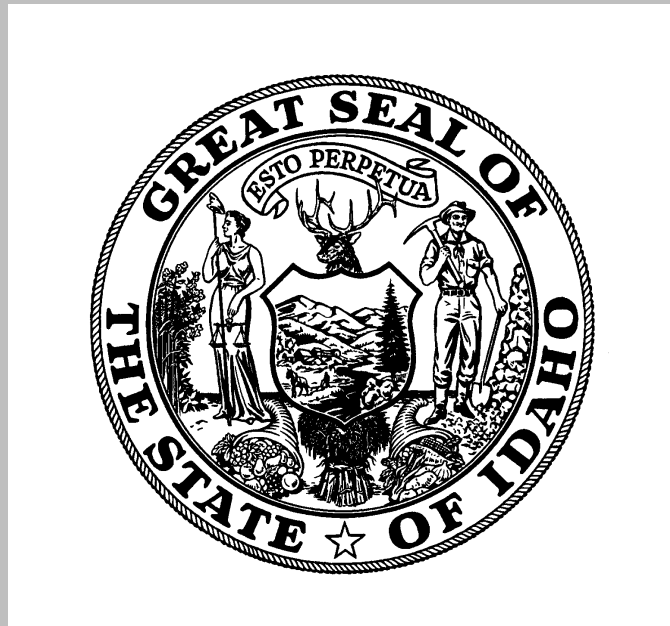


PROCLAMATION RULES COMMITTEE RULES REVIEW BOOK

Submitted for Review Before
**House Judiciary, Rules, &
Administration Committee**

66th Idaho Legislature
Second Regular Session – 2022



Prepared by:

*Office of the Administrative Rules Coordinator
Division of Financial Management*

January 2022



State of Idaho
DIVISION OF FINANCIAL MANAGEMENT
Executive Office of the Governor

BRAD LITTLE
Governor

ALEX J. ADAMS
Administrator

January 10, 2022

MEMORANDUM

TO: Members of the 2022 Idaho State Legislature

FROM: Alex J. Adams, Administrator *Alex J. Adams*
Bradley A. Hunt, Rules Coordinator *Bradley A. Hunt*

SUBJECT: Overview of Executive Agency Rulemaking in 2021

Background. Governor Little maintains and continues to stress the importance of an efficiently functioning government along with ensuring continuity of the services citizens expect and implemented through executive administrative rules. Nearly all rules published in the Legislative Rules Review books are simply re-published because the 2021 Legislature adjourned *sine die* without passing a concurrent resolution approving any pending fee rules as specified in Section 67-5224, Idaho Code, as well as not extending any effective rule on July 1 by statute as outlined in Section 67-5292, Idaho Code. The necessary rules were re-published in the following special bulletins:

- [July 21](#) – Temporary Rules
- [October 20](#) – Proposed Rules
- [December 22](#) – Pending Rules

Changes in Existing Rules. Since the vast majority of rules either expired or were not approved, there is no existing rule available to amend. Therefore, only a clean version of the rule chapter is able to be presented to the Legislature in January 2022. In some cases, rules were modified based on public comment, or to implement Executive Order [2020-01](#), Zero-Based Regulation (ZBR), among other reasons. Given the unprecedented volume, edits are incorporated within a single omnibus docket, or in the case of ZBR rulemaking a standalone docket, and presented as a clean rule chapter. There are several ways that legislators may view previous rules for comparison purposes:

- An [archive of any rule](#) since 1996 is available on the DFM website. This allows legislators to see the evolution of a rule over time.
- The Legislative Services Office analyzes all proposed rules. You can find their analysis of proposed rules which, in some cases, may discuss changes between previous rules and the proposed rules. These may be found on the [Legislature's website](#).
- Changes made between the proposed and pending rule stages for omnibus rulemaking were noted in the [December 22](#) bulletin where applicable.

Process for Approving Rules. Below, you will find a brief description on legislative actions and outcomes regarding the rules review process and contents of the Legislative Rules Review Books:

- Pending Fee Rules must be affirmatively approved by both bodies via adoption of concurrent resolution to become final.
- Pending Rules become final and effective *sine die* unless rejected, in whole or in part, via concurrent resolution adopted by both bodies.
 - Pending rules may be approved, in whole or in part, or rejected if determined to be inconsistent with legislative intent of the governing statute.
 - If rejected, new or amended language must be identified at a numerical or alphabetical designation within the rule and specified in the concurrent resolution.
- A link to LSO's proposed rule analysis is provided at the beginning of each docket and includes any required supporting documentation (e.g. Cost Benefit Analysis (CBA), Incorporation By Reference Synopsis (IBRS)) as part of the analysis.
- All 2022 review books can be accessed on the DFM website [here](#).

Contact Information. If questions arise during the rules review process, please do not hesitate to contact the Rules Coordinator, Brad Hunt: Brad.Hunt@dfm.idaho.gov; 208-854-3096.

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

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IDAPA 06 – BOARD OF CORRECTION

DOCKET NO. 06-0000-2100

NOTICE OF PROCLAMATION OF OMNIBUS RULEMAKING

[LINK: LSO Rules Analysis Memo](#)

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

EFFECTIVE DATE: The effective date of the rules being adopted through this proclamation of omnibus rulemaking as listed in the descriptive summary of this notice is upon the governor’s signature of the proclamation, July 1, 2021.

AUTHORITY: Pursuant to Section 20-212(1), Idaho Code, notice is hereby given that this agency has initiated rulemaking procedures. Sections 20-212 and 20-408, Idaho Code, require 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. Under normal circumstances, in accordance with Section 20-212(1), Idaho Code, these rules would become final and effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. However, in accordance with Section 20-212(1), Idaho Code, the Idaho Board of Correction has determined the public health, safety and welfare is in jeopardy and these rules will become final and effective upon the governor's signature of this proclamation.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting the rules:

This proclamation rulemaking adopts and republishes the following existing rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 06, rules of the Board of Correction:

IDAPA 06

- 06.01.01, *Rules of the Board of Correction* – with revisions to remove unnecessary references, provide more concise language, and incorporate provisions from IDAPA 06.01.02 as Subchapter B;
 - [06.01.02, *Rules of Idaho Correctional Industries – chapter expires July 1, 2021, provisions incorporated into IDAPA 06.01.01 as Subchapter B*]
- 06.02.01, *Rules Governing the Supervision of Offenders on Probation or Parole*; and
- 06.02.02, *Rules Governing Release Readiness*.

Pursuant to Section 20-212(1), Idaho Code, the Idaho Board of Correction and the Governor have found that adoption of the rules upon signature of the Governor is appropriate for the following reasons:

These rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

FEE SUMMARY: This rulemaking does not impose a fee or charge.

FISCAL IMPACT: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because Section 20-212(1) exempts the Idaho State Board of Correction from conducting negotiated rulemaking.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proclamation of rulemaking, contact Jamie Hess Smith at jamismit@idoc.idaho.gov or (208) 287-3321.

DATED this 1st day of July, 2021.

Josh Tewalt
Director
(208) 658-2000

Idaho Department of Correction
1299 N. Orchard Street, Suite 110
Boise, ID 83706

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by the authority vested in me under Section 20-212(1) of the Idaho Code, I do hereby approve this request for emergency rulemaking.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 1st day of July in the year of our Lord two thousand twenty-one and of the Independence of the United States of America the two hundred forty-fifth and of the Statehood of Idaho the one hundred thirty-first.

