Reporting					
	Ticket/Token exchange (special reward in exchange for earned tickets)					
Suspend Online Reporting	Special progress report/warning letter		Report of violation- No arrest			
Association restrictions	Request additional/more restrictive conditions from court (review hearing)/Board					
PPO/ Provider/ Offender status meeting			Electronic Monitoring	Report of violation- Arrest		
Domain/Behavior Specific programing	DJT (less than 48 hours)					

Choosing a response: 1) Consider protective factors; 2) Do not mix higher risk offenders with lower risk offenders; 3) Individualize response based upon what is meaningful (as a reward or sanction) to the offender.

When responding to multiple behaviors, the level shall correspond to the most serious behavior. The PPO may select more than one reward or sanction from the same level or a lower level to respond to multiple behaviors. Use of multiple lower level responses cannot be substituted for a higher level response.

## IDAPA 06 - BOARD OF CORRECTION

### 06.02.02 - RULES GOVERNING ESTABLISHMENT AND OPERATION OF A LIMITED SUPERVISION UNIT BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE

DOCKET NO. 06-0202-1501 (NEW CHAPTER)

#### NOTICE OF PROCLAMATION OF RULEMAKING

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE PROCLAMATION OF RULEMAKING**

**EFFECTIVE DATE:** In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 6, 2015.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is given that this agency has adopted a rule by proclamation and it is being published in this edition of the Idaho Administrative Bulletin. Section 20-212, Idaho Code, requires the Idaho State Board of Correction to make rules and pursuant to Sections 20-212(1), 67-454, 67-5291, and 67-5292, Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature for final approval, but no other provisions of chapter 52, title 67, Idaho Code, apply to the Board, except as specifically addressed by statute.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and reason for adopting this rule:

The proposed rulemaking establishes a limited supervision unit within the Idaho Department of Correction's Probation and Parole Division. The rulemaking also identifies requirements and procedures for the unit and offenders. The Board develops these new rules to comply with and carry out the requirements of the Justice Reinvestment Act of 2014.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

No fees or charges are imposed or changed in this rulemaking.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance concerning this proclamation, contact Alan Stewart, Policy Coordinator, at (208) 658-2079.

DATED this 28th Day of November, 2014.

Alan Stewart, Policy Coordinator  
Idaho Department of Correction  
1299 N. Orchard St., Suite 110  
Boise, ID 83706  
Ph: (208) 658-2133 / Fax: (208) 327-7404

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 06-0202-1501**

**IDAPA 06**  
**TITLE 02**  
**CHAPTER 02**

**06.02.02 - RULES GOVERNING ESTABLISHMENT AND OPERATION OF A LIMITED SUPERVISION UNIT BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE**

**000. LEGAL AUTHORITY.**

**01. Section 19-2601(5), Idaho Code.** Pursuant to Section 19-2601(5), Idaho Code, if the court places a defendant on probation to the Board of Correction the court shall include in the terms and conditions of probation a requirement that the defendant enter into and comply with an agreement of supervision with the Board. (2-6-15)

**02. Section 20-212, Idaho Code.** Pursuant to Section 20-212, Idaho Code, the Board shall make all rules necessary to carry out the provisions of Title 20, Chapter 2, Idaho Code, not inconsistent with express statutes or the state constitution. (2-6-15)

**03. Section 20-217A, Idaho Code.** Pursuant to Section 20-217A, Idaho Code, the director shall assume all the authority, powers, functions and duties as may be delegated to him by the Board. (2-6-15)

**04. Section 20-219(3), Idaho Code.** Pursuant to Section 20-219(3), Idaho Code, the Board shall have the discretion to determine the level of supervision of all persons under its supervision, except those who are being supervised by problem solving courts. (2-6-15)

**05. Section 20-219(5), Idaho Code.** Pursuant to Section 20-219(5), Idaho Code, in carrying out its duty to supervise felony probationers and parolees, the Board shall use evidence-based practices, shall target the offender's criminal risk and need factors with appropriate supervision and intervention and shall focus resources on those identified by the board as moderate and high-risk offenders. Supervision shall include the use of validated risk and needs assessments measuring criminal risk factors, specific individual needs and driving variable supervision levels. (2-6-15)

