

Drivers of Incarceration

Evaluation Report
November 2026

Office of Performance Evaluations
ope
Idaho Legislature

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From the director

November 2026

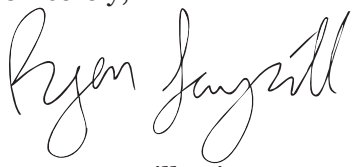
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Joint Legislative Oversight Committee
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Idaho continues to house people in county jails and out-of-state prisons because our prisons do not have enough room. We have previously evaluated the capacity of the Department of Correction. This report looks at the other side of the equation: what has driven the need to increase capacity in the first place?

One answer is simple. Between 2005 and 2025, Idaho's custody population grew 43 percent; Idaho's overall population grew 42 percent. The simple answer hides meaningful wins: property crime and incarceration for property offenses are down, and fewer young people are in prison. The simple answer also hides new challenges. Almost half of people incarcerated now have a drug-related conviction, and the population includes more repeat offenders and older people. The number of women in custody rose sharply, and by 2023, Idaho's female custody rate was the nation's highest.

We have no magic wands, but the report gives the Legislature a blueprint: help the Department of Correction manage an older population where almost half of offenders, instead of one in six, have a drug-related conviction, and strengthen substance abuse and mental health treatment for offenders. The courts expect results soon from a new study of felony drug court outcomes. Future work examining presentence investigation reports could show how offenders' criminal histories and treatment needs have changed over time. These efforts could help the Legislature assess the resources the department needs to house, treat, and supervise a changing population.

Sincerely,



Ryan Langrill, Director
Office of Performance Evaluations



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Christopher Shank conducted this evaluation.

Kristie Brownell, Emily Olson, and Tasha Schreiter provided quality control review. Tasha Schreiter also assisted with publishing the report, and Leslie Baker copy edited the report.

Executive Summary

Why we were asked to do this study

During the 2026 legislative session, the Joint Legislative Oversight Committee directed us to investigate factors driving growth in Idaho's custody population. Study requestors were concerned about the impact of prison growth on Idaho's prison capacity and acknowledged that both criminal justice datasets and publicly available information on prison growth were distributed across multiple agencies. This report brings these sources together to provide a single resource to understand the growth of Idaho's prison population.

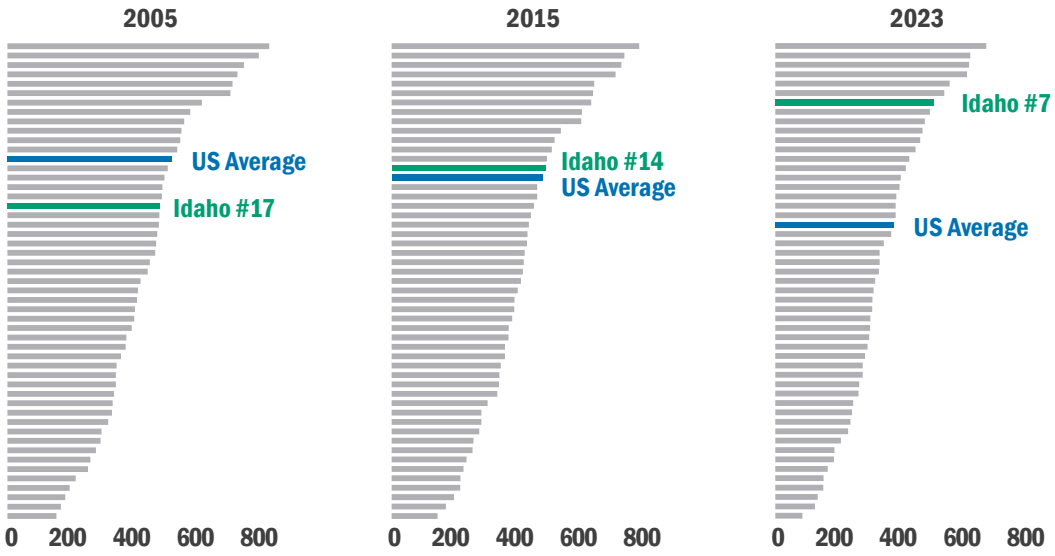
This report begins with a summary of Idaho's criminal justice system and the evaluation approach used in this report. Chapter 2 answers the question, "What factors can influence prison growth in Idaho?", and Chapter 3 answers "How has the custody population changed over the past two decades?" Finally, Chapter 4 addresses a question raised by findings in the prior chapters: "Why are there more offenders in custody with drug offenses?" To answer these questions, we analyzed two decades of data on offenders in custody provided by the Idaho Department of Correction and the Idaho Supreme Court, and supplemented our analysis with reviews of policy changes, meeting minutes, and agency publications.

What we found

Over the past two decades, Idaho's custody rate has remained relatively stable, averaging about 475 offenders in department custody per 100,000 Idaho residents since 2005. In 2005, this custody rate placed Idaho 17th in the nation. But over the past 20 years, other state custody rates decreased due to policy changes and shifting crime trends. By 2023, Idaho's relatively stable custody rate ranked 7th in the nation (Exhibit 1).

Exhibit 1

Other states significantly reduced their custody rates over the past two decades, causing Idaho to rise to the seventh highest custody rate in the nation.



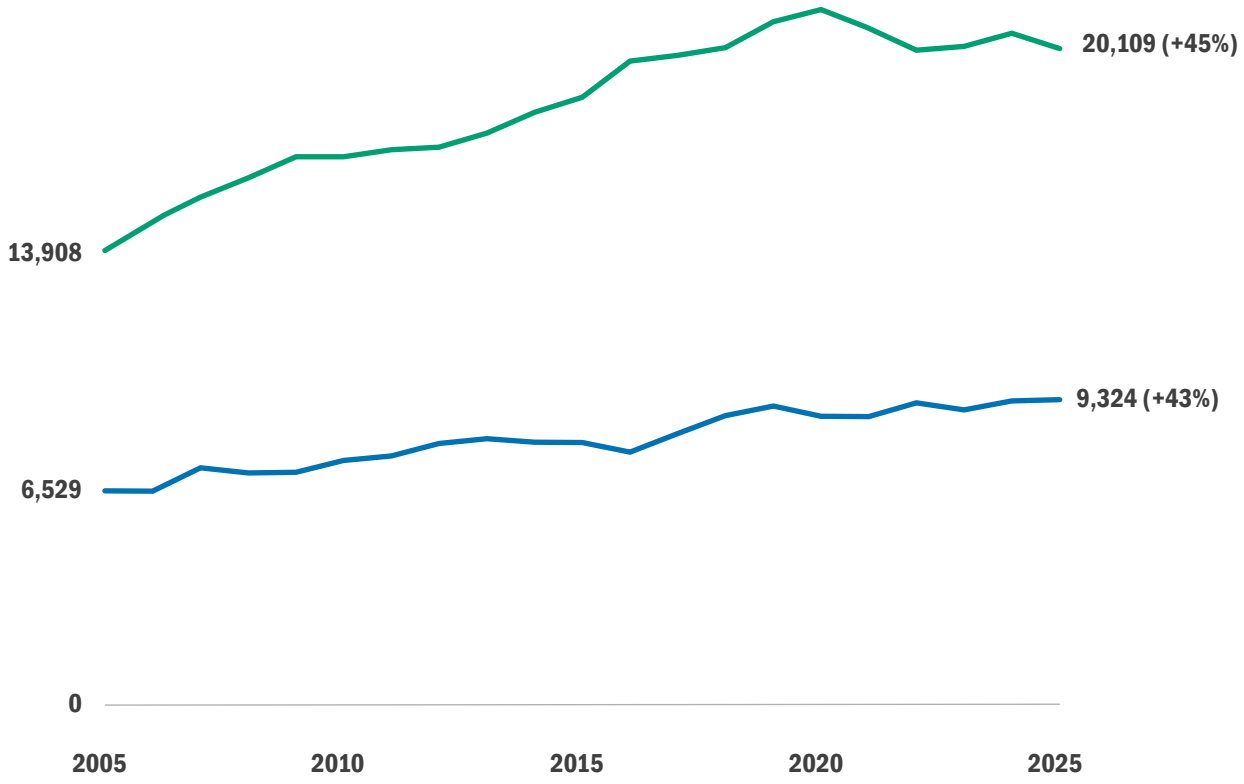
Note: OPE analysis of data from Bureau of Justice Statistics.