BRAD LITTLE
GOVERNOR

JOSH TEWALT
DIRECTOR, IDAHO DEPARTMENT OF CORRECTION

THE FOLLOWING IS THE TEXT OF DOCKET NO. 06-0000-2100

IDAPA 06 – BOARD OF CORRECTION

06.01.01 – RULES OF THE BOARD OF CORRECTION

000. LEGAL AUTHORITY.

These rules implement and enforce the following sections of Idaho Code: 74-105, 74-119, 20-101D, 20-209, 20-212, 20-244, and 20-408. (7-1-21)

001. SCOPE.

These rules govern the duties and responsibilities delegated to the Board by law which affect a right of the public or a process to which the public has access. (7-1-21)

002. 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. (7-1-21)

004. -- 009. (RESERVED)

010. DEFINITIONS.

01. Archival Research. Research requiring access to stored historical data, files, documentation, video or audio tapes, electronically sorted data, or written material. (7-1-21)

02. Attorney of Record. An attorney appointed by a court or retained by an inmate in a legal action. (7-1-21)

03. Board. The State Board of Correction. (7-1-21)

04. Chief. The exempt employee in authority over a division of the Department. Chief is commonly referred to as the division chief. (7-1-21)

05. Contact Visiting. Visiting where no physical partition, such as a window or wall, separates the visitor and the offender. Physical touch may be allowed. (7-1-21)

06. Contraband. Any thing, of any kind, that is prohibited by Board, Department, or facility rules, policies, directives, or standard operating procedures. Contraband also includes any thing, of any kind, that a facility head has not approved: (7-1-21)

a. For possession by an offender; or (7-1-21)

b. To bring into a facility or onto Department property. (7-1-21)

07. Contractor. A person who has entered into a contract with the Board or Department, or a contract with the State of Idaho administered by the Board or Department to provide any service. (7-1-21)

08. Department. The State Department of Correction. (7-1-21)

09. Department Property. Real property owned, leased, operated, or managed by the Board or Department. (7-1-21)

10. Directive. A sequence of steps within a particular division to implement a procedure. (7-1-21)

11. Director. The director of the Department of Correction. (7-1-21)

12. Division. An operating unit of the Department. Department divisions are the divisions of Prisons, Probation and Parole, and Management Services. (7-1-21)

13. Execution. The carrying out of a sentence of death. (7-1-21)

14. Field Memoranda. Detailed guidelines to implement directives within a facility or a service unit of a division. (7-1-21)

15. **Health Authority.** The Department employee who is primarily responsible for overseeing or managing the Department's medical and mental health services. (7-1-21)
16. **Immediate Family of the Offender.** (7-1-21)
- a. The mother or father, including step parent; (7-1-21)
- b. The brother or sister of the whole or half (1/2) blood or by adoption, or the stepbrother or stepsister; (7-1-21)
- c. The spouse, as proved by marriage license or other operation of law; (7-1-21)
- d. The natural child, adopted child or stepchild; (7-1-21)
- e. The grandparents of blood relation; or (7-1-21)
- f. The grandchildren of blood relation. (7-1-21)
17. **Inmate.** An individual in the physical custody of the Board. (7-1-21)
18. **Minor.** An individual less than eighteen (18) years old. (7-1-21)
19. **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. (7-1-21)
20. **Parolee.** An offender who is released from a facility by the paroling authority under certain terms and conditions and is under the supervision of a probation and parole officer (PPO) for an established period. (7-1-21)
21. **Penological Interests.** The security, programmatic, and rehabilitative interests of the Board and the Department. (7-1-21)
22. **Person.** An individual, corporation, governmental entity or organization, however organized or constituted. (7-1-21)
23. **Photo Identification.** A current, valid state or military issued identification card displaying a photograph or a passport. (7-1-21)
24. **Post Order.** A detailed set of guidelines and procedures for each post or area of employee assignment which governs and explains the duties of the employee assigned to the post or area of responsibility. (7-1-21)
25. **Probationer.** An offender supervised by a probation and parole officer (PPO) for an established period of time as established by the court. (7-1-21)
26. **Procedure.** A sequence of steps or actions to be followed to implement and support a rule or policy. (7-1-21)
27. **Public.** A person, of the general public, that does not include offenders, contractors, vendors, volunteers, interns, or the employees of the Board, Department, or the Commission of Pardons and Parole. (7-1-21)
28. **Special Investigations Unit (SIU).** The designated unit under the Director's office with primary responsibility for conducting investigations of employee misconduct allegations and providing assessment and general investigative services for the Department. (7-1-21)
29. **Tobacco Products.** Cigarettes, whether packaged or hand rolled, cigars, snuff, chew, or any other

variation of a product containing tobacco. (7-1-21)

30. Vendor. A person who supplies goods or services to the Board or any operation or facility under the authority of the Board. (7-1-21)

31. Volunteer. An approved and trained person who volunteers or donates time or services to the Board or a Department operation or facility, not employed by the Idaho Department of Correction (IDOC), who is at least eighteen (18) years of age and, of their own free will, provides good or services, for no monetary or material gain, to a facility and/or any of its sections. (7-1-21)

011. -- 012. (RESERVED)

SUBCHAPTER A – IDAHO DEPARTMENT OF CORRECTION

013. DEPARTMENT FEE STRUCTURE.

In order to help the Department defray the cost of various services provided to offenders, the Department may charge fees set in statute and the following fees, which are set in Department standard operating procedure. (7-1-21)

01. Hobby Craft Surcharge. The Department may charge offenders who participate in facility hobby craft activities a surcharge to offset the cost of hobby craft supplies and items that are used by participants, such as hobby shop tools. (7-1-21)

02. Photo Copying Fee. The Department may charge offenders a fee for photocopying court documents relating to qualified legal claims or other documents as authorized by the Department. Offenders have access to courts regardless of their inability to pay for photocopies related to qualified legal claims. (7-1-21)

03. Medical Co-Pay Fee. In order to offset the costs associated with healthcare services, the Department may charge offenders a fee for healthcare services. The IDOC and/or contract medical provider shall not deny an offender access to healthcare services based on the offender's inability to pay. (7-1-21)

014. -- 103. (RESERVED)

104. TOBACCO FREE ENVIRONMENT.

Department Property shall be tobacco free. No person may use tobacco products on or in Department Property, to include vehicles, except in designated areas. Tobacco products are not allowed in any Department correctional facility or CRC and must be kept in a securely locked vehicle. (7-1-21)

105. VICTIM NOTIFICATIONS.

Upon receipt of a victim request for notification made pursuant to Section 19-5306(2), Idaho Code, the Department shall make reasonable efforts to notify the victim when the offender who is the subject of the request escapes or is released from the custody of the Board other than by the Parole Commission or a court order. (7-1-21)

106. SERVICE OF PROCESS ON DEPARTMENT EMPLOYEES.

The Board authorizes and directs that all service of summons, complaints, and subpoenas against or upon the Board, the Department, or any employee of the Department for or related to a cause of action arising out of or related to the scope and course of the actions, duties, or employment of the Board, the Department, or any employee of the Department shall be made upon the deputy attorneys general assigned to the Department in the manner and form prescribed by state and federal rules of procedure. (7-1-21)

107. (RESERVED)

108. IDAHO PUBLIC RECORDS ACT.

01. Intent of the Board. It is the intent of the Board that the records of the Department be open to the public for inspection and copying at all reasonable times, unless the records or information contained therein is specifically exempt from disclosure by state or federal statute or court rule. The Board shall implement the exemptions for Department records as set forth in the Idaho Public Records Act. (7-1-21)

02. Public Records Requests. All requests for records of the Department must be submitted in writing to the Transparency Manager at Central Office through the online portal located on the Department's website or by mail. (7-1-21)

03. Custodian of Records. Certain Department employees are designated as official custodians of Department records who may delegate custodian duties and responsibilities to more efficiently process public records requests. For purposes of this section, official custodians for records of the Department are: (7-1-21)

- a. The director; (7-1-21)
- b. The public information officer; (7-1-21)
- c. The central records manager; (7-1-21)
- d. The chiefs of the divisions; and (7-1-21)
- e. The facility heads. (7-1-21)

04. Records Exempt from Disclosure. In order to protect information consistent with the public's interest in confidentiality, public safety, security, and the habilitation of offenders, pursuant to Section 74-105(4)(a)(i), Idaho Code, the Board has identified records of the Department to be exempt from disclosure in whole or in part. These records include, but are not limited to: (7-1-21)

- a. Records to be exempt in whole: (7-1-21)
 - i. Records of the Department that define specific building design details, such as facility blueprints; (7-1-21)
 - ii. Records of the Department that define specific operations used to respond to and control emergencies; (7-1-21)
 - iii. Records of the Department that define site-specific security operations, such as facility security procedures, site-specific post orders, and security camera locations, numbers, or recordings; (7-1-21)
 - iv. Records containing information specific to the habilitation of any offender, including information tracking the behavior, progression, or digression of a particular offender such as case notes, supervision notes, and program or treatment records. Notwithstanding this exemption, records of this nature specific to offenders sentenced to death shall be available to counsel of record for offenders sentenced to death, subject to redaction; (7-1-21)
 - v. Records of an offender when requested by another offender. For purposes of Subsection 108.04 the term offender shall not include a person who has completed their sentence of incarceration or term of probation or parole; (7-1-21)
 - vi. Offender academic records. Notwithstanding this exemption, consistent with Family Educational Rights and Privacy Act, FERPA, 34 C.F.R. part 99, academic records shall be disclosed to school officials, including teachers, having legitimate educational interests. Further, an offender's academic records shall be disclosed to their attorney of record in their criminal case, provided the attorney first submits a request on their letterhead noting the active case number and a release signed within six (6) months by the offender; (7-1-21)
 - vii. NCIC and ILETS records, FBI/CIB identification sheets, police reports, and drivers services sheets; (7-1-21)
 - viii. Medical, counseling and treatment records. Notwithstanding this exemption, an offender's medical, counseling and treatment records shall be disclosed to the offender's attorney of record in their criminal case, or the offender's private professional health care provider, provided that the attorney or the health care provider submits a request for these records on their letterhead and a release signed withing six (6) months by the offender; (7-1-21)