**06. Section 20-219(7)(a), Idaho Code.** Pursuant to Section 20-219(7)(a), Idaho Code, the Board shall promulgate rules in consultation with the Supreme Court to establish a program of limited supervision for offenders who qualify addressing eligibility, risk and needs assessments, transfers among levels of supervision, and reporting to the court and the prosecuting attorney. (2-6-15)

**07. Section 20-221(2), Idaho Code.** Pursuant to Section 20-221(2), Idaho Code, any party or the Board may submit a request to the court to modify the terms and conditions of probation for any probationer at any time during the period of probation. (2-6-15)

**08. Section 20-221(3), Idaho Code.** Pursuant to Section 20-221(3), Idaho Code, any party or the Board may submit a request to the court to terminate the probation for any probationer at any time during the period of probation. (2-6-15)

**09. Section 20-228, Idaho Code.** Pursuant to Section 20-228, Idaho Code the Commission shall include in the conditions of parole a requirement that the offender enter into and comply with an agreement of supervision with the Board. (2-6-15)

**10. Section 20-233(2), Idaho Code.** Pursuant to Section 20-233(2), Idaho Code, the Board may submit a request to the Commission for a final order of discharge from the remaining period of parole for any parolee under the Board's supervision at any time during the period of parole. (2-6-15)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 06.02.02, "Rules Governing Establishment and Operation of a Limited Supervision Unit by the Department of Correction, Division of Probation and Parole," IDAPA 06, Title 02, Chapter 02. (2-6-15)

**02. Scope.** These rules are established to govern the creation and operation of a limited supervision unit within the Division, the offender eligibility qualifications for assignment to the unit, the assessment of the risks and needs of offenders assigned, or to be assigned, to the unit, transfers of offenders among levels of supervision, and reporting offender progress and conduct to the court and the prosecuting attorney. (2-6-15)

**002. WRITTEN INTERPRETATIONS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there are no written interpretations of these rules. (2-6-15)

**003. ADMINISTRATIVE APPEALS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there is no provision for administrative appeal. (2-6-15)

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference in this chapter. (2-6-15)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Street Address.** The Board of Correction's administrative office and the Idaho Department of Correction are located at 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. Business hours are typically 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. (2-6-15)

**02. Mailing Address (Board of Correction).** Mail regarding the Board of Corrections' rules shall be directed to the Board of Correction, Attention: Management Assistant, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

**03. Mailing Address (Dept. of Correction).** Mail regarding the Idaho Department of Correction shall be sent to 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

**04. Telephone Number.** The telephone number of both the Board and Department is (208) 658-2000. (2-6-15)

**05. Facsimile Number.** Faxes shall be sent directly to the person, division, bureau, or unit as requested. If the fax number is not provided by the person, division, bureau, or unit, contact the Department's main reception at (208) 658-2000 to obtain the fax number. (2-6-15)

**06. Internet Website and Electronic Mailing Address.** The Department's Internet website can be found at <http://www.idoc.idaho.gov/>. The Department's electronic mail address for general correspondence is: [inquire@idoc.idaho.gov](mailto:inquire@idoc.idaho.gov). (2-6-15)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules of the Board are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by the Department of Correction, and shall be open to the public for inspection and copying at all reasonable times.