Idaho incarcerates about the same percentage of its population as it did two decades ago, but the state population has grown.

While the custody rate has been relatively stable over the past two decades, the state's population has grown by 42 percent. As a result, the number of offenders in the custody of the department and supervised by the department on felony probation and parole has grown significantly (Exhibit 2).

Exhibit 2

The Idaho prison population grew by 43 percent between 2005 and 2025, while community supervision grew by 45 percent.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows number of offenders in custody and community supervision on July 1 of each year.

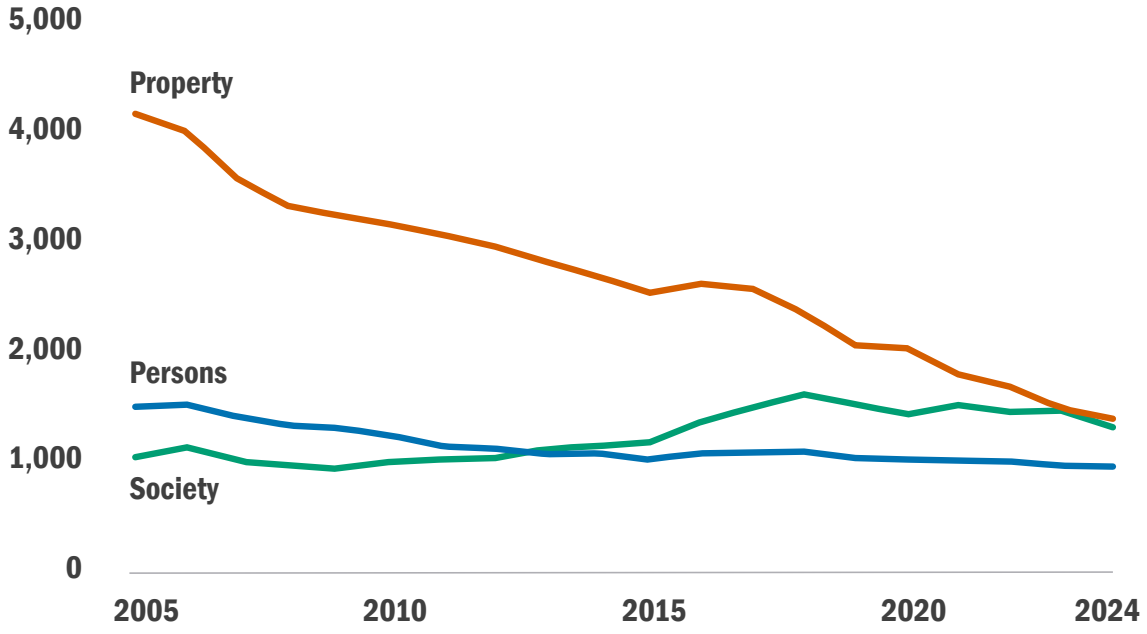
The growth of the custody population has led to overcrowding in the state prison system, sending offenders out of state, and adding pressure to county jail capacity. The department has taken steps to retrofit and expand existing facilities to manage this growth. A new women's prison and new units added at Idaho State Correctional Institution and Idaho Correctional Institution - Orofino will expand the state's custody capacity by 1,000, but ongoing growth will continue to challenge capacity.

Idaho's stable custody rate hides some significant criminal justice successes.

The stable custody rate might lead readers to assume that Idaho's prison population and criminal justice system have changed little and that population growth is the sole driver of incarceration in Idaho. Our analysis contradicts this assumption. Idaho citizens experienced significantly less crime in 2025 than they did in 2005, driven by a large drop in the rate of reported property crimes (Exhibit 3).

Exhibit 3

A long-term decrease in property crimes drove Idaho's overall decline in crime rate, while crimes against persons decreased slightly and crimes against society increased.



Note: OPE analysis of data from Idaho State Police. Figure shows annual rate of reported crimes per 100,000 Idaho residents.

As reports of property crimes decreased, so did the number of offenders in custody with convictions for theft, burglary, and robbery. Half as many offenders were incarcerated for property crimes in 2025 as in 2005, adjusting for population growth.

Idaho has also seen a notable decline in younger offenders in custody. In 2005, half of all offenders in custody were under the age of 35, but by 2025 offenders under 35 only made up a third of the custody population. This trend is driven by fewer young people entering custody, not by aging offenders on long sentences; in 2025, the department admitted less than half as many total offenders under the age of 25 as it did two decades prior, even with population growth.

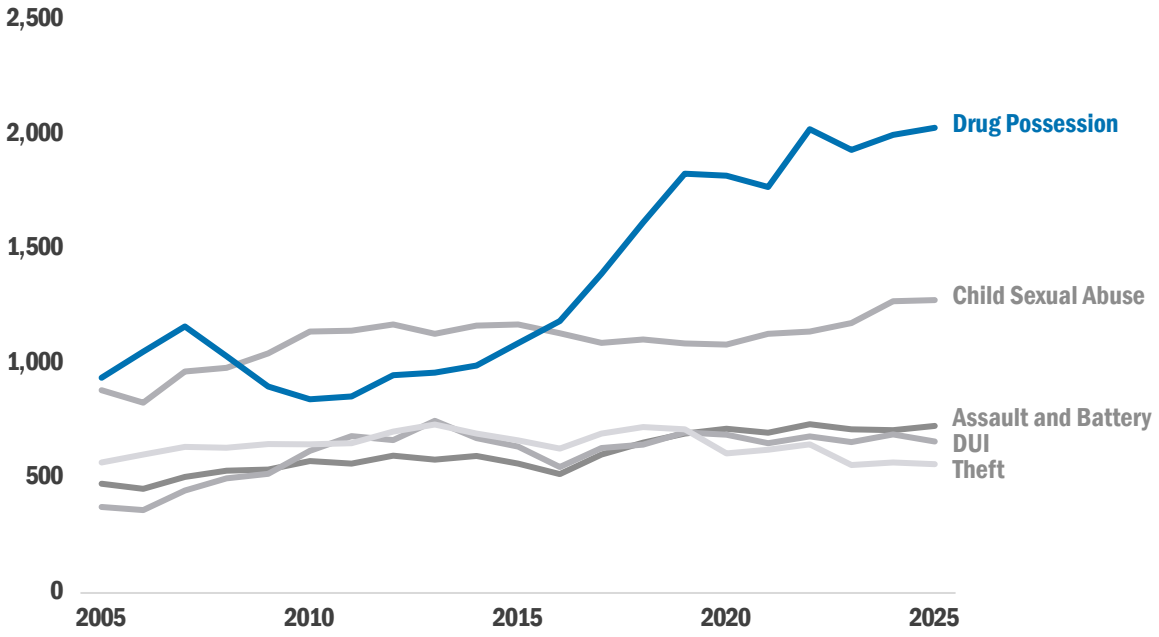
We also found that the custody rate increased for certain offenses where the Legislature intended to increase penalties. In particular, over the past 20 years the Legislature has increased penalties or expanded felony eligibility for driving under the influence, domestic violence, and child sexual abuse. These changes increased the number of offenders in custody and the length of sentences for these offenses, in line with the intent of policy.