- ix. Records identified in Rule 135 related to the Department's duty to carry out an execution pursuant to chapter 27, title 19, Idaho Code; (7-1-21)
- x. Records or logs of any person visiting an inmate under Subsection 117.05; (7-1-21)
- xi. Inmate trust account information, telephone call records or recordings, personal mail, and electronic messages; (7-1-21)
- xii. Offender's GPS records and information. (7-1-21)
- b.** Records exempt in part, subject to redaction: (7-1-21)
 - i. Records of the Department containing the names and addresses of confidential informants, or containing information identifying confidential informants; (7-1-21)
 - ii. Department intelligence reports of offender criminal activity, that if disclosed would jeopardize public safety, the safety of confidential informants, offenders or staff, or the security of the facility; (7-1-21)
 - iii. Records that identify or would lead to the identification of a date, time, or a place of future transportation or movement of a prisoner; (7-1-21)
 - iv. Department investigatory records, to the extent that disclosure of such records would interfere with enforcement proceedings, deprive a person of the right to a fair trial or impartial adjudication, disclose the identity of a confidential source or confidential information furnished only by the confidential source, disclose investigative techniques or procedures, or endanger the life or physical safety of any person. This exemption shall not preclude release of the following information: (7-1-21)
 - (1) The time, date, location, and nature and description of a reported crime, accident or incident; (7-1-21)
 - (2) The name, sex, age, and address of a person arrested, except as otherwise provided by law; (7-1-21)
 - (3) The time, date, and location of the incident and of the arrest; (7-1-21)
 - (4) The crime charged; and (7-1-21)
 - (5) Documents given or required by law to be given to the person arrested. (7-1-21)

05. Records of Civil Commitments. Civilly committed individuals may not be convicted of a crime or may be held in a Department facility for reasons other than criminal conviction. Requests for information from the file of a civilly committed individual will be referred to Department legal counsel to determine applicability of federal and state statutes or court rules pertaining to individual privacy and the public's right to know. (7-1-21)

109. (RESERVED)

110. MEDIA AND PUBLIC RELATIONS.

Requests for an interview with an offender will be referred to the public information officer. The offender will be informed of the request for interview and the nature of the interviewer's interest. The offender may accept, decline or modify the request for interview. Interviews with an offender will be subject to approval of the Director. (7-1-21)

111. -- 113. (RESERVED)

114. TRUST ACCOUNTS.

- 01. Account Established in Inmate Name.** The Department will maintain guidelines for the

withdrawal of funds by the inmate or to satisfy their financial obligations. (7-1-21)

02. Employers of Reentry Center Inmates. Any person employing an inmate housed in a community reentry center shall send the inmate's pay directly to the Department for deposit in the inmate's trust account. (7-1-21)

115. (RESERVED)

116. CUSTODY OF EVIDENCE.

All evidence confiscated from Department employees, offenders, contractors, or witnesses, that is or may be utilized in administrative investigations and inquiries, probation or parole revocation hearings, or criminal proceedings, shall be maintained in a safe and secure manner until completion of the investigation, inquiry, or proceeding. A member of the public claiming an interest in an item of evidence may file a written request for its return with the Department or law enforcement agency having jurisdiction. (7-1-21)

117. ACCESS TO DEPARTMENT PROPERTIES.

In order to maintain the secure and orderly operation of Department correctional facilities, community reentry centers (CRCs), and district probation and parole offices, the Department shall control access to these Department properties. Any person entering onto and/or into a correctional facility, CRC, or district probation and parole office property, shall do so at their own risk and will be required to comply with all written and/or verbal security and control measures. The Department shall not allow public access to any correctional facility, CRC, or district probation and parole office property without approval of the Board, director, division chief, deputy division chief, district manager, or facility head. The Department may consider any person who enters onto and/or into a correctional facility, CRC, or district probation and parole office property without a business purpose or approval to be trespassing and subject to arrest and prosecution pursuant to Idaho Code. (7-1-21)

01. Persons and Vehicles Subject to Search. All persons and vehicles entering onto and/or into a correctional facility, CRC, or district probation and parole office property, may be subject to search. All unattended vehicles parked at a correctional facility, CRC, or district probation and parole office property must be locked and have keys removed. All vehicles entering the secure perimeter of a correctional facility shall be searched upon entering and exiting the facility. (7-1-21)

02. Photo Identification Required. The identification of all Department visitors is necessary to ensure staff safety and building security. All Department visitors shall identify themselves to Department staff upon entering Department property. The identification of visiting employees may be made by visual recognition or the request to see a Department-issued identification card. The identification of all other visitors, not inclusive of officials escorted by a member of the Board, director, division chief, deputy division chief, district manager, or facility head, shall be through photo identification or law enforcement/peace officer badge, or both. (7-1-21)

03. Contraband Prohibited. The items allowed onto or into a correctional facility, CRC, or district probation and parole office property shall be controlled. Unauthorized items are called contraband and any person who brings or attempts to bring contraband onto or into a Department property may be subject to arrest and prosecution. (7-1-21)

04. Possessing Firearms and Other Deadly or Dangerous Weapons. Without the approval of the director or division chief, no person shall be allowed to enter into or onto Department Property and restricted areas with a firearm or other deadly or dangerous weapon as defined below. (7-1-21)

a. 'Restricted area' means any area Department property in which certain security measures are carried out for the purpose of protecting staff or Department property, or both, from harm or theft. (7-1-21)

b. 'Possess' means to bring a weapon, firearm, or other deadly or dangerous weapon, or to cause such items to be brought into Department property or Department vehicles. (7-1-21)

c. 'Firearm' means any weapon, whether loaded or unloaded, from which a shot, projectile, or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether such firearm is operable or inoperable. (7-1-21)

d. 'Deadly or dangerous weapon' means a weapon, device, instrument, material, or substance that is used for, or is readily capable of, causing death or serious bodily injury. (7-1-21)

05. Visiting Inmates. Visitation is allowed at the discretion of the facility head or designee. Nothing in these rules establishes a right to visit any inmate. The facility head will determine whether a visit is contact or non-contact. All visitors must be approved in advance, unless an exception is granted by the facility head. All visitors are subject to a criminal background investigation and a check for outstanding warrants. Visitors are responsible for reading and following the Department's rules that govern visiting. (7-1-21)

a. Restricted Visitors. The Department may restrict any person from visiting an inmate, including, but not limited to: (7-1-21)

i. Former inmates. (7-1-21)

ii. Probationer or parolee. (7-1-21)

iii. Minor children who are not an immediate family member of the inmate. (7-1-21)

iv. A minor child who was the victim of a violent or sexual crime where the inmate was the perpetrator of the crime, whether a conviction resulted or not. (7-1-21)

v. Current or former Department employee, volunteer, vendor, intern, or contractor. (7-1-21)

vi. A person who has pending criminal charges. (7-1-21)

b. General Standards. A person shall not be on the approved visiting list for more than one (1) inmate at a time unless the person is the immediate family of more than one (1) inmate being visited. A person will not be approved to visit an inmate if within six (6) months before the current application the person was an approved visitor on another inmate's visiting list. (7-1-21)

c. Termination of Visits. A visit may be suspended, restricted, or terminated at any time, for any period of time (including permanently), for violation of any of the following: (7-1-21)

i. Board rule; (7-1-21)

ii. Department policy, standard operating procedure, directive, or field memoranda; or (7-1-21)

iii. At the discretion of the facility head or designee. (7-1-21)

iv. Persons who have had visiting privileges permanently terminated may apply within fourteen (14) days to the chief of the division that governs the facility for reconsideration of the termination decision, and on an annual basis thereafter. (7-1-21)

d. Attorney Visits with Inmates. An attorney or approved agent may visit with an inmate consistent with this section and must abide by all Department regulations, policies, and standard operating procedures governing visiting. (7-1-21)

i. Visits between inmates under the sentence of death and attorneys will be permitted pursuant to Section 19-2705, Idaho Code. (7-1-21)

ii. Visits with groups of inmates will not be permitted unless the Office of the Attorney General has verified class certification or co-parties. (7-1-21)

iii. For safety and security purposes, the facility head may assign staff to supervise visits between inmates and attorneys or their approved agents. (7-1-21)

06. Tours or Sanctioned Activities. (7-1-21)

a. Tours. The Department may allow tours of facilities and property according to procedures approved by the director and tours will take place at times that ensure the safety and convenience of the facility or Department property. (7-1-21)

b. Sanctioned Activities. Under certain circumstances, and with an invitation from the director or designee, an individual may attend events or program activities held at a facility as long as attendance does not interfere with penological interests. (7-1-21)

