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06.02.01 – Rules Governing the Supervision of Offenders on Probation or Parole by the Department of Correction, Division of Probation and Parole

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000. LEGAL AUTHORITY.

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

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

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

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

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

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

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

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

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

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

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

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

001. **TITLE AND SCOPE.**

01. **Title.** These rules shall be cited as IDAPA 06.02.01, “Rules Governing the Supervision of Offenders on Probation or Parole by the Department of Correction, Division of Probation and Parole,” IDAPA 06, Title 02, Chapter 01.

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

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

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

004. **INCORPORATION BY REFERENCE.**
No documents are incorporated by reference in this chapter.

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

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

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

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

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

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

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

006. **PUBLIC RECORDS ACT COMPLIANCE.**
The rules of the Board are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by the Department of Correction, and shall be open to the public for inspection and copying at all reasonable times.
007. -- 009. (RESERVED)

010. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

12. **Parolee.** A person who:
   a. Has been released from a facility by the Commission prior to the completion of his sentence; (2-6-15)
   b. Agrees to comply with certain conditions established by the Commission; and (2-6-15)
   c. Remains under the supervision of a PPO for the established period of parole. (2-6-15)

13. **Probationer.** A person who is permitted by the court to continue to live and work in the community while being supervised by the Board under the terms and conditions ordered by the court and the agreement of supervision for an established period of time rather than being held in prison. (2-6-15)

14. **Reward.** An incentive used to acknowledge an offender’s compliance with terms and conditions of
probation or parole, the agreement of supervision, the offender management plan or other prosocial behavior. (2-6-15)

15. **Sanction.** A sanction is a response identified in the Idaho Response Matrix (IRM) to be implemented by the PPO to respond to offender behavior that is contrary to the terms and conditions of probation or parole set by the court or Commission or the agreement of supervision. A sanction may result in a report to the court, prosecuting attorney or Commission, regarding the offender’s behavior and actions. These reports may include filing a Probation or Parole Violation Report with arrest, a Probation Violation Report without arrest with an order to show cause or a request for review; or a Special Progress Report or a warning letter forwarded to the court, prosecuting attorney or Commission which may contain a request for a change, addition, or modification of a term or condition of probation or parole. (2-6-15)

16. **Terms and Conditions of Probation or Parole.** The specific terms and requirements, including special terms and conditions, ordered by the court or Commission in the case of a particular offender. (2-6-15)

011. **ABBREVIATIONS.**

  01. **AOS.** Agreement of Supervision. (2-6-15)

  02. **OMP.** Offender Management Plan. (2-6-15)

  03. **PPO.** Probation and Parole Officer. (2-6-15)

  04. **IRM.** The Idaho Response Matrix. (2-6-15)

012. **REQUIRED DEPARTMENTAL POLICIES AND DOCUMENTS.**

  01. **Supervision Standards.** Agreement of Supervision and Response Matrix of Sanctions and Rewards. The Department shall establish policies in conformance with this rule that govern the standards and processes for offender supervision and the terms of a standard agreement of supervision (AOS) for all probationers and parolees. The Department shall establish policies governing the operation of the Idaho Response Matrix (IRM) set forth in Appendix 1 containing sanctions and rewards to be imposed in the discretion of the probation and parole officer in response to an offender’s compliance or non-compliance with the terms and conditions of probation or parole imposed by the court, the Commission or in the AOS. (2-6-15)

  02. **Supervision of Offenders.** The Department shall supervise probationers and parolees in conformance with the Idaho Response Matrix (IRM) set forth in Appendix 1. (2-6-15)

  03. **Agreement of Supervision.** The AOS developed by the Department will include, in non-technical language, the specific behavioral restrictions and requirements for the offender, including compliance with the terms and conditions of probation or parole and the terms of the IRM established under these rules. The Department shall establish policies requiring PPOs to review the AOS with each offender under the supervision of the Board and require each offender to sign the AOS. The policy will provide that at the time of execution of the AOS the PPO will discuss with the offender the following:

    a. The terms and conditions of probation or parole; (2-6-15)

    b. The terms of the AOS; (2-6-15)

    c. The provisions of the IRM; (2-6-15)

    d. The consequences of non-compliance with the terms and conditions of probation or parole and the terms of the AOS; and (2-6-15)

    e. The rewards and incentives for compliance with the terms and conditions of probation or parole and the terms of the AOS. (2-6-15)
04. Idaho Response Matrix (IRM). The IRM which has been developed by the Department in consultation with the Idaho Supreme Court and approved by the Board is set forth in Appendix 1. The Department shall establish policies that:

a. Designate which sanctions for offender behavior are appropriate for response by the PPO without supervisor approval, and which sanctions for offender behavior require supervisor approval. (2-6-15)

b. Define when non-compliant behaviors require a report to the court, prosecuting attorney or Commission. (2-6-15)

c. Require the imposition of an escalated sanction, or a sanction requiring a report (special progress report or report of violation) to the court, prosecuting attorney, or Commission when the non-compliant offender behavior involves a special term or condition of probation or parole. (2-6-15)

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

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

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

08. Responding to Non-Compliant Behaviors. The Department shall establish policies providing that:

a. All alleged violations of the terms and conditions of probation or parole and the AOS that require investigation are investigated and documented within the time limits established by Department policy. (2-6-15)

b. A report will be sent to the court or Commission any time that discretionary jail time is imposed. (2-6-15)

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

09. Encouraging Compliant Behaviors. The Department shall establish policies providing that:

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

b. When the PPO observes or is made aware of the offender's efforts at prevention of non-compliance with conditions of supervision, or the offender is making progress on targeted behaviors the PPO will promptly provide a reward. Responses available to the PPO to address desired behavior are included in the IRM. (2-6-15)
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<td>Verbal Recognition</td>
<td>Mitigate sanction 1 level (positive behavior arising from violation behavior)</td>
<td>Place on Online Reporting</td>
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<td>Clean UA certificate</td>
<td>Court/Commission recognition</td>
<td>Domain/Behavior Specific Programming</td>
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<tr>
<td>Certificate of completion</td>
<td>Good conduct ticket/token (x2)</td>
<td>Reduce supervision level / refer to LSU (reassess to classify by risk)</td>
</tr>
<tr>
<td>Good conduct ticket/token</td>
<td>DM written recognition</td>
<td>Request modification of appropriate condition</td>
</tr>
<tr>
<td>Impromptu call to recognize good conduct</td>
<td>Adjust curfew</td>
<td>Request early discharge for appropriate offenders</td>
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<tr>
<td>PPO written recognition</td>
<td>Reduce reporting requirements</td>
<td>Request early discharge for appropriate offenders</td>
</tr>
<tr>
<td>Approve travel request (in state)</td>
<td>Consider request to modify association restrictions</td>
<td>Request early discharge for appropriate offenders</td>
</tr>
<tr>
<td>Mitigate sanction 1 level (positive behavior arising concurrent with non compliant behavior)</td>
<td>Place on Online Reporting</td>
<td>Ticket/Token exchange (special reward in exchange for earned tickets)</td>
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<td>Enhanced Travel request (out of state)</td>
<td>Verbal warning</td>
<td>Report of violation - No arrest</td>
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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.
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