Ongoing challenges offset successes in Idaho's custody population.

If the only changes to Idaho's custody population were the successes described above, Idaho's custody rate would have declined following the same trends seen in other states. However, an increase in drug offenses offset these gains, filling prison beds vacated by the decrease in property crimes and younger offenders (Exhibit 4).

Exhibit 4

Of the five most common offenses in department custody, drug possession has grown the most.



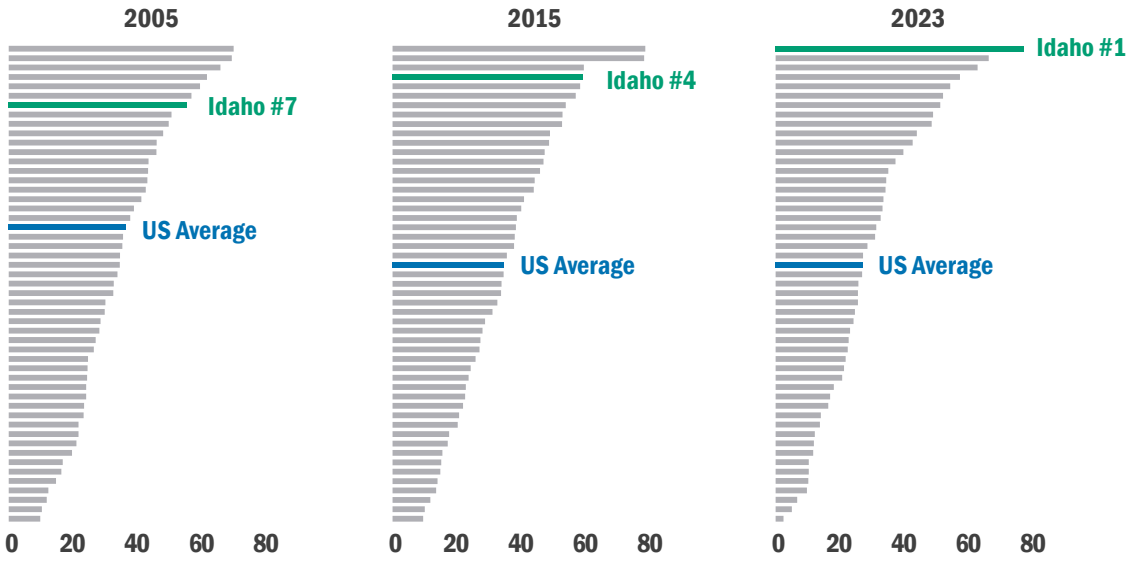
Note: OPE analysis of data from Idaho Department of Correction. Figure shows number of offenders in custody for each primary offense on July 1 of each year.

Judges in Idaho rarely sentence offenders to long-term custody for first-time drug possession offenses. Instead, most offenders convicted of drug possession are placed on probation in the community or are committed to custody for a short period while the court retains jurisdiction over the offender. But about a third of offenders who are diverted from a long-term custody sentence violate the terms of their supervision and ultimately wind up in custody. Returns to custody are even more common for offenders on parole; since 2016, about half of offenders on parole return to custody at least once before their term expires.

The growth of offenders incarcerated for drug convictions has had an especially large impact on Idaho's women's prisons. Women in Idaho are less likely than men to be incarcerated for drug offenses but are also much less likely to be incarcerated for non-drug offenses. In 2025, 57 percent of women in custody in Idaho were convicted of drug offenses. The number of women in custody has more than doubled over the past two decades, and more than half of that growth comes from women incarcerated with a single drug possession charge. This growth drove Idaho's female custody rate to the highest in the nation in 2023 (Exhibit 5).

Exhibit 5

While the national average custody rate for women fell, Idaho increased incarceration of women and led the nation in 2023.



Note: OPE analysis of data from Bureau of Justice Statistics.

This report shows that notable improvements in property crime rates and incarceration of young offenders have been offset by more offenders incarcerated with drug possession convictions. Idaho could meaningfully reduce incarceration if policymakers and stakeholders in the criminal justice system could find ways to slow custody admissions for these offenders. At the same time, if the positive trends for property crime or young offenders were to reverse without a corresponding reduction in incarceration of drug offenses, Idaho's criminal justice system would be strained to the point of breaking.

1 Background and Context

Idaho's prison population is larger than the capacity of state facilities. Even with a new women's prison expected in 2027 and facility expansions in progress, the Department of Correction will continue to rely on county jails and out-of-state facilities. In March 2026, the Joint Legislative Oversight Committee asked our office to identify what is driving this growth. This chapter describes the report request, our approach of combining existing publications with offender-level data from the department and the courts, and how Idaho's system of probation, parole, prison term sentences, and retained jurisdiction works. It also sets out the scope and limits of our analysis, which describes system-wide trends rather than the circumstances behind individual sentencing or parole decisions.

Background and legislative interest

In our 2020 report *Managing Correctional Capacity,* our office identified limited prison capacity as a statewide issue starting as early as 2017. Since 2020, the Idaho Department of Correction has taken several steps to retrofit and expand existing facilities. A new women's prison scheduled to open in 2027 and new units added at Idaho State Correctional Institution and Idaho Correctional Institution - Orofino will expand the state's custody capacity by 1,000. However, the size of the state's current custody population will still require the department to house prisoners in county jails and out-of-state facilities.

In March 2026, the Joint Legislative Oversight Committee approved a study on the growth of Idaho's prison system. Requesters asked us to look at factors that are driving prison population growth in Idaho, including common felony offenses, charging and sentencing decisions, and returns to custody from community supervision (Appendix A). The request letter acknowledges that much of this information is made publicly available by state entities like the department, the Idaho Commission of Pardons and Parole, the Idaho Supreme Court, and Idaho State Police's Idaho Statistical Analysis Center, but that "no existing report synthesizes these sources into a comprehensive analysis of what is driving incarceration growth." This report brings these public sources together with agency data to explore the drivers of incarceration in Idaho.

Evaluation approach

This report is a summary of prison growth in Idaho over the past two decades. Our evaluation focused on broad data trends of Idaho's criminal justice system and did not review agency processes or assess statutory compliance. Because the goal of this evaluation is primarily informational, we do not include recommendations for agencies or policymakers based on our findings.

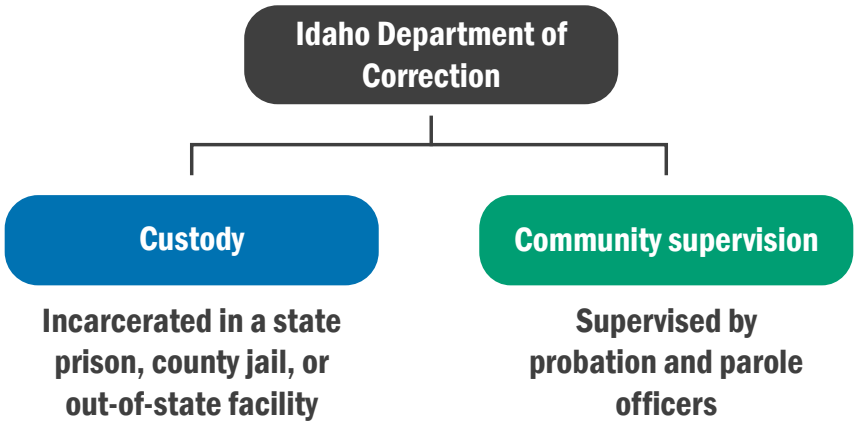
In this report, we collected information from a wide range of publicly available sources and combined it with analysis of agency data provided by the department and the Administrative Office of the Courts. Our evaluation methodology, including a summary of data sources used in this report, is presented in Appendix C. This evaluation should be interpreted as a summary of system-wide trends rather than an explanation of how individual people navigate the criminal justice system.