07. Termination. Any visit, tour, sanctioned activities, or services shall be subject to immediate cancellation upon violation of Department rule or policy. (7-1-21)

118. -- 133. (RESERVED)

134. RESEARCH REQUESTS.

The Board may allow access to records, employees and offenders in the custody of the Board for purposes of appropriate and ethical research relevant to the Board's penological interests. (7-1-21)

01. Archival Research. Research that is based solely on a review or analysis of existing data will receive an expedited review. (7-1-21)

02. Research Conducted with Human Subjects. Research conducted on offenders or employees, or both, may be conducted by professional researchers, including private consultants and Department employees, graduate students supervised by graduate level professionals, or undergraduate students supervised by Department staff undertaking research projects implemented and designed by Department administrators. A consent form, signed by the offender or employee, will be required for all requests to conduct research with a human subject. (7-1-21)

03. Required Documentation. A written proposal; a copy of the school's Internal Review or Human Subject Review Board approval, if applicable; a copy of the consent, if applicable. Required documentation will be initially submitted to IDOC research unit ninety (90) days prior to the proposed research start date, and be reviewed by the facility head, or designee, of the site where the research is to take place. Once the proposal is approved by the Department, a memorandum of understanding between the Department and the researcher(s) will establish the expectations of all parties. (7-1-21)

a. The written proposal will include a statement of the significance of the study, a research hypothesis or problem statement, an estimate of the time parameter for the project's completion, and a clear statement of the research methodology, a definition of the population, the sample selection, the design, ethical procedures, a discussion on dissemination of written research reports and legal parameters. (7-1-21)

b. Department employees conducting research at the request of the Department and professional researchers retained by the Department may be exempt from the requirement to submit a written research proposal. Department employees who wish to conduct research not requested by the Department must submit the required documentation noted in Subsection 134.03. (7-1-21)

04. Rights of Research Subjects. The rights and welfare of any justice involved individuals or employee as research subjects will be safeguarded at all times. (7-1-21)

05. Use of Offenders in Medical Experimentation Prohibited. The use or participation of offenders in medical, pharmaceutical or cosmetic experiments is expressly prohibited. (7-1-21)

06. Termination of Project. Approve research may be terminated at any time. (7-1-21)

135. EXECUTIONS.

01. Personnel Assigned to Execution. Idaho Maximum Security Institution (IMSI) personnel and the Department's administrative team will carry out the execution warrant. The IMSI facility head (or designee) shall be the official executioner. (7-1-21)

02. Method of Execution. Execution of the sentence of death shall be by lethal injection. (7-1-21)

03. News Media Coordination. Department personnel will coordinate news media activity and provide logistics and communications support. A news media center shall be established. The pre-execution briefing will be delivered in the news media center. The post-execution briefing will occur in the news media center. News media witnesses will be chosen pursuant to Department procedure. The director or designee will designate a public information officer to respond to execution-related news media requests and releases of information. (7-1-21)

04. Parking and Demonstration Areas Provided. Areas for public and news media parking will be provided and maintained in a secure manner. Areas for public gathering and demonstration of support or opposition to the death penalty will be provided and maintained in a secure manner. (7-1-21)

05. Disclosure. (7-1-21)

a. Disclosure. The director shall determine and prepare written procedures, to be reviewed by the Board, to be used in any execution. At a minimum the procedures must address the substance or substances approved to be used, the process to test the composition of the substance or substances to be used, protocols and procedures related to the preparation and administration of the substance or substances to be used, staff, contractor and volunteer training, and qualifications of contractors or volunteers providing medical services. Except as provided by section 74-105(4), Idaho Code, and herein, these procedures shall be made available to the public upon request. (7-1-21)

b. Non-Disclosure. The Department will not disclose under any circumstance information wherein the director determines disclosure of such information could jeopardize the Department's ability to carry out an execution, including, but not limited to the following: (7-1-21)

i. The identity of the on-site physician; (7-1-21)

ii. The identity of staff, contractors, consultants, or volunteers serving on escort or medical teams; (7-1-21)

iii. Information that identifies or could lead to the identification of any pharmacy, prescriber, manufacturer, compounder, or other entity that supplies or has supplied any chemicals or substances to the Department of Correction or any entity that provides or has provided medical supplies or services to the Department of Correction. (7-1-21)

06. Persons Allowed in the Execution Unit. The director (or designee) shall have the discretion to determine the number of persons allowed in the execution unit at any time. In exercising this discretion, the director (or designee) shall consider the safe, secure, and orderly operation of the Idaho Maximum Security Institution (IMSI); the interests of the victim's family; and whether multiple death warrants are being executed concurrently. The configuration of the execution unit and the occupants of each room will be in accordance with Department standard operating procedure. (7-1-21)

a. In most instances, the following persons should be allowed in the execution unit: (7-1-21)

i. Administrative Team; (7-1-21)

ii. Escort Team members; (7-1-21)

iii. Medical Team members; (7-1-21)

iv. On-site physician; (7-1-21)

v. Director of the IDOC; (7-1-21)

vi. Idaho Board of Correction representative; (7-1-21)

- vii. Chief of the Division of Prisons or designee; (7-1-21)
- viii. IMSI Warden or designee; (7-1-21)
- ix. Ada County Coroner; (7-1-21)
- x. Prosecuting attorney from the county of conviction; (7-1-21)
- xi. Sheriff from the county of conviction; (7-1-21)
- xii. District judge from the county of conviction; (7-1-21)
- xiii. Idaho Governor or representative; (7-1-21)
- xiv. Idaho Attorney General or representative; (7-1-21)
- xv. Two (2) members of the victim's family; (7-1-21)
- xvi. The spiritual advisor for the condemned person; (7-1-21)
- xvii. Two (2) witnesses selected by the condemned person; (7-1-21)
- xviii. An attorney of record for the condemned person; (7-1-21)
- xix. Four (4) media representatives; (7-1-21)
- xx. IDOC liaison for victim families; and (7-1-21)
- xxi. IDOC liaison for the condemned. (7-1-21)

b. In the event that any of the persons, to include their designee or representative, identified above, do not wish to attend the execution, the director or designee may approve another individual to attend in that person's place. (7-1-21)

136. MERITORIOUS REDUCTION OF SENTENCE.

Pursuant to Section 20-101D, Idaho Code, the Director may withdraw an award of meritorious conduct reduction at their discretion based on serious misconduct, escape, or commission of a new crime. An offender shall be entitled to a hearing prior to any withdrawal of an award of meritorious conduct reduction. Nothing herein shall create any right or entitlement to receive a meritorious conduct reduction of sentence. (7-1-21)

137. -- 144. (RESERVED)

145. SUBPOENAS.

The Department shall conduct thorough and appropriate investigations and absconder apprehensions, in part, by requesting, reviewing, processing, and issuing subpoenas consistent with Sections 20-209G and 20-228A, Idaho Code. (7-1-21)

01. Service of Subpoenas. SIU is responsible for serving all subpoenas. The investigator will personally serve the administrative subpoena at the principal place of business or residence of the person being served. A duplicate original (i.e., a second copy with original signatures) shall be left with the business or person being served. (7-1-21)

02. Timelines for the Production of Documents. The business or person on whom the service was successfully executed, must be allowed at least seven (7) calendar days to produce the documents requested in the administrative subpoena. (7-1-21)

03. Reimbursement. Generally, subpoenaed businesses or persons are entitled to reimbursement of

reasonable costs associated with searching for, assembling, and copying subpoenaed documents pursuant to Idaho Rules of Civil Procedure, Rule 35. (7-1-21)

146. -- 301. (RESERVED)

302. COUNTY FACILITIES.

The Department shall not make payment for offenders held on pending charges, offenders temporarily returned to the jail by order of the court, and those otherwise held under court-ordered jurisdiction. (7-1-21)

01. Transport. (7-1-21)

a. If a sheriff moves an offender committed to the custody of the Board to the jail of another county, the sheriff must immediately notify the Department. The sheriff shall not transfer an offender committed to the custody of the Board to jail located in another state without the approval of the director or designee. (7-1-21)

b. The sheriff shall transport individuals to and from a Department facility and the county jail when a court appearance is ordered. Other transport arrangements may be made between the Department and the sheriff. (7-1-21)

02. Conditions of Confinement. The policies and guidelines of the county jail apply while the offender is confined at the county jail, except as may be modified by this section or agreement between the Board and the county jail. (7-1-21)