(2-6-15)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

- 01. Board.** The State Board of Correction. (2-6-15)
- 02. Commission.** The Commission of Pardons and Parole. The decision-making body that has the authority to grant, revoke, reinstate, or refuse parole. The Commission of Pardons and Parole is commonly referred to as the Parole Commission. (2-6-15)
- 04. Department.** The Idaho Department of Correction. (2-6-15)
- 05. Director.** The director of the Idaho Department of Correction. (2-6-15)
- 06. Division.** The Idaho Department of Correction, Division of Probation and Parole. (2-6-15)
- 07. Division Chief.** The exempt employee in authority over the Department's Division of Probation and Parole. (2-6-15)
- 08. Legal and Financial Obligation.** An obligation owed by an offender, which was incurred or imposed as a result of the commission of a criminal offense. Includes court costs, fines, fees, cost of supervision and restitution. (2-6-15)
- 09. Limited Supervision Unit Agreement of Supervision.** A written agreement prepared by the Department for each offender transferred to the Limited Supervision Unit that sets forth in language that is clear and easy to understand the specific acts that an offender must do, or must not do, while on probation or parole and assigned to the Limited Supervision Unit including compliance with the terms and conditions of probation or parole set by the court or Commission. (2-6-15)
- 10. Offender.** A probationer or parolee under the legal care, custody, supervision, or authority of the Board, including a person within or outside of the state of Idaho pursuant to an agreement with another state or contractor. (2-6-15)
- 11. Parolee.** A person who: (2-6-15)
- a.** Has been released from a facility by the Commission prior to the completion of their sentence; (2-6-15)
  - b.** Agrees to comply with certain conditions established by the Commission; and (2-6-15)
  - c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)
- 12. Probationer.** A person who is permitted by the court to continue to live and work in the community while being supervised by the Board under the terms and conditions ordered by the court and the agreement of supervision for an established period of time rather than being held in prison. (2-6-15)
- 13. Violent Misdemeanor.** Any misdemeanor offense that includes, as an element of the offense or as part of the underlying facts: (2-6-15)
- a.** Physical contact with, or injury to, the person of another; or (2-6-15)
  - b.** The use of a weapon to cause or threaten harm to another. (2-6-15)

**011. ABBREVIATIONS.**

- 01. COS. Cost of Supervision. (2-6-15)
- 02. DUI. Driving Under the Influence of alcohol or drugs. (2-6-15)
- 03. LFO. A Legal and Financial Obligation. (2-6-15)
- 04. LSU. Limited Supervision Unit. (2-6-15)
- 05. PPO. Probation and Parole Officer. (2-6-15)

**012. ESTABLISHMENT OF LIMITED SUPERVISION UNIT (LSU).**

01. **Establishment and Supervision.** The Department shall establish a Limited Supervision Unit (LSU) consisting of probationers and/or parolees under the supervision of a Probation and Parole Officer (PPO) who will monitor unit success, offender compliance, and oversee caseload and supervision activities. (2-6-15)

02. **LSU Policy Provisions.** The policy establishing the LSU unit shall include: (2-6-15)

a. Provisions for regular caseload reviews by all PPOs for candidates to be considered for transfer to the LSU. (2-6-15)

b. Supervisory review of PPO recommendations of candidates to be considered for transfer to the LSU. (2-6-15)

c. The terms of a Limited Supervision Unit Agreement of Supervision. (2-6-15)

d. Procedures for the transfer of offenders to the LSU and for the execution of the Limited Supervision Unit Agreement of Supervision. (2-6-15)

e. Offender monitoring and compliance review standards, activities, and requirements for offenders transferred to the LSU. Including the following requirements: (2-6-15)

i. Offenders must report on a regular basis not less often than quarterly using the online reporting portal unless the LSU PPO has granted a written waiver. The LSU PPO or designee must respond as provided in Department policy to any alerts generated by the reporting system or otherwise received by the LSU PPO and document the response in the Department's offender database. (2-6-15)

ii. Periodically, but not less often than once every six months, the LSU PPO or designee must search the Idaho Supreme Court Repository for: (2-6-15)

(1) New criminal case filings; (2-6-15)

(2) Status of legal and financial obligations; (2-6-15)

(3) Warrants; or (2-6-15)

(4) Civil commitments. (2-6-15)

f. Procedures and reporting requirements for offender non-compliance. (2-6-15)

g. Procedures for the transfer of offenders from the LSU back to general supervision. (2-6-15)