Idaho's criminal justice system manages a growing population of offenders.

The Idaho Department of Correction, authorized by Idaho Code § 20-201 (2026), is responsible for the custody of felony offenders sentenced to terms of incarceration as well as the supervision of felony offenders sentenced to probation or released to parole in the community. The department is authorized to house, rehabilitate, and employ offenders sentenced to its custody. The department also provides access to healthcare and educational opportunities for offenders in custody and accountability and support for offenders in the community (Exhibit 6). However, the first priority of the department and the criminal justice system is the safety of the general public.

Exhibit 6

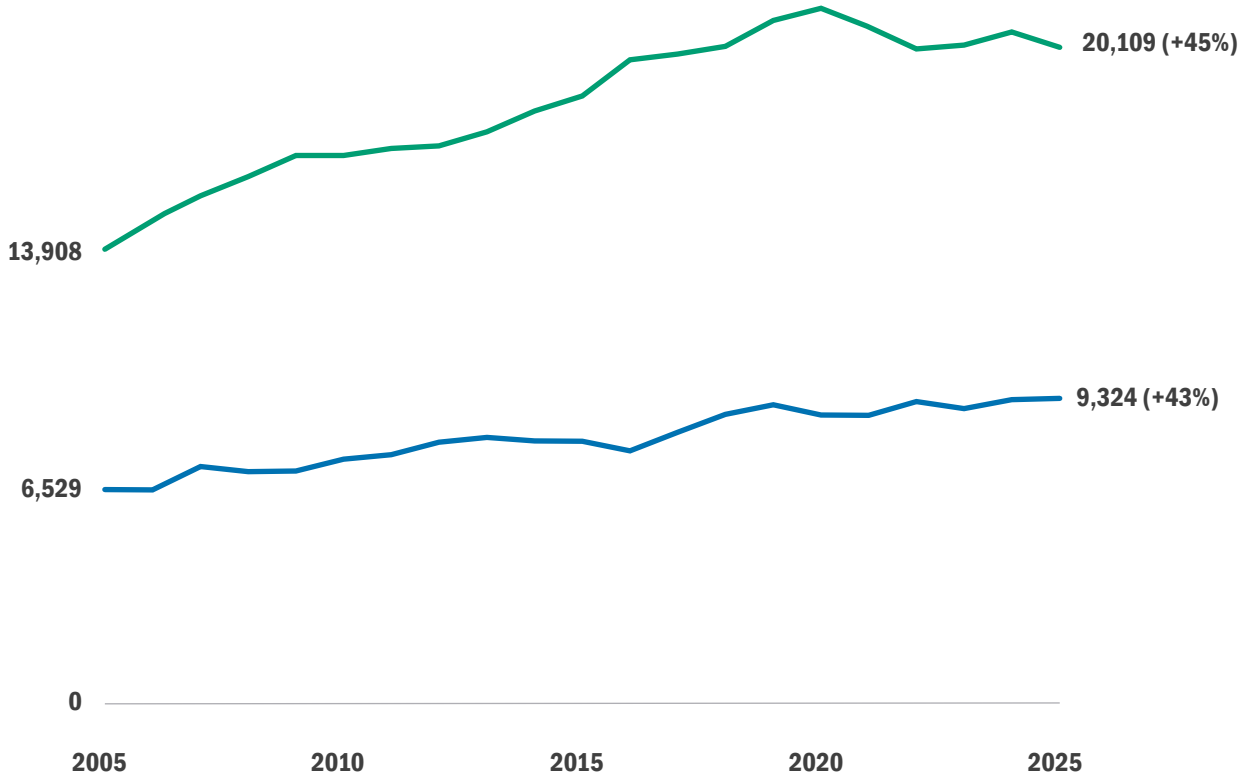
Offenders can be placed in custody or supervised in the community.



The department's ability to meet these wide-ranging responsibilities has been challenged by the significant growth of the custody and supervision populations. Over the past two decades, the total number of offenders under the jurisdiction of the department increased from approximately 20,000 in July 2005 to nearly 30,000 by July 2025. The custody population has grown at a relatively steady rate, while growth of the supervision population has slowed since its peak in 2020 (Exhibit 7).

Exhibit 7

The Idaho prison population grew by 43 percent between 2005 and 2025, while community supervision grew by 45 percent.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows number of offenders in custody and community supervision on July 1 of each year.

The growth of the custody population over the past two decades has placed significant demands on department resources. Our office reported correctional officer staffing shortages dating back to mid-2021 in our 2023 report *Criminal Justice: Reentry*. Growth has exceeded the capacity of facilities operated by the department, and the department houses offenders in both county jails and out-of-state facilities run by private operators when department facilities are not available.

Offenders who are convicted of a felony in Idaho are handed down a two-part sentence[1]: a "fixed" period where the offender is held in custody, and an "indeterminate" period during which the offender may be paroled but can still

1. This sentencing structure was established by the Unified Sentencing Act, passed in Idaho in 1986 (H.B. 524).

be returned to custody. While statute outlines the maximum combined sentence length an offender can receive for each offense, in most cases judges determine the appropriate length of the fixed and indeterminate periods. For instance, the maximum sentence for aggravated assault (Idaho Code § 18-906 (2026)) cannot exceed five years. A judge might sentence an offender convicted of aggravated assault to a three-year fixed period where the offender is held in custody and a two-year indeterminate period where the offender is eligible for a release to parole (Exhibit 8).[2] After both the fixed and indeterminate sentences are completed, the offender is discharged from the jurisdiction of the department.

Exhibit 8

A five-year sentence for aggravated assault might include three years fixed and two years indeterminate.

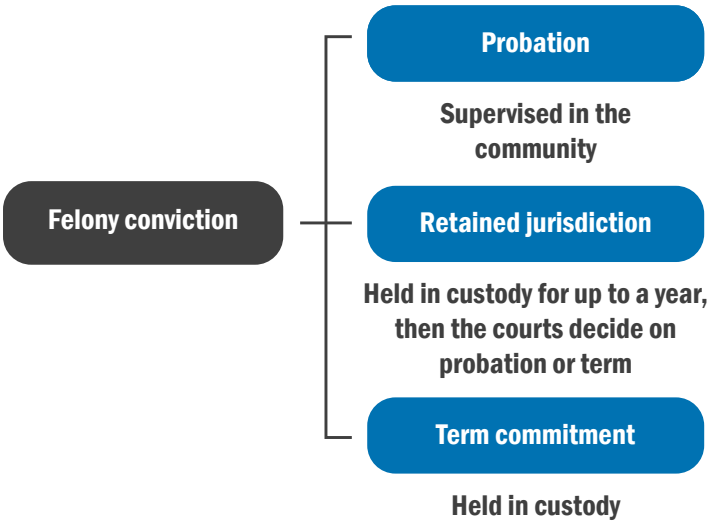


Judges can place offenders on probation, where they are supervised by the department's probation and parole officers, or can sentence offenders to a fixed sentence in custody, known as a commitment to term. In addition to probation and term sentences, Idaho has a unique sentencing option known as retained jurisdiction (Exhibit 9). This option allows the judicial branch to commit an offender to custody for up to a year while retaining judicial jurisdiction over the offender. The offender receives treatment and programming opportunities while in the custody of the department. After the period of retained jurisdiction ends, the court determines whether to return the offender to the community on probation, or require the offender to serve a term sentence in custody.