03. Medical, Dental, Psychological and Psychiatric Care. Delivery of routine medical, dental, psychological, and psychiatric services shall be the responsibility of the jail, however, the Department's health authority shall have the responsibility for approving medical, dental, psychological, and psychiatric health care payments for offenders committed to the custody of the Board and housed in county jails. (7-1-21)

a. All medical services for an offender housed in a county jail delivered outside the county jail, including consultant appointments, scheduled hospitalizations, and dental care, shall be approved by the health authority or designee prior to occurring, except as noted herein. (7-1-21)

b. The health authority or designee, shall be notified the next working day of any emergency services. (7-1-21)

c. Any extraordinary treatment shall be approved by the health authority prior to treatment. Emergency care, which requires possible transport out-of-state, requires prior approval by the health authority or designee. (7-1-21)

d. Failure to make the notifications required herein to the health authority or designee will result in the county jail being held responsible for any charges or expenses incurred. (7-1-21)

e. Transportation of the offender to and from appointments shall be the responsibility of the county jail. An offender committed to the custody of the Board shall not be left without security escort, except as may be approved by the director or designee. (7-1-21)

04. Offender Work Assignments. Offenders committed to the custody of the Board who are being held in county jails may be assigned to work assignments or work projects. No offender shall be assigned to a work assignment or project outside of the secure perimeter of the jail. An offender shall not be outside of the secure perimeter of the jail when not directly supervised or escorted by security personnel, except upon approval of the director or designee. (7-1-21)

303. -- 310. (RESERVED)

311. INMATE MARRIAGES.

Section 32-201, Idaho Code, requires that all marriages in Idaho be accomplished with a license and by solemnization. A person desiring to marry an inmate shall make application for marriage to the facility head of the

facility where the inmate is held in custody. The facility head shall have discretion to allow a solemnization ceremony to be conducted within the facility between a member of the public and an inmate if in the opinion of the facility head doing so will not be contrary to penological interests. (7-1-21)

312. DECEASED INMATES.

01. Notifications. Upon verification of the death of an incarcerated inmate, the facility head or designee shall notify the coroner of the county in which the facility is located and the offender's family in accordance with emergency contact information on file with the facility. (7-1-21)

02. Autopsy and Inquest. The coroner shall determine if an autopsy should be performed in accordance with state law and the interests of the public. The Department shall seek an autopsy in all cases of violent or sudden and unexpected death. The coroner shall hold an inquest as required by Section 31-2801, Idaho Code, unless the autopsy was waived. (7-1-21)

03. Delivery of the Body to a Funeral Home. As soon as possible after the death of the incarcerated inmate, the facility head or designee shall arrange for the body to be delivered to coroner or a funeral home. The deceased inmate's family, shall be told where the body may be claimed and if the family claims the body, the family shall be responsible for all costs of interment. (7-1-21)

04. Body Not Claimed. In cases where the coroner has performed an autopsy and the body has been released but not claimed, or where the body has not been claimed within seventy-two (72) hours after death and a reasonable and good faith effort was made to notify the deceased inmate's family, the facility head or designee shall arrange with a funeral home for interment. If there is not sufficient property in the estate of the deceased inmate to pay the necessary expenses of interment, the expenses are a legal charge against the county where the facility is located pursuant to Section 31-2802, Idaho Code. The director of the Department may, in their sole discretion, accept financial responsibility for the costs of interment on behalf of the Department. When the Department accepts financial responsibility for the costs of interment, the interment will be by cremation. (7-1-21)

05. Disposition of Money and Property. After the death of an incarcerated inmate, the facility head or designee will make a good-faith effort to locate the person or charitable organization the deceased inmate designated in emergency contact information to receive their money and property after interment and property mailing has been finalized. The deceased individual's money will first be applied to cover the interment, unless their family or friends take financial responsibility for those costs. Next, if any money remains, the deceased individual's money will be applied to the costs associated with mailing their property to the person or charitable organization designated to receive the property. If no money remains to cover the mailing cost, the person or charitable organization will make arrangements with the facility to pick-up the property, or the property will be disposed of in accordance with Department standard operating procedure. Finally, any money remaining shall be released by the Department to the person or charitable organization designated by the deceased individual. (7-1-21)

a. If the Department is unable to locate the person or charitable organization designated to receive the deceased inmate's money, the Department will hold the money for up to two (2) fiscal years and then process the money as unclaimed funds. The Department shall submit all unclaimed funds to the Idaho State Treasurer's Office. (7-1-21)

b. If the Department is unable to locate the person or charitable organization designated to receive the deceased inmate's property, the Department will hold the property for up to one hundred eighty (180) days and then donate or destroy the property in accordance with Department standard operating procedure. (7-1-21)

06. Inmates Housed in Non-Department Facilities. If an incarcerated inmate in the custody of the Board dies while housed in a non-Department facility, the Department shall pay for costs of disposition of the body, unless other arrangements are stated in an agreement or contract with the non-Department facility or unless the family claims the body. (7-1-21)

313. -- 400. (RESERVED)

401. MEDICAL CARE.

01. Notification of Family in Emergency. In the event of a serious injury to an inmate or the hospitalization in an acute care setting of an inmate the facility head of the facility where the inmate was housed shall make reasonable efforts to notify the inmate's family, unless doing so would be contrary to penological interests. (7-1-21)

02. Contracts with Hospitals. The Department may enter into contracts with hospitals in the community where a facility is located to provide for the secure hospital care of inmates in the custody of the Board. (7-1-21)

03. Children Born to Inmates. The Board or the Department shall not be financially or otherwise responsible for the medical or other care of a child born to an offender in the custody of the Board. (7-1-21)

04. Organ Transplant Donations by Inmates. Upon the death of an inmate, organ and tissue donation may be allowed pursuant to the Revised Uniform Anatomical Gift Act, Title 39, Chapter 34, Idaho Code, except that neither the Board nor the Department shall be authorized to consent to organ donation or tissue on behalf of a deceased individual. The director or designee may authorize organ and tissue donations by living inmates. Any such organ or tissue donation by a living inmate shall be subject to the requirements of Section 20-101C, Idaho Code, and shall meet the following criteria: (7-1-21)

a. The Department, or its medical provider if privatized, shall incur no financial liability as a result of any proposed organ or tissue donation. All costs related to the proposed organ or tissue donation and transplant must be paid by the recipient or other source; (7-1-21)

b. The proposed transplant procedure must fall within acceptable community standards of medical care and established medical practices; (7-1-21)

c. Both the donor and the recipient, to the extent known, shall sign a hold harmless and indemnification agreement to the benefit of the Board and the Department; and (7-1-21)

d. The Board expressly prohibits organ or tissue donation from the body of an executed inmate. (7-1-21)

402. CORRESPONDENCE WITH INMATES.

01. Incoming Mail. All incoming mail shall be opened and inspected to ensure it does not contain prohibited items and may be withheld from delivery to the inmate. Any sender of mail that violates the provisions of these rules, Department policies, or standard operating procedures may, at the sole discretion of the facility head, be restricted or prohibited from sending mail to or receiving mail from any inmate. (7-1-21)

02. Legal Mail. Legal mail is confidential communication directly between an inmate and an attorney for the purposes of seeking or providing legal services, an inmate and the court, and service documents pursuant to court rules. (7-1-21)

a. To be recognized and treated as legal mail, correspondence from a legal source must be clearly marked "Legal Mail" and display the name, title and address of the sender. (7-1-21)

b. Legal mail will be opened in the presence of the inmate and may be scanned to ensure that it does not violate the provisions of these rules, Department policies, or division standard operating procedures. (7-1-21)

c. Any sender of legal mail that violates the provisions of these rules, Department policies, or standard operating procedures may, at the sole discretion of the division chief, have all incoming and outgoing mail treated as regular mail. (7-1-21)

03. Confidential Mail. Confidential mail includes correspondence sent to or received from persons or entities such as the following: the President of the United States, the governor, the Idaho Legislature or U.S. Congress (except for bulk mailings), the Board, the director, IDOC chiefs and deputy chiefs, facility heads, PREA reporting

and support contacts, public interest groups or government entities providing assistance for inmates, the Idaho Commission of Pardons and Parole or any member thereof, or the Consulate or Embassy of an inmate who is a foreign national. (7-1-21)

a. Confidential mail will be opened in the presence of the inmate and may be scanned to ensure that it does not violate the provisions of this section, Department policies, or division standard operating procedures. (7-1-21)

b. Any sender of confidential mail that violates the provisions of these rules, Department policies, or standard operating procedures may, at the sole discretion of the facility head, have all incoming and outgoing mail treated as regular mail. (7-1-21)

04. Prohibited Mail. Mail, including a publication, that poses a threat to the penological interests of the Board or Department may be withheld. Contraband will always be withheld without regard to this section. The Board has determined that some types of mail always pose a threat to penological interests. A list of the types of materials prohibited can be found at the Department's website or it can be obtained by request. (7-1-21)