03. **LSU Unit Oversight.** The Division Chief or his designee shall by Department policy be responsible for ensuring the LSU supervising Probation and Parole Officer follows the guidelines, standards and procedures of the unit. District Managers and Section Supervisors will be responsible for ensuring suitable candidates are screened from current offender caseloads and referred to the unit by Probation and Parole Officers. (2-6-15)

- 04. Transfer to Limited Supervision Unit.** The Department shall establish by policy that: (2-6-15)
- a. Qualifying Factors.** Consideration for transfer to the LSU unit will be based on the following factors: (2-6-15)
- i. Validated Assessment of Potential to Re-Offend. The LSU candidate shall have their potential for re-offense and needs determined through a validated actuarial assessment. To qualify for assignment to the LSU, candidate scores on the risk and needs assessment must be at or below the “low” potential to re-offend level with no increase in risk level for at least ninety (90) days during active supervision immediately prior to transfer, or at or below the “moderate” potential to re-offend level with no increase in risk level for at least three hundred sixty (360) days during active supervision immediately prior to transfer. (2-6-15)
- ii. Income and Employment Status. The LSU candidate must have verified full-time employment of at least thirty-two (32) hours per week, or be a full-time student, or have adequate lawful income from non-employment sources including retirement, spousal or child support, student financial aid, disability income or SSI. (2-6-15)
- iii. Drug Screening. If the LSU candidate is being supervised at moderate risk or lower they must establish a documented history of negative results on urine sample analyses for banned substances for a period of ninety (90) days before being a candidate for the LSU. Drug screening may be waived for a LSU candidate with a lack of history of drug or alcohol abuse or due to prior supervision at a low risk level of more than one (1) year. (2-6-15)
- iv. Legal and Financial Obligations. The LSU candidate must have paid all LFOs in full as directed or have established a record of actively making payments on all outstanding LFOs. (2-6-15)
- v. Court Ordered Jail Time and Community Service. The LSU candidate must have established a record of progress toward successful completion of all court ordered obligations for local incarceration and community service. (2-6-15)
- vi. Special Terms and Conditions Imposed by Court or Commission. The LSU candidate must have completed or be in compliance with all of the special terms and conditions of probation or parole ordered by the court or the Commission. (2-6-15)
- b. Disqualifying Factors.** The following factors disqualify an offender from being considered a candidate for transfer to the limited supervision unit: (2-6-15)
- i. Additional Offenses: (2-6-15)
- (1) Commission of a felony by a LSU candidate while on probation or parole; (2-6-15)
- (2) Commission of a violent misdemeanor in the past twelve (12) months; or (2-6-15)
- (3) Commission of a misdemeanor DUI offense in the past twelve (12) months. (2-6-15)
- ii. Violation of a Special Term or Condition Imposed by Court or Commission. Violation in the past twelve (12) months of a special term or condition of probation or parole imposed by the court or the Commission. (2-6-15)
- iii. Interlock Device. The LSU candidate is the subject of a current order under Section 18-8008(2), Idaho Code, or has a special term or condition of probation to have a state approved ignition interlock system installed on each of the motor vehicles owned or operated by the offender. (2-6-15)
- iv. No Contact Orders and Civil Protection Orders. The LSU candidate is the respondent in an active No Contact Order or Civil Protection Order. The disqualifying order must be independent of terms and conditions of probation or parole and violation of the order must subject the offender to arrest and potential punishment under Section 18-920 or 39-6312, Idaho Code. (2-6-15)

**c.** Consideration of Court or Commission Recommendations for Assignment to LSU. The Department will review all recommendations received at any time from the sentencing court or the Commission for assignment of an offender to the LSU and will advise the court and prosecuting attorney or Commission of its decision on such recommendation. (2-6-15)

**d.** Parolee Meeting Early Discharge Criteria. Without regard to the qualifying and disqualifying factors set forth in subsections a. and b., a parolee who meets the following criteria for early discharge from parole, but has not been granted early discharge by the Commission will be eligible for referral to the LSU: (2-6-15)