2. Parole hearings are conducted by the Commission of Pardons and Parole, which determines whether parole-eligible offenders can be safely placed in the community under the department's supervision. Offenders are not guaranteed parole when eligible. While the department and the commission work to ensure offenders receive hearings as close to their tentative release date as possible, delays can occur due to failure to complete required programming, behavioral issues during custody, or logistical bottlenecks caused by time served in county jails.

Exhibit 9

Judges can place offenders on probation, sentence offenders to term, or retain jurisdiction over offenders during a short period of custody.



When an offender is released from a term commitment to parole, they are supervised in the community by the department's officers. Failing to maintain contact with an officer–absconding–can trigger a parole violation, as can committing a new crime. Offenders can also receive "technical" parole violations without absconding or committing new crimes if they fail to meet certain conditions of their parole, like refusing a search or associating with active gang members. When an officer reports a violation, the offender is taken into custody, often a county jail, until the Commission of Pardons and Parole conducts a revocation hearing. Revocation hearings determine whether the violation warrants a revocation to long-term custody or whether the offender should be permitted to return to parole.

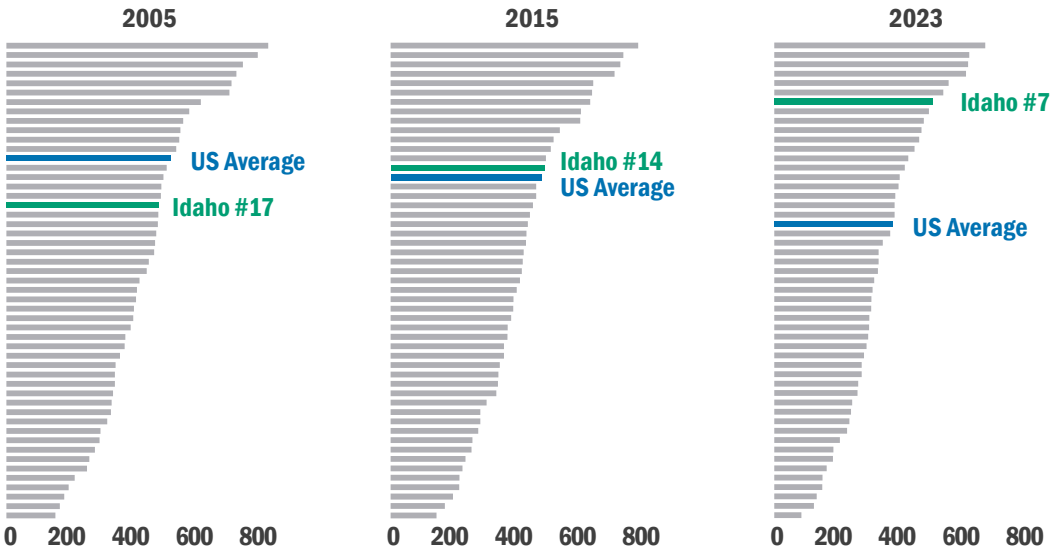
This collection of sentencing options and offender statuses across a range of facilities presents a logistical puzzle for the department. The department simultaneously manages offenders in custody on long-term sentences, offenders cycling quickly through custody on retained jurisdiction, and offenders in ambiguous positions as they wait for revocation hearings. Offenders moving through this system can shift through multiple different statuses between the start of their period of jurisdiction and their discharge.

Idaho's custody rate held steady, but decreases in other states moved Idaho up to the seventh-highest rate in the nation.

While the national custody rate has dropped over the past two decades, Idaho's custody rate has remained relatively stable. The decline in other state custody rates means Idaho's custody ranking has gone from 17th in 2005 to the seventh highest in the nation in 2023 (Exhibit 10). Idaho's custody rate in 2023 led all states in the Mountain West region and ranked second west of the continental divide behind Alaska.

Exhibit 10

Other states significantly reduced their custody rates over the past two decades, causing Idaho to rise to the seventh-highest custody rate in the nation.

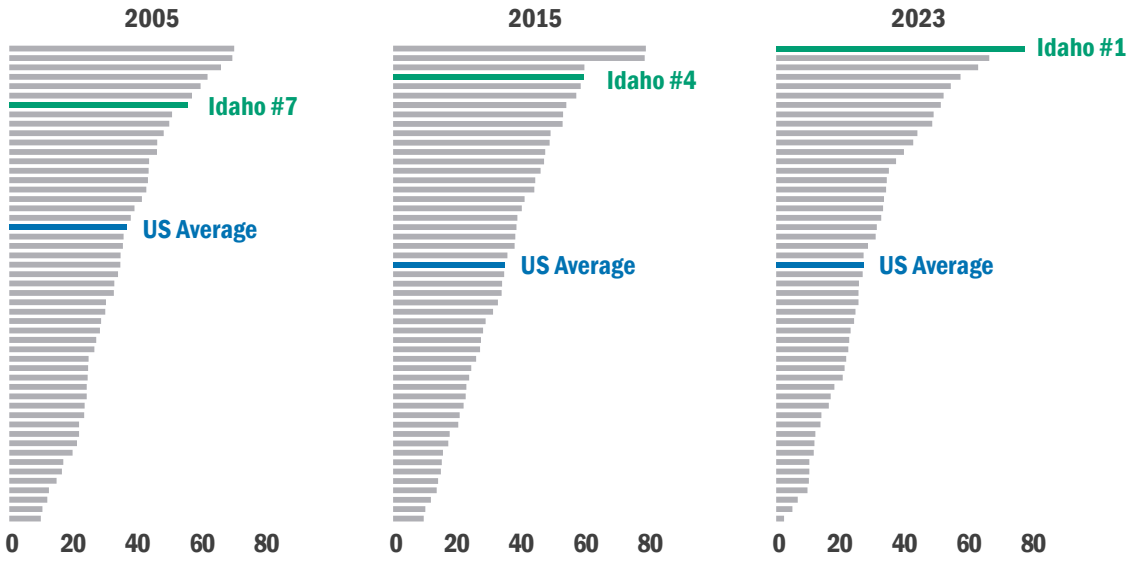


Note: OPE analysis of data from Bureau of Justice Statistics. Custody rate includes offenders in state prisons, offenders in out-of-state facilities, and offenders housed in county jails.

While Idaho's overall custody rate has remained relatively stable, the rate of incarceration for women has increased (see Chapter 3). Over the same period, the national rate of incarceration for women declined. In 2005, Idaho ranked seventh in the nation, and by 2023 led the nation in incarceration of women per capita (Exhibit 11).

Exhibit 11

While the national average custody rate for women fell, Idaho increased incarceration of women and led the nation in 2023.



Note: OPE analysis of data from Bureau of Justice Statistics. Custody rate includes offenders in state prisons, offenders in out-of-state facilities, and offenders housed in county jails.

Idaho's consistent overall custody rate might suggest that population trends or policy changes have not impacted the state. However, the environmental and policy factors detailed in Chapter 2 and the changes in the composition of Idaho's custody population detailed in Chapters 3 and 4 tell a different story: the custody population has changed demographically and in terms of the offenses leading to incarceration.