05. Withholding of Prohibited Material. Any incoming mail suspected of containing any prohibited material defined in this section shall be withheld and reviewed by the facility head or designee to determine if it should be withheld or delivered. If the facility head determines that the mail should be withheld, the offender will be given written notice and may use the Department grievance procedure to contest the decision. (7-1-21)

403. INMATE RELIGIOUS PRACTICES.

Inmates have the opportunity to practice the tenets of their respective religious faiths, including access to religious publications, to representatives of their faiths, and to religious counseling, so long as those religious practices do not conflict with a compelling government interest. If a compelling governmental interests burdens an offender's religious practice, the Department will use the least restrictive means to further that interest. (7-1-21)

404. (RESERVED)

405. COURT PROCEEDINGS WITHIN A FACILITY.

The Department may make a conference or court room within a facility available to a state or federal court for the purpose of holding a hearing or trial upon a claim involving an offender or group of offenders when doing so will not be contrary to penological interests. The facility head in consultation with the court may allow members of the public who are not witnesses to the proceeding into the facility to observe the proceeding when in the opinion of the facility head doing so will not be contrary to penological interests. (7-1-21)

406. -- 502. (RESERVED)

503. TELEPHONES.

Inmates are not allowed to use facility telephones except upon written permission of the facility head or designee. All telephone calls made from the inmate system are subject to being recorded. The facility staff shall make every reasonable effort to identify and not monitor telephone calls between an inmate and the inmate's attorney. (7-1-21)

504. -- 605. (RESERVED)

606. VOLUNTEER SERVICES.

The Department may establish a volunteer services program. All volunteers are subject to a criminal background check and must be approved by the appropriate authority. Orientation and training of volunteers shall include completion of a Department-approved training curriculum. (7-1-21)

607. -- 610. (RESERVED)

611. BUSINESS WITH INMATES AND LABOR OF INMATES.

01. Guidelines. The Department may contract with federal, state, local governmental entities, and non-profit public service organizations for public work projects. (7-1-21)

02. Persons Prohibited from Contracting with Inmates. No person may contract with, solicit for contract or employment or employ any inmate without written approval of the director or designee. (7-1-21)

612. -- 699. (RESERVED)

SUBCHAPTER B – IDAHO CORRECTIONAL INDUSTRIES

700. CONTRACTS WITH PRIVATE AGRICULTURAL EMPLOYERS.

Idaho Correctional Industries (ICI) will make all reasonable efforts to ensure employed workers are not displaced when entering into a contract with a private agricultural employer for the use of trainees. (7-1-21)

01. Wage Determination. On an annual basis, ICI will request a prevailing wage determination letter from the Idaho Department of Labor for the prevailing wage of the region for Standard Occupational Classification codes related to the agricultural work to be performed. (7-1-21)

02. Prior to Contract. Prior to entering into any contract with a private agricultural employer for use of trainees, ICI will conduct a work site evaluation with assistance from IDOC staff to identify trainee safety and security risks and needs. (7-1-21)

03. Contract Requirements. Contracts with a private agricultural employer must include the following: (7-1-21)

a. At a minimum, the hourly rate per trainee paid to ICI by the private agricultural employer for trainee labor must be set at the prevailing wage provided by IDOL for that region, or state minimum wage, whichever is higher. The hourly rate per trainee must also account for any other costs the private agricultural employer would be required by law to pay for employed workers even if not required by law to pay for trainees, for example workers compensation insurance premiums. (7-1-21)

b. The security and safety provisions identified during the work site evaluation and the responsibilities of each party. Security and supervision of the trainees will be provided at the work site by IDOC correctional officers. (7-1-21)

c. A statement certifying that the private agricultural employer was unable to employ a sufficient number of non-trainee workers to complete the job as described in the contract. (7-1-21)

701. DISBURSEMENT OF FUNDS.

The moneys received for trainee labor and sale of goods will be deposited into the ICI Betterment Account and dispersed pursuant to Sections 20-412 and 20-416, Idaho Code. ICI will disperse a portion of the funds deposited from the agricultural trainee program to the Idaho Victim's Compensation Fund. (7-1-21)

01. Costs Offset. IDOC will invoice ICI for disbursement of funds to cover IDOC's costs of the agricultural trainee program. The funds dispersed to IDOC must be used to offset the costs of incarceration, supplement education opportunities to incarcerated individuals, and provide resources for reentry to the community. (7-1-21)

02. Trust Account. Trainees will receive a stipend for their work in accordance with Section 20-412, Idaho Code. Trainee stipends must be deposited into the trainee's trust account with IDOC. 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. (7-1-21)

702. -- 999. (RESERVED)

06.02.01 – RULES GOVERNING THE SUPERVISION OF OFFENDERS ON PROBATION OR 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 includes in the terms and conditions of probation a requirement that the defendant enter into and comply with an agreement of supervision with the Board. (7-1-21)

02. Section 20-212, Idaho Code. Pursuant to Section 20-212, Idaho Code, the Board has authority to 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. (7-1-21)

03. Section 20-217A, Idaho Code. Pursuant to Section 20-217A, Idaho Code, the director has authority to assume all the authority, powers, functions and duties as may be delegated to him by the Board. (7-1-21)

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. (7-1-21)

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, target the offender's criminal risk and need factors with appropriate supervision and intervention and 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. (7-1-21)

06. Section 20-219(7)(a), Idaho Code. Pursuant to Section 20-219(7)(a), Idaho Code, the Board has authority to 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. (7-1-21)

07. Section 20-219(7)(b), Idaho Code. Pursuant to Section 20-219(7)(b), Idaho Code, the Board has authority to 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 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 include but are not limited to, decreased reporting and transfer to limited supervision. (7-1-21)

08. 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. (7-1-21)

001. SCOPE.

These rules are established to govern the supervision standards and the parameters of a matrix of swift, certain and graduated sanctions and rewards to be implemented and used by the Board and the creation and operation of a limited supervision unit. (7-1-21)

002. 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. (7-1-21)

003. -- 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. (7-1-21)

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. (7-1-21)

03. Board. The State Board of Correction. (7-1-21)

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. (7-1-21)

05. Department. The Idaho Department of Correction. (7-1-21)

06. Director. The director of the Idaho Department of Correction. (7-1-21)

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. (7-1-21)

08. Division. The Idaho Department of Correction, Division of Probation and Parole. (7-1-21)

09. 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. (7-1-21)

10. Legal and Financial Obligation. An obligation owed by an offender that was incurred or imposed as a result of the commission of a criminal offense. Includes court costs, fines, fees, cost of supervision and restitution. (7-1-21)

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. (7-1-21)

12. Parolee. A person who: (7-1-21)

a. Has been released from a facility by the Commission prior to the completion of his sentence; (7-1-21)

b. Agrees to comply with certain conditions established by the Commission; and (7-1-21)

c. Remains under the supervision of a PPO for the established period of parole. (7-1-21)

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. (7-1-21)

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. (7-1-21)

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. (7-1-21)

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. (7-1-21)

17. Violent Misdemeanor. Any misdemeanor offense that includes, as an element of the offense or as part of the underlying facts: (7-1-21)

a. Physical contact with, or injury to, the person of another; or (7-1-21)

b. The use of a weapon to cause or threaten harm to another. (7-1-21)

011. ABBREVIATIONS.

01. AOS. Agreement of Supervision. (7-1-21)

02. PPO. Probation and Parole Officer. (7-1-21)

03. IRM. The Idaho Response Matrix. (7-1-21)

04. LSU. Limited Supervision Unit. (7-1-21)

012. GENERAL SUPERVISION

01. Responding to Non-Compliant Behaviors. (7-1-21)

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. (7-1-21)

b. A report will be sent to the court or Commission any time that discretionary jail time is imposed. (7-1-21)

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. (7-1-21)

02. Encouraging Compliant Behaviors. (7-1-21)

a. The PPOs will assess an offender's readiness for change regarding the identified needs of the offender throughout the period of supervision. (7-1-21)

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. (7-1-21)

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. The Department shall require the AOS and IRM are reviewed with each offender under the supervision of the Board and require each offender to sign the AOS. (7-1-21)

04. Assessment of Potential to Re-Offend. The Department shall require 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. (7-1-21)

05. Reentry Plan. The Department shall establish policies requiring that requires PPOs to review all actuarial assessments of the potential to re-offend and needs of each offender under the PPOs' supervision. PPO's will 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. (7-1-21)