- i.** Parolee is a property or drug offender who has been in the community not less than one (1) year; (2-6-15)
- ii.** Parolee is a violent or sex offender who has served not less than one third of their remaining sentence post release within the community; or (2-6-15)
- iii.** Parolee is a serving a life sentence and has been in the community not less than five (5) years. (2-6-15)

**05. Removal from LSU Unit.** The Department shall establish policies providing that when an offender no longer meets the qualifications set forth in Subsections 012.04.a. and 012.04.b. or has failed to comply with the terms and conditions of probation or parole or the LSU agreement of supervision or the Department determines that a higher level of supervision of the offender is required, the Department may in its discretion remove the offender from the LSU unit and assign the offender to a higher level of supervision. (2-6-15)

**06. Discharge from Probation.** The Department shall establish policies providing that: (2-6-15)

**a.** Early Discharge Requests for Probationers. When a probationer being supervised in the LSU has complied with all terms and conditions of probation and the LSU agreement of supervision for a period of at least twelve (12) months, the Department will determine whether to submit a Request for Discharge to the court. (2-6-15)

**b.** Early Discharge Requests for Parolees. If a parolee being supervised in the LSU has complied with all terms and conditions of parole and the LSU agreement of supervision for a period of at least twelve (12) months, and meets all requirements for early discharge from parole the Department will determine whether to submit a Request for Discharge to the Commission. (2-6-15)

**07. Report to Court or Commission.** The Department will report to the sentencing court or the Commission, on a monthly basis, on all offenders, identified by name and case number, that have been assigned to, or removed from, the LSU during the preceding month. A copy of the report will be sent to the prosecuting attorney. (2-6-15)

**013. -- 999. (RESERVED)**



**IDAPA 06 - BOARD OF CORRECTION**  
**06.02.03 - RULES GOVERNING RELEASE READINESS**  
**DOCKET NO. 06-0203-1501 (NEW CHAPTER)**  
**NOTICE OF PROCLAMATION OF RULEMAKING**

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE PROCLAMATION OF RULEMAKING**

**EFFECTIVE DATE:** In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 06, 2015.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. Section 20-413A, Idaho Code, requires the Idaho State Board of Correction to make rules. Pursuant to Section 20-212(1), Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature pursuant to Sections 67-454, 67-5291, and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, shall apply to the Board, except as otherwise specifically provided by statute.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and reason for adopting this rule:

The board creates these new rules regulating issues of an inmate's readiness for reentry into the community. These new rules identify requirements and standards for preparing inmates for release from custody. The Board develops these new rules to comply with and carry out the requirements of the Justice Reinvestment Act of 2014.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

No fees or charges are imposed or changed in this rulemaking.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance concerning this proclamation, contact Alan Stewart, Policy Coordinator, at (208) 658-2079.

DATED this 28th Day of November, 2014.

Alan Stewart, Policy Coordinator  
Idaho Department of Correction  
1299 N. Orchard St., Suite 110  
Boise, ID 83706  
Ph: (208) 658-2133  
Fax: (208) 327-7404

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 06-0203-1501**

**IDAPA 06**  
**TITLE 02**  
**CHAPTER 03**

**06.02.03 - RULES GOVERNING RELEASE READINESS**

**000. LEGAL AUTHORITY.**

**01. Section 20-212, Idaho Code.** Pursuant to Section 20-212, Idaho Code, the board shall make all rules necessary to carry out the provisions of Title 20, Chapter 2, Idaho Code, not inconsistent with express statutes or the state constitution. (2-6-15)

**02. Section 20-217A, Idaho Code.** Pursuant to Section 20-217A, Idaho Code, the director shall assume all the authority, powers, functions and duties as may be delegated to him by the board. (2-6-15)

**03. Section 20-226(2), Idaho Code.** Pursuant to Section 20-226(2), Idaho Code, the board shall use a validated risk assessment to determine, for each offender, the risk of re-offense and suitability for release and the commission is to use the risk assessment in determining parole. (2-6-15)