Scope and limitations

To manage the scope of this project, we limited our investigation to adult felony offenders under the jurisdiction of the department, excluding juvenile offenders and misdemeanor offenders from our analysis. Where possible, we focused our analysis on the past two decades between 2005 and 2025. The project scope that guided our methodology and reporting is printed in Appendix B.

Due to time and data constraints, we were unable to complete a cost analysis of changes in the prison population. And while we present a limited discussion of other states' policies in Appendix E, a comprehensive analysis would have required significantly more resources to complete to our reporting standards.

The report takes a very high-level approach to understanding drivers of incarceration, and we acknowledge that the voices of individuals involved in criminal justice in Idaho are missing from this report. For a person-centered analysis of experiences in custody and on community supervision, we recommend our 2023 report *Criminal Justice: Reentry*.

We conducted background interviews with stakeholders and did not focus on agency processes. For ways that agency processes can impact offenders in custody, we recommend our 2020 report *Managing Correctional Capacity* and our 2018 report *Pardons and Parole: Program Improvements and Statutory Changes*.

This project faced several challenges related to data access, discussed in greater detail in Appendix D. As a result, we did not pursue highly confidential data like pre-sentence investigations or mental health and substance use disorder assessments. Our analysis is missing this context, and all findings should be read with the caveat that we know very little about the circumstances of individual offenders who comprise our evaluation data.

2 Factors Influencing Prison Growth

The size of Idaho's prison population depends on how many offenders enter custody and how long they stay. This chapter looks at three forces that shape those flows: environmental changes, policy changes, and how policies are implemented. Idaho's custody population grew 43 percent between 2005 and 2025, roughly with statewide population growth, even as the overall crime rate fell. Over the same period, the Legislature enacted more than 150 criminal justice bills, most of which increased penalties or changed how offenders are managed. Reforms such as treatment courts and the 2014 Justice Reinvestment Act were meant to slow growth, but their effects depended on how they were used.

The department must house everyone sentenced to custody, but it controls few of the factors that drive growth.

Over the past two decades, Idaho's prison system has added approximately 2,800 offenders to the custody population. The Idaho Department of Correction, tasked with housing, treating, and preparing these offenders to safely reenter public life, does not have the option to ignore this growth. In conversations with stakeholders in Idaho's criminal justice system, we heard several sources compare the role of the department to a bathtub or kitchen sink. The department, like the sink basin, is tasked with containment while outside factors influence the rate that the faucet adds and the drain subtracts.

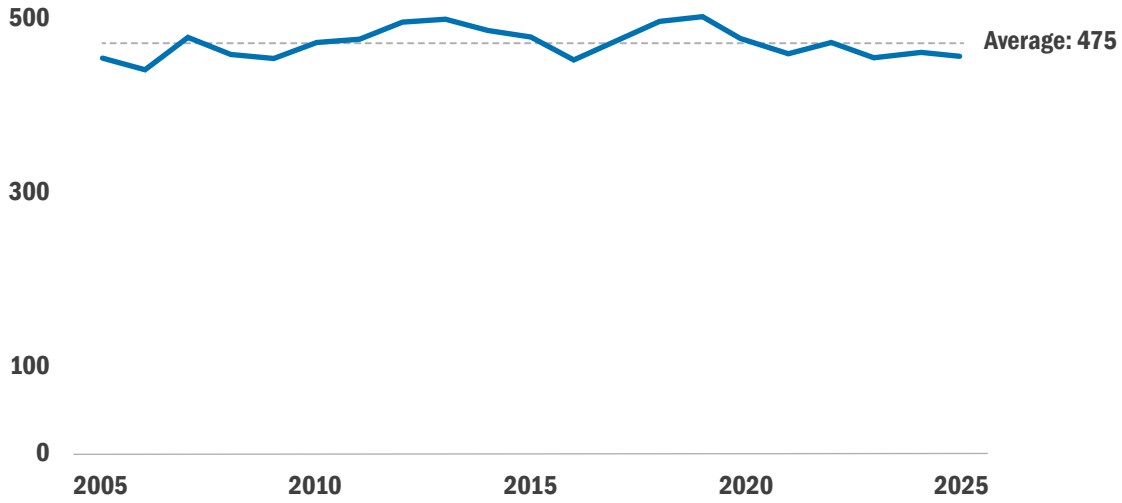
Several competing factors can impact the metaphorical faucet and drain that control the size of Idaho's prison population. Environmental factors like statewide population growth and shifting crime trends can contribute to changes in the size and makeup of the custody population. Criminal justice policy changes can increase penalties to discourage certain offenses or adjust operational practices across agencies. Finally, the implementation of Legislative policy may not be consistent and can change over time due to new policy or new environmental factors.

Idaho imprisons the same share of its residents as it did in 2005.

Idaho's population of permanent residents grew 42 percent between 2005 and 2025, from 1.4 million to 2.0 million. Over this same period, the state custody population grew 43 percent. While the custody rate has varied from year to year, it has remained at or below the 20-year average of about 475 offenders in custody per 100,000 residents over the last five years (Exhibit 12).

Exhibit 12

Per capita, Idaho has maintained an average rate of around 475 offenders in custody per 100,000 permanent residents.

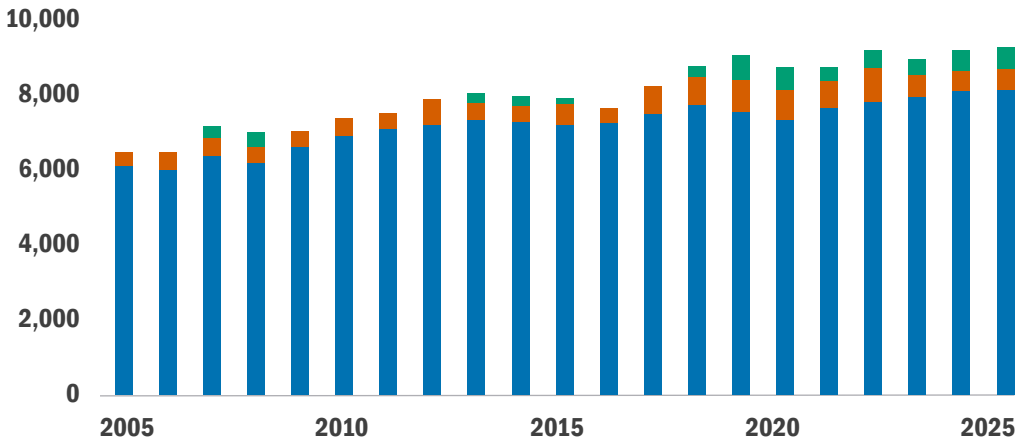


Note: OPE analysis of data from Idaho Department of Correction. Annual July 1 custody count includes term sentences, parole violators, and retained jurisdiction.

Although custody growth has been in line with the state's overall population growth over the past two decades, it has still had an impact. The department has periodically taken steps to expand facility capacity and the expansion effort is ongoing. But efforts to add capacity are behind the growth in the custody population, and the department has increasingly used county jails and private facilities to handle these challenges (Exhibit 13).

Exhibit 13

Most offenders are housed in department-operated facilities, but custody growth led the department to house offenders in county jails and private facilities as well.



Note: OPE analysis of data from Idaho Department of Correction. Annual July 1 custody count includes term sentences, parole violators, and retained jurisdiction.

Reported crime fell, but drug crimes, which more often lead to arrest, rose.