06. Search of Home, Vehicle, and Property. Any person who resides with an offender under the supervision of the Department while on probation or parole or an offender released on furlough shall have the person's home, vehicle and property, both personal and real, subject to search by a probation and parole officer at reasonable times and in a reasonable manner to extent that the home, vehicle and property are accessible to the offender. The officer shall not need a warrant, reasonable suspicion, or probable cause. (7-1-21)

07. Visits at Place of Employment. Any person who employs an offender under the supervision of the Department while on probation or parole, an offender housed in a community reentry center, or an offender released on furlough shall have the offender's designated work areas subject to inspection by a probation and parole officer at reasonable times and in a reasonable manner. The officer shall not need a warrant, reasonable suspicion, or probable cause. (7-1-21)

013. USE OF IRM.

Supervision of Offenders. The Department shall utilize the Idaho Response Matrix (IRM) set forth in Appendix 1 to impose sanctions and rewards 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. (7-1-21)

014. ESTABLISHMENT OF LSU.

The Department shall establish a LSU and will monitor unit success, offender compliance, and oversee caseload and supervision activities. (7-1-21)

01. Transfer to LSU. (7-1-21)

a. Qualifying Factors. Supervisors will review District staff recommendations for transfer to the LSU. Qualifying Factors. Consideration for transfer to the LSU unit will be based on the following factors: (7-1-21)

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. (7-1-21)

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. (7-1-21)

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. (7-1-21)

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. (7-1-21)

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. (7-1-21)

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. (7-1-21)

b. Disqualifying Factors. The following factors disqualify an offender from being considered a candidate for transfer to the limited supervision unit: (7-1-21)

- i. Additional offenses: (7-1-21)
 - (1) Conviction of a new felony while on active probation or parole in the past twenty-four (24) months; (7-1-21)
 - (2) Conviction of a violent misdemeanor in the past twelve (12) months; or (7-1-21)
 - (3) Conviction of a misdemeanor DUI offense in the past twelve (12) months. (7-1-21)
- ii. Violation in the past twelve (12) months of a term or condition of probation or parole imposed by the court or the Commission resulting in a Level 3 sanction. (7-1-21)
- iii. Interlock Device. Any indicator of alcohol use from the state approved ignition interlock system within the past twelve (12) months. (7-1-21)
- 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. (7-1-21)
- 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. (7-1-21)
- d. Parolee Meeting Early Discharge Criteria. Without regard to the qualifying and disqualifying factors set forth in Subsections 014.01.a. and 01.b., a parolee who has been denied early discharge by the Commission will be eligible for referral to the LSU. (7-1-21)
- 02. Monitoring and Compliance.** (7-1-21)
 - a. Offenders must report on a regular basis (7-1-21)
 - b. The PPO or designee must monitor for adherence to offender's condition of supervision to include, but not limited to, searching for the following: (7-1-21)
 - i. New criminal case filings; (7-1-21)
 - ii. Status of legal and financial obligations; or (7-1-21)
 - iii. Warrants. (7-1-21)
- 03. Removal from LSU Unit.** The Department may in its discretion remove the offender from the LSU unit and assign the offender to a higher level of supervision. (7-1-21)
- 015. -- 999. (RESERVED)**

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

Response Matrix			Response Chart Key:		Low Magnitude 1	Moderate Magnitude 2	High Magnitude 3	Parolee Specific P	DUI	Domestic Violence	Sex Offender	
Reward	Desired behaviors	Conditions	Event	Sanction	Low risk	Moderate risk	High risk	90/180	DUI	DV	SO	
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 offenses)
1	1	2	No violations for last 3 months (review at every contact)	Report any contact/detention with law enforcement	Charge for new crimes (misdemeanor)	2	2	2	PV			
1	1	1	Reports all LE contacts	Do not possess any firearms/weapons	Repeated contact with LE for citable offenses	2	2	3	Align w/risk			
1	1	1	Reports all LE contacts	Do not possess any firearms/weapons	Fail to report LE contact within 24 hours and/or fail to disclose to LE that on supervision	1	1	1	Align w/risk			
1	1	2	Demonstrates cooperation and engagement to support supervision	Searches and seizures	Possession of firearm	PV	PV	PV	PV			
1	1	2	Positive decision making	Searches and seizures	Possession of dangerous weapon used or intended to be used for other than normal or usual purposes	3	3	3	90 day			
1	1	1	On time for all meetings	Report as directed to meet with PPO	Failure to allow PPO or any LE officer to perform search of person, residence or vehicle	3	3	3	Align w/risk			
1	1	1	Open communication with PPO (provides information openly and willingly)	Travel without permission	Deliberate failure to report to PPO (avoiding supervision)	2	2	2	Align w/risk			
1	1	1	Provides and follows schedules	Travel without permission	Late or missed meeting	1	1	1	Align w/risk			
1	1	2	Identifies risks/problems with PPO	Travel without permission	Absconding	PV	PV	PV	180 day			
1	1	1	Prosocial activities	Obey curfew	Leave district without permission	1	1	2	Align w/risk			
1	1	2	Evidence of positive lifestyle changes	Obey curfew	Leave state without permission	2	2	3	Align w/risk			
1	1	2	Evidence of positive lifestyle changes	Obey curfew	Failure to obtain or abide by travel permit conditions	2	2	2	Align w/risk			
1	1	2	Evidence of positive lifestyle changes	Obey curfew	Failure to obtain or abide by curfew	1	1	2	Align w/risk			
2	2	3	Evidence of positive lifestyle changes	Confidential informant	Fail to follow case plan elements related to conditions/agreement of supervision	1	1	1	Align w/risk			
2	2	3	Evidence of positive lifestyle changes	Confidential informant	Act as a CI, except as allowed by IDOC policy and with consent of the court and IDOC	2	2	2	Align w/risk			
1	2	2	Appropriate peers and activities (gains new prosocial peers)	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	Align w/risk			
1	1	1	Attends support groups	Obtain and comply with evaluation and program plan as directed by court or PPO	Association with known felon without PPO permission	1	1	1	Align w/risk			
1	1	1	Attends support groups	Obtain and comply with evaluation and program plan as directed by court or PPO	Association with individuals involved in criminal activity	2	2	2	Align w/risk			Plus 1 (assn. w/individuals convicted of sex offenses)
1	1	2	Seeks appropriate residence and roommates	Obtain and comply with evaluation and program plan as directed by court or PPO	Association with active gang members	2	2	3	Align w/risk			Align w/risk
1	1	1	Informs and educates family/roommates	Obtain and comply with evaluation and program plan as directed by court or PPO	No contact with victim without permission	Any contact with victim/NCO without permission by PPO and court	2	2	2	Align w/risk		Plus 1
2	2	2	Steady employment	Obtain and comply with evaluation and program plan as directed by court or PPO	Failure to complete evaluation as directed	1	1	1	Align w/risk			Plus 1 (DV eval)
1	2	2	Progress in program/education	Obtain and comply with evaluation and program plan as directed by court or PPO	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	1	2	Align w/risk			Plus 1 (DV Treatment)
1	1	1	Provides documentation	Obtain and comply with evaluation and program plan as directed by court or PPO	Change employment w/o permission	1	1	1	Align w/risk			Plus 1 (DV Treatment)
1	2	2	Prosocial activities	Obtain and comply with evaluation and program plan as directed by court or PPO	Terminated from employment	1	1	2	Align w/risk			Align w/risk
1	1	1	Clear UAs	Obtain and comply with evaluation and program plan as directed by court or PPO	Failure to comply with job search/GED/HSE/vocational training	1	1	1	Align w/risk			Align w/risk
2	2	2	Evidence of recovery oriented lifestyle	Engage in treatment and counseling	Failure to meaningfully participate in and successfully complete programs as directed	1	1	2	Align w/risk			Plus 1 (based on LS/DV eval)
2	2	2	Evidence of recovery oriented lifestyle	Engage in treatment and counseling	Failure to complete evaluation as directed	1	2	2	Align w/risk			Plus 1 (based on LS/DV eval)
2	2	2	Evidence of recovery oriented lifestyle	Engage in treatment and counseling	Failure to attend program or treatment	1	1	2	Align w/risk			Plus 1 (based on LS/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	Align w/risk			Plus 1 (based on LS/DV eval)
2	3	3	Completion of treatment program	No controlled substances	Misuse of prescription	2	2	2	Align w/risk			Plus 1 (based on LS/DV eval)
2	3	3	Completion of treatment program	No controlled substances	Possession of illegal substances or controlled substances w/o prescription	2	3	3	Align w/risk			Plus 1 (based on LS/DV eval)
2	3	3	Completion of treatment program	No alcohol	Purchase, possession or consume alcohol in any form	1	2	2	Align w/risk			Plus 1 (based on LS/DV eval)
2	3	3	Completion of treatment program	No alcohol	Enter any establishment where alcohol is primary source of income	1	2	2	Align w/risk			Plus 1 (based on LS/DV eval)
2	3	3	Completion of treatment program	Substance abuse testing	Failure to submit to testing/positive test (includes testing through interlock, SCRAM, TAD or other remote testing device)	2	2	2	Align w/risk			Plus 1 (based on LS/DV eval)
1	1	1	Open communication with agent/provider	Obtain and comply with evaluation and program plan as directed by IDOC agent	Temporarily adulterating/diluting or otherwise deliberately attempting to subvert substance testing (including not installing or removing/temporarily with remote testing device)	2	2	2	Align w/risk			Align w/risk
1	1	2	Positive participation in treatment program	Engage in treatment and counseling	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	1	2	Align w/risk			Align w/risk
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	Align w/risk			Align w/risk
1	1	2	Stable living environment	Residence	Change of residence without approval by PPO	1	1	2	Align w/risk			Align w/risk
1	1	2	Seeks appropriate residence and roommates	Residence	Fail to admit and grant agent safe access to residence and property	3	3	3	Align w/risk			Align w/risk
1	1	1	Disclosed risks for residence verification (pets, visitors, etc.)	Cost of supervision	Failure to pay COS as directed by PPO	1	1	1	Align w/risk			Align w/risk
1	1	1	All payments current	Cost of supervision	Failure to pay all court costs and fines as directed.	1	1	1	Align w/risk			Align w/risk
1	2	2	Demonstrates planning and budgeting	Court ordered financial obligations	Failure to pay restitution as directed.	2	2	2	Align w/risk			Align w/risk
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	Align w/risk			Align w/risk
2	2	2	Evidence of recovery oriented lifestyle	Treatment	Failure to comply with activity request procedures while in active treatment.	2	2	3	Align w/risk			Align w/risk
1	1	2	Positive participation in treatment program	Treatment	Failure to meaningfully participate in criminogenic specific programming	1	2	3	Align w/risk			Align w/risk
1	1	2	Positive participation in treatment program	Relationships	Failure to complete evaluation as directed	1	2	3	Align w/risk			Align w/risk
1	1	2	Positive participation in treatment program	Contact with minors	Entering into a dating, romantic, or sexual relationship without PPO and treatment provider consent	1	2	3	Align w/risk			Align w/risk
1	1	2	Positive participation in treatment program	Contact with minors	Contact with any minor child under the age of 18 without approved chaperone	2	2	3	Align w/risk			Align w/risk
1	1	2	Positive participation in treatment program	Possession/exposure to sexually stimulating materials	Frequent establishments where pornographic materials are the main source of income	2	2	3	Align w/risk			Align w/risk
1	1	2	Positive participation in treatment program	Possession/exposure to sexually stimulating materials	Possession of pornographic material	2	2	3	Align w/risk			Align w/risk
1	2	3	Prosocial Activities	Engaging in sexually deviant behavior	Viewing of pornographic material	2	2	3	Align w/risk			Align w/risk
1	2	3	Prosocial Activities	Engaging in sexually deviant behavior	Participating in phone sex, oral dressing, voyeurism, exhibitionism, public masturbation, frotage, sado masochistic behavior or bestiality.	3	3	3	Align w/risk			Align w/risk
1	2	3	Prosocial Activities	Internet access	Accessing the internet via computer, laptop, telephone, or other electronic device without permission from PPO	2	2	3	Align w/risk			Align w/risk
1	2	3	Prosocial Activities	Internet access	Possessing password protected files including social media files, email, and dating site files.	1	2	3	Align w/risk			Align w/risk
1	2	3	Prosocial Activities	Access to minors	Frequenting or loitering in places where minors congregate.	2	2	3	Align w/risk			Align w/risk
1	2	3	Prosocial Activities	Access to minors	Living near schools or licensed daycares.	2	2	3	Align w/risk			Align w/risk
Conditions set by the courts and parole commission to address specific criminal offenses				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		Suspend Online Reporting	Special progress report/warning letter	Report of violation- No arrest	
	Enhanced Travel request (out of state)		Association restrictions	Request additional/more restrictive conditions from court (review hearing)/Board		
	Place on Online Reporting		PPO/ Provider/ Offender status meeting	Domain/Behavior Specific programing	Electronic Monitoring	Report of violation- Arrest
	Ticket/Token exchange (special reward in exchange for earned tickets)				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.