**04. Section 20-228, Idaho Code.** Pursuant to Section 20-228, Idaho Code, the commission shall include in the conditions of parole a requirement that the offender enter into and comply with an agreement of supervision with the board. (2-6-15)

**05. Section 20-233(2), Idaho Code.** Pursuant to Section 20-233(2), Idaho Code, the board may submit a request to the commission for a final order of discharge from the remaining period of parole for any parolee under the board's supervision at any time during the period of parole. (2-6-15)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 06.01.03, "Rules Governing Release Readiness," IDAPA 06, Title 01, Chapter 03. (2-6-15)

**02. Scope.** These rules are established to govern the duties and responsibilities delegated to the board for preparing offenders for release back into their communities. (2-6-15)

**002. WRITTEN INTERPRETATIONS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there are no written interpretations of these rules. (2-6-15)

**003. ADMINISTRATIVE APPEALS.**

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there is no provision for administrative appeal. (2-6-15)

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference in this chapter. (2-6-15)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Street Address.** The Idaho Board of Correction's administrative office and the Idaho Department of Correction are located at 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (2-6-15)

**02. Mailing Address (Board of Correction).** Mail regarding the Board's rules shall be directed to the Idaho Board of Correction, Attn: Management Assistant, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

**03. Mailing Address (Dept. of Correction).** Mail regarding the department shall be sent to 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

**04. Telephone Number.** The telephone number of both the Board and Department is (208) 658-2000. (2-6-15)

**05. Facsimile Number.** Faxes shall be sent directly to the person, division, bureau, or unit as requested. If the fax number is not provided by the person, division, bureau, or unit, contact the department's main reception at (208) 658-2000 to obtain the fax number. (2-6-15)

**06. Electronic Mail.** The department's electronic mail address for public record requests and general inquiries is [inquire@idoc.idaho.gov](mailto:inquire@idoc.idaho.gov). (2-6-15)

**07. Internet Website.** The department's Internet website can be found at <http://www.idoc.idaho.gov/>. (2-6-15)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules of the Board are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by the department, and shall be open to the public for inspection and copying at all reasonable times. (2-6-15)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Board.** The state of Idaho Board of Correction. (2-6-15)

**02. Commission.** The state of Idaho Commission of Pardons and Parole. (2-6-15)

**03. Department.** The state of Idaho Department of Correction. (2-6-15)

**04. Director.** The director of the Idaho Department of Correction. (2-6-15)

**05. Earliest Possible Release Date.** The earliest of parole eligibility date (PED), tentative parole date (TPD), or full term release date (FTRD). (2-6-15)

**06. Level of Service Inventory.** An instrument used to sample an offender's risk factors in order to provide a comprehensive risk and needs assessment, which is necessary in identifying offender treatment planning and supervision. The LSI is used to screen for crime-producing attributes based on a total score with results presented in 10 subscale domains. (All references to LSI include all subsequent revisions.) (2-6-15)

**07. Motivational Interviewing.** An emphatic goal-directed communication style used in both group and individual settings to help offenders' battle addiction and promote behavior change. (2-6-15)

**08. Offender.** A person under the legal care, custody, supervision, or authority of the Board, including a person within or without the state of Idaho pursuant to agreement with another state or contractor. (2-6-15)

- 09. Offender Management Plan.** A computer-based system maintained with the Computer Integrated System (CIS) that is used to record, monitor, and track the program activity of an offender. (2-6-15)
- 10. Parolee.** An offender who: (2-6-15)
- a.** Is released from a facility by the paroling authority prior to the completion of his sentence; (2-6-15)
  - b.** Agrees to comply with certain conditions established by the paroling authority; and (2-6-15)
  - c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)
- 11. Rider.** An offender who: (2-6-15)
- a.** Is released from a facility by the judicial authority upon completing a retained jurisdiction period; (2-6-15)
  - b.** Agrees to comply with certain conditions established by the judicial authority; and (2-6-15)
  - c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)
- 12. Reception and Diagnostic Unit.** Initial housing for newly committed offenders - except those under sentence of death - where orientation, screening, assessment, and classification occur. (2-6-15)
- 13. Static 99.** A specific sex offender risk assessment instrument that yields separate long-term probabilities for sexual and/or violent re-offense risk. (2-6-15)
- 14. Test of Adult Basic Education.** Specialized screening and test that provides both preliminary (locator) and in-depth (comprehensive battery) measures of basic reading, mathematics, and language skills. (2-6-15)