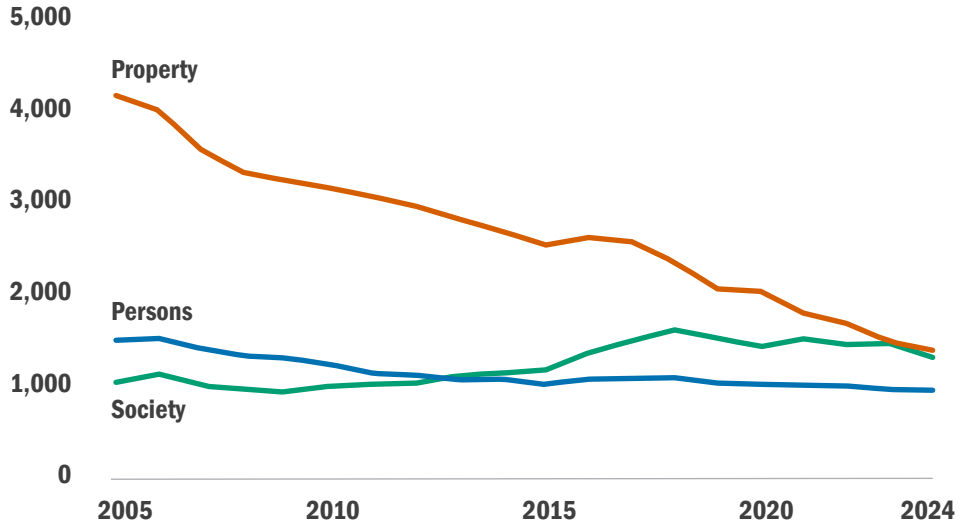
The Idaho State Police publishes annual *Crime in Idaho* reports, which describe current trends based on crime reports in the state. Reported crimes are different from incarceration records. Reported crimes may never result in an arrest or conviction, while incarceration records reflect the number of people who were arrested and convicted of crimes. The Crime in Idaho reports show that as the state population grew over the past two decades, the total number of reported crimes in Idaho dropped.

The Crime in Idaho reports covers crimes committed against persons (crimes where the victim is an individual, like assault, homicide, and sex offenses), against property (crimes where the objective is to obtain money or property, like burglary, theft, or forgery), and against society (crimes in violation of social norms, like drug possession and distribution). The overall crime rate has been driven by a steady decline in property crimes over the past two decades, while the rate of crimes against society has increased (Exhibit 14). An analysis of crime trends in 2024 by the Idaho Statistical Analysis Center[3] reported that growth of crimes against society was driven primarily by an increase in drug offenses.

3. Drug and Alcohol Crime Trends (2024), Idaho Statistical Analysis Center.

Exhibit 14

A long-term decrease in property crimes drove Idaho's overall decline in crime rate, while crimes against persons decreased slightly and crimes against society increased.



Note: OPE analysis of data from the Idaho State Police. Crime reports do not have a one-to-one correspondence with custody data from Idaho Department of Correction.

The overall decrease was driven by a drop in reported property crimes, which are less likely than other crimes to lead to an arrest or conviction. At the same time, there was an increase in drug crimes, which are more likely than other crimes to lead to an arrest or conviction. So while Idaho residents experience fewer crimes in the state, this increased safety has not translated to a decrease in the custody population.

Why are reported property crimes less likely to lead to an arrest?

Many property crimes that citizens report to law enforcement do not lead to an arrest. For example, a warehouse may report the theft of a pallet of retail goods and the perpetrator may never be identified. But drug crime reports are often initiated by law enforcement officers when they encounter illegal drugs in the field. Encounters in the field are much more likely to lead to arrests, as offenders are known to law enforcement and can be taken into custody or served with court summons directly.

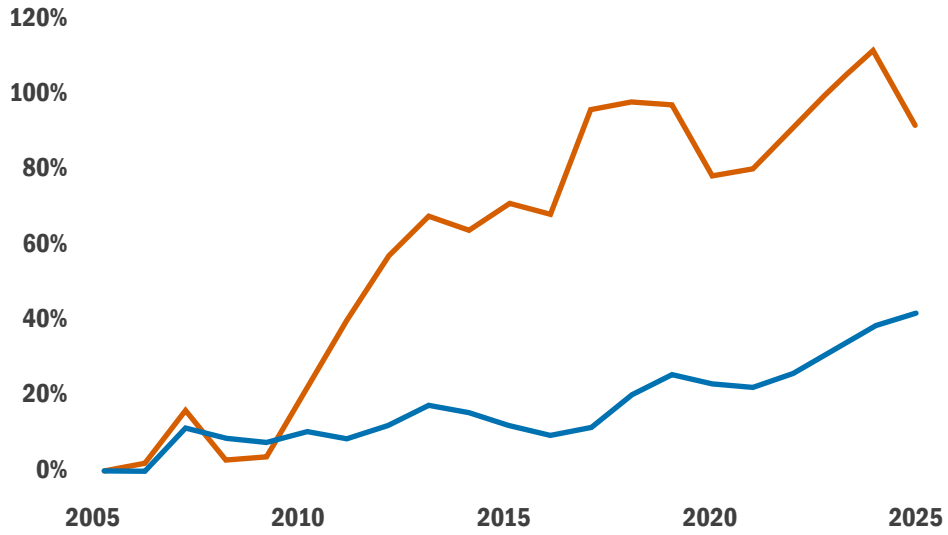
The Legislature has raised penalties while steering eligible offenders towards community supervision.

Over the past two decades, the Legislature has enacted more than 150 bills impacting misdemeanor and felony sentencing and other key processes in the criminal justice system. The majority of these bills increased penalties for offenses or established new crimes. However, the Legislature also took steps to reduce penalties or eliminate crimes that no longer aligned with legislative intent. For example, S.B. 1154 (2015) allowed victims of human trafficking to petition for expungement of criminal records for acts induced by their traffickers (Idaho Code § 67-3014 (2026)). Similarly, the Legislature made several efforts to reduce low-level misdemeanor offenses to infractions, reducing pressure on county jails and misdemeanor probation systems

Other policy changes have had impacts on the prison population, even when they did not adjust penalties. In 2010, the Legislature expanded the retained jurisdiction program from a maximum of 180 days to a full year, allowing judges to consider longer retained jurisdiction placements for offenders who judges think need more time to receive programming and evaluation. In the 15 years since the expansion of retained jurisdiction, offenders on retained jurisdiction increased by 100 percent while offenders in custody on term sentences only increased by 40 percent (Exhibit 15). This policy change was not specifically intended to increase penalties or control growth but nevertheless had an impact on the composition of the custody population, adding more offenders on short retained jurisdiction sentences.

Exhibit 15

The use of retained jurisdiction increased significantly following the 2010 expansion of the program, while term sentences increased gradually.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows annual July 1 percent change in custody population relative to 2005 for term sentences and retained jurisdiction.

Policies can enhance penalties

When policymakers find that the existing penal code is not enough to deter certain crimes, the Legislature may enact stricter penalties or lower eligibility criteria. Longer sentences and more offenders admitted to custody can drive prison growth.

In the 1992 legislative session, H.B. 178 established mandatory minimum penalties for trafficking drugs (possession of large amounts of certain drugs, regardless of intent to sell or transport across borders). Instead of allowing judges to determine the fixed sentence length, these laws set longer fixed prison terms for offenders convicted of trafficking and required judges to hand down sentences no shorter than the mandatory minimum. Mandatory minimums for drug trafficking are topics of heated debate among stakeholders in the criminal justice system. Advocates argue that they are effective deterrents that reduce the volume of drugs brought into Idaho, while opponents question whether the longer sentences they require are effective or appropriate in all cases.