06.02.02 – RULES GOVERNING RELEASE READINESS

000. LEGAL AUTHORITY.

01. Section 20-212, Idaho Code. Pursuant to Section 20-212, Idaho Code, the board is authorized to 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. (7-1-21)

02. Section 20-217A, Idaho Code. Pursuant to Section 20-217A, Idaho Code, the director is authorized to assume all the authority, powers, functions and duties as may be delegated to him by the board. (7-1-21)

03. Section 20-224(2), Idaho Code. Pursuant to Section 20-224(2), Idaho Code, the board uses 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. (7-1-21)

04. Section 20-223(10), Idaho Code. Pursuant to Section 20-223(10), Idaho Code, the Department is authorized to, in consultation with the commission, make rules regarding the preparation of offenders for release, and make rules regarding case plan development and assessment of risk. (7-1-21)

001. SCOPE.

These rules are established to govern the duties and responsibilities delegated to the board for preparing offenders for release back into their communities. (7-1-21)

002. 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. (7-1-21)

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. The state of Idaho Board of Correction. (7-1-21)

02. Commission. The state of Idaho Commission of Pardons and Parole. (7-1-21)

03. Department. The state of Idaho Department of Correction. (7-1-21)

04. Director. The director of the Idaho Department of Correction. (7-1-21)

05. 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. (7-1-21)

06. Rider. An offender who: (7-1-21)

a. Is released from a facility by the judicial authority upon completing a retained jurisdiction period; (7-1-21)

b. Agrees to comply with certain conditions established by the judicial authority; and (7-1-21)

c. Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (7-1-21)

07. Reception and Diagnostic Unit (RDU). Initial housing for newly committed offenders - except those under sentence of death - where orientation, screening, assessment, and classification occur. (7-1-21)

011. (RESERVED)

012. OFFENDER PROGRAMMING.

01. Core Philosophies. The department will deliver an offender program management philosophy that will embrace the following core concepts: (7-1-21)

- a. Strength-based (supportive accountability); (7-1-21)
- b. Assertive case management; and (7-1-21)
- c. Solution-focused interventions. (7-1-21)

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: (7-1-21)

- a. Communication methods designed to enhance motivation; (7-1-21)
- b. Technology for tracking and oversight; and (7-1-21)
- c. Collaboration with internal, public, and private entities. (7-1-21)

03. Reentry Plan. The department will develop a reentry plan for all offenders utilizing the information obtained from the assessment and screening process. Program managers will use a multidisciplinary team approach to consider both the current needs of the offender and the transition and aftercare components of the reentry plan upon release of the offender into the community. PPOs will continue the reentry plan while the offender is in the community. (7-1-21)

04. 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. (7-1-21)

- a. The assessment and screening instruments to be approved and used by the Department shall be nationally recognized for assessing criminogenic needs of offender populations. (7-1-21)
- b. Department will establish a training program for staff members to administer the offender assessment and screening instruments. (7-1-21)

05. Individual Assessments. (7-1-21)

- 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. (7-1-21)
- b. Individual assessments will be administered by either trained department staff or community providers. (7-1-21)

06. 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. (7-1-21)

07. Assessment and Reassessment Standards. The Department shall establish assessment and reassessment standards for all screening and assessment tools. (7-1-21)

08. Parole Hearing Process. Correctional 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. (7-1-21)

013. CORRECTIONAL CASE MANAGEMENT.

01. General Procedures. Management staff in all correctional facilities and in each department district office will be responsible for ensuring correctional case managers, PPOs, and parole hearing officers collaborate and develop thorough discharge plans for offenders being released from correctional facilities back into their communities. (7-1-21)

02. Reentry Priority Designations. (7-1-21)

a. 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. (7-1-21)

b. The Department will establish correctional case manager duties and contact standards based on the offender's reentry priority designation. Correctional 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 plan. (7-1-21)

03. Reentry Plan. The department will begin offender reentry processes while the offender is in the correctional facility's RDU. (7-1-21)

a. The department will develop a reentry plan to be used while an offender is in RDU and updated throughout the offender's incarceration. The reentry plan 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. (7-1-21)

b. Correctional 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. (7-1-21)

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. A minimum of one hundred eighty (180) days prior to release, the Department will identify offenders who have a mental health or healthcare concern that causes disability. (7-1-21)

05. Case Management Documentation. All case management activities, including correctional case manager contacts and reentry and discharge planning activities, will be documented in a manner and form established by the Department. (7-1-21)

014. -- 999. (RESERVED)