**011. ABBREVIATIONS.**

- 01. DARS.** Drug and Alcohol Rehabilitation Specialists. (2-6-15)
- 02. EPRD.** Earliest possible release date. (2-6-15)
- 03. FTRD.** Full-term release date. (2-6-15)
- 04. LSI.** Level of service inventory. (2-6-15)
- 05. MAC.** Medical Action Committee. (2-6-15)
- 06. MI.** Motivational interviewing. (2-6-15)
- 07. OMP.** Offender management plan. (2-6-15)
- 08. PED.** Parole eligibility date. (2-6-15)
- 09. PER.** Program exception request. (2-6-15)
- 10. PPO.** Probation and parole officer. (2-6-15)
- 11. PRS.** Pre-release Specialists. (2-6-15)

- 12. **PSI.** Presentencing Investigation. (2-6-15)
- 13. **PSRS.** Psychosocial Rehabilitation Specialist. (2-6-15)
- 14. **RDU.** Reception and Diagnostic Unit. (2-6-15)
- 15. **SIPR.** Self-initiated Parole Request. (2-6-15)
- 16. **SOP.** Standard operating procedure. (2-6-15)
- 17. **SSDI.** Social Security Disability Insurance. (2-6-15)
- 18. **SSI.** Supplemental Security Income. (2-6-15)
- 19. **TABE.** Test of Adult Basic Education (2-6-15)
- 20. **TC.** Therapeutic community. (2-6-15)
- 21. **TCU-DS II.** Texas Christian University drug screen II. (2-6-15)
- 22. **TPD.** Tentative parole date. (2-6-15)

**012. OFFENDER CASE MANAGEMENT.**

**01. General Procedures.** The department will designate points of contact in all correctional facilities and in each department district office, for the purpose of ensuring case managers, PPOs and parole hearing officers collaborate and develop thorough discharge plans for offenders being released from correctional facilities back into their communities. (2-6-15)

**a.** Department designated point of contracts will be in a management position, such as a section supervisor, program manager, or deputy warden. (2-6-15)

**b.** Department designated case managers will be PSRS, PRS, DARS, or any staff member responsible for planning offender releases. (2-6-15)

**c.** The department will utilize assertive case management as its core case management philosophy. (2-6-15)

**02. Reentry Priority Designations.** The Department will establish reentry priority designations based upon the offender's proximity to release. The reentry priority designations will be used to determine the intensity of reentry activities and case management tasks. (2-6-15)

**a.** The Department will establish case manager duties and contact standards based on the offender's reentry priority designation. Case manager contact shall increase as the offender's first eligible parole date approaches. Case manager contact will include reviewing, updating, and revising the reentry checklists referenced in Subsection 012.03 of these rules. (2-6-15)

**03. Reception and Diagnostic Unit Reentry Checklists.** The department will begin offender reentry processes while the offender is in the correctional facility's RDU. (2-6-15)

**a.** The department will develop a reentry checklist to initially be used while an offender is in RDU and updated throughout the offender's incarceration. The reentry checklist will be designed to have all discharge planning and reentry information in one (1) place. This will ensure the accurate sharing of information and continuity of care, and that an offender's identified needs are addressed prior to the offender's release from the correctional facility back into the community. (2-6-15)

**b.** Case managers will address all assessed criminogenic and reentry areas with offenders early in

their incarceration so that they can make modifications prior to their release. Case managers will follow the contact standards established pursuant to subsection 012.02 of these rules and document their findings. (2-6-15)

**04. Mental Health and Healthcare Services Discharge Planning.** Licensed professional staff will be responsible for identifying those offenders who have acute healthcare concerns so that discharge planning can begin. The Department will establish process to identify those offenders who have a mental health or healthcare concern that causes disability a minimum of one hundred eighty (180) days prior to release. (2-6-15)

**05. Case Management Documentation.** All case management activities, including case manager contacts and reentry and discharge planning activities, will be documented in a manner and form established by the Department. (2-6-15)

### **013. OFFENDER PROGRAM MANAGEMENT.**

**01. Core Philosophies.** The department will deliver an offender program management philosophy that will embrace the following core concepts: (2-6-15)

- a.** Strength-based (supportive accountability); (2-6-15)
- b.** Assertive case management; and (2-6-15)
- c.** Solution-focused interventions. (2-6-15)

**02. Core Intervention Tools for Offender Engagement.** The department will only employ those intervention tools that foster respect and accountability without compromising the safe operation of its correctional facilities and probation and parole district offices. Intervention tools should enhance communication, technology, and partnerships, and include, but are not limited to, the following: (2-6-15)

- a.** Motivational interviewing (MI) as primary communication method; (2-6-15)
- b.** Technology for tracking and oversight; and (2-6-15)
- c.** Collaboration with internal, public, and private entities. (2-6-15)

**03. Inclusion and Exclusion of Pathways Criteria.** (2-6-15)

**a.** The Department will identify specific inclusion and exclusion criteria to be used to assign an offender's pathway. (2-6-15)

**b.** All offenders (except those sentenced to death, life without parole, or a fixed sentence with no indeterminate portion) will be assigned a pathway to address all assessed criminogenic issues. The Department will develop pathways to establish programs and other interventions to address an offender's assessed criminogenic issues. An offender will begin a pathway in anticipation of the first parole opportunity or fixed period of time. (2-6-15)

**c.** The Department will identify criteria and establish a process to allow the offender's case manager to request an exception to an assigned pathway that addresses the offender's criminogenic needs. (2-6-15)

**04. Offender Management Plans.** The department will develop an OMP for all offenders utilizing the information obtained from the assessment and screening process. Case supervisors will use a multidisciplinary team approach to consider both the current needs of the offender and the transition and aftercare components of the OMP upon release of the offender into the community. PPOs will continue the OMP while the offender is in the community. OMPs will include goals for primary and individual pathways to target offenders' assessed risks. (2-6-15)

**05. Offender Assessment and Screening Instruments.** All offenders, including Riders, will undergo screening and assessment upon arrival to RDU to identify the crime-producing attributes of each offender. (2-6-15)

**a.** The assessment and screening instruments to be used by the Department shall be nationally recognized for assessing criminogenic needs of offender populations. (2-6-15)

**b.** The department shall establish a process to approve the use of offender assessment and screening instruments. (2-6-15)

**c.** Department will establish a training program for staff members to administer the offender assessment and screening instruments. (2-6-15)

**06. Individual Assessments.** (2-6-15)

**a.** The Department will identify factors that indicate when an individual assessment is necessary to further evaluate an offender's needs in specific areas such as mental health, substance abuse, responsivity factors, and sex offender attributes. (2-6-15)

**b.** Individual assessments will be administered by either trained department staff or community providers. (2-6-15)

**07. Youth Offender Assessments.** The department will establish procedures and the assessment and screening instruments to be used to assess offenders who are under eighteen (18) years of age. (2-6-15)

**08. Assessment and Reassessment Standards.** The Department shall establish assessment and reassessment standards for all screening and assessment tools. (2-6-15)

**09. Parole Hearing Process.** (2-6-15)

**a.** Four (4) months prior to the offender's parole hearing month, the parole hearing officer will prompt case supervisors that a status summary is due. Case managers will ensure the summary status will be available at least ten (10) business days prior to the parole hearing in a manner and form established by the Department. (2-6-15)

**b.** The department will identify additional staff responsibilities, and requirements for self-initiated parole requests (SIPR) and post parole hearing processes. (2-6-15)

**014. -- 999. (RESERVED)**