The Legislature has considered adjustments to mandatory minimum penalties several times. Between 2017 and 2019, three bills[4] proposed that judges be allowed to sentence offenders convicted of drug trafficking below the mandatory minimum sentence length in cases where they found the sentence length would be unjust. All three bills failed[5]. Policies intended to expand mandatory minimums for drug trafficking have been more successful. In the 2024 legislative session, fentanyl was added to the list of drugs with defined trafficking mandatory minimums[6], joining marijuana, cocaine, heroin, methamphetamine, and methamphetamine precursors.

Chapter 3 addresses several other policy changes in the past two decades that increased penalties or made more offenders eligible for felony penalties. Offenses impacted by these changes include driving under the influence, child sexual abuse, and domestic violence.

Lack of action

A lack of legislative action can have the same effect as a penalty enhancement for certain crimes that use financial thresholds to determine penalties. The financial threshold separating misdemeanor theft from felony theft was set at $1,000 in 1998 and has not been adjusted since. Since then, inflation has cut the value of the dollar in half. A theft of $1,000 in 2026 is equivalent to a theft of only $500 in 1998. By not adjusting the threshold for inflation, some thefts that were misdemeanors when the threshold was codified are now punished as felonies.

Policies can adjust agency processes

Since 2000, Idaho has implemented two significant acts that changed agency processes with the intention of controlling the custody population: the Drug Court Act (S.B. 1171, 2001 session) and the Justice Reinvestment Act (S.B. 1357, 2014 session; amended by S.B. 1113, 2017 session). Drug courts were introduced in Kootenai and Ada counties in 1998. Drug courts combine elements of intensive treatment and supervision to reduce incarceration and improve treatment outcomes. Following early success of the Kootenai and Ada County programs, the Legislature passed the Drug Court Act (S.B. 1171, 2001 session) to expand these types of courts across the state. Since that time, drug courts have been

4. H.B. 179, 2017 session; H.B. 581, 2018 session; H.B. 099, 2019 session.
5. The 2017 bill died in committee, while the 2018 and 2019 bills passed the House but did not receive hearings in the Senate Judiciary and Rules Committee.
6. H.B. 406, 2024 session.

established in 38 out of 44 counties. Programs have expanded to include treatment for other targeted needs like mental health, child protection, and domestic violence. Internal evaluators with the Idaho Supreme Court's Administrative Office of the Courts and external evaluators with criminal justice expertise have reported that offenders enrolled in drug courts and other treatment courts are less likely to have their supervision revoked than offenders on conventional probation, especially for offenders who complete their treatment court programming.

Drug courts have been established in 38 out of 44 counties.

While drug courts offer sentencing alternatives for offenders meeting specific eligibility criteria, they are targeted at sending fewer people to prison rather than releasing more people to supervision. In 2013, Idaho partnered with the Council of State Governments (CSG) as part of a national criminal justice policy effort called the Justice Reinvestment Initiative to explore other policy options to control correctional spending. In a 2014 report on its efforts, CSG concluded that the state's community supervision and diversion programs were not keeping offenders out of prison and that significant prison space was being dedicated to offenders who had their community supervision revoked.

To address these challenges, the 2014 Legislature enacted S.B. 1357, a policy which made significant changes to the state's community supervision model. The bill introduced fixed length jail time sanctions for offenders who violated the terms of their community supervision, allowing the department to respond quickly to violations with swift and certain penalties rather than long custody stays waiting for a revocation hearing. Changes were also made to set targets for timely release of offenders from custody to parole, enhance collection of victim restitution payments, improve staff training, and establish evaluation standards. The Legislature intended this policy to move more offenders from custody to parole while maintaining public safety.

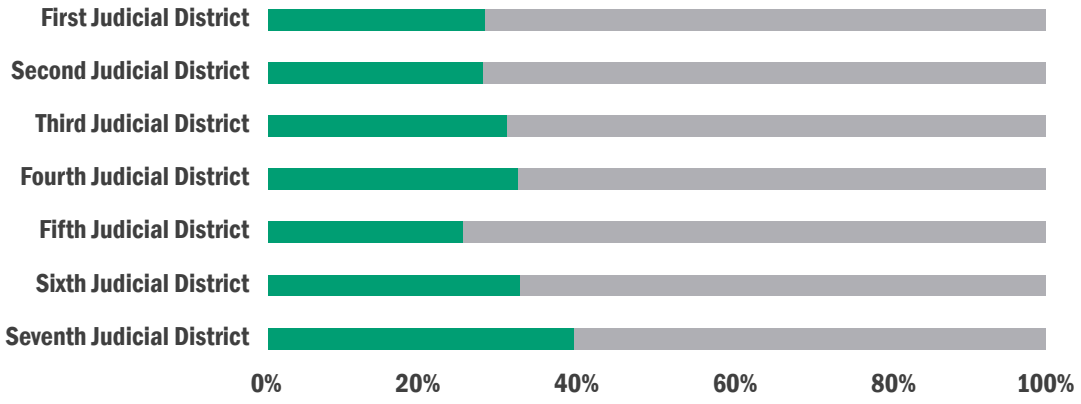
By 2016, criminal justice system stakeholders had raised concerns that the fixed lengths of the jail time sanctions introduced in 2014 were insufficient to respond to certain public safety threats. The Legislature responded to these concerns by first limiting (S.B. 1343, 2016 session) and then fully removing the automatic sanctions (S.B. 1113, 2017 session). The latter bill also expanded the Commission of Pardons and Parole to support the high volume of parole release hearings and revocation hearings. Ultimately, Idaho's implementation of Justice Reinvestment reforms improved processes and staffing at the Commission of Pardons and Parole, but had limited impact on returns to custody. See Appendix E for further discussion of Justice Reinvestment in Idaho and other states.

Whether a felony charge is likely to be amended depends on where in Idaho it is filed.

Idaho's criminal justice system relies on professional judgment by law enforcement officers, prosecuting attorneys, and judges to ensure that the accused receive fair trials and, if convicted, are handed down sentences tailored to the unique circumstances of their offense. After an arrest has been made, prosecutors file initial charges but have discretion to amend indictments[7] as long as the amended indictment still fits the nature of the offense. Charges can be amended following plea deals or to bring indictments in line with available evidence, but prosecutors differ in the tendency to amend charges (Exhibit 16). As a result, offenders may be more likely to be offered a plea deal or receive a longer sentence in some judicial districts than in others. As discussed in Chapter 3, the number of offenders in custody grew faster than the local population in some large counties, and slower than the local population in others. Different custody growth rates might be explained in part by differences in the decisions made by law enforcement, prosecutors, and judges.

Exhibit 16

In 2022, 31 percent of all felony charges filed by county prosecutors were amended.



Note: OPE analysis of data from Idaho Supreme Court. Figure includes felony cases filed in 2022 which were not dismissed.

7. Idaho Code § 19-1420 (2026).

Once an accused party is convicted of an offense, judges have complete discretion to craft a sentence tailored to the individual offender[8]. They are guided by felony sentencing reports and information gathered during pre-sentence investigations. They also determine whether a convicted offender is a candidate for community supervision. Idaho statute requires that sentencing courts consider community placement unless the offense qualifies for a mandatory minimum period of incarceration. Judges are more likely to sentence an offender to custody if the incarceration is more likely to preserve public safety, deter future crime, or fit the seriousness of the offense.[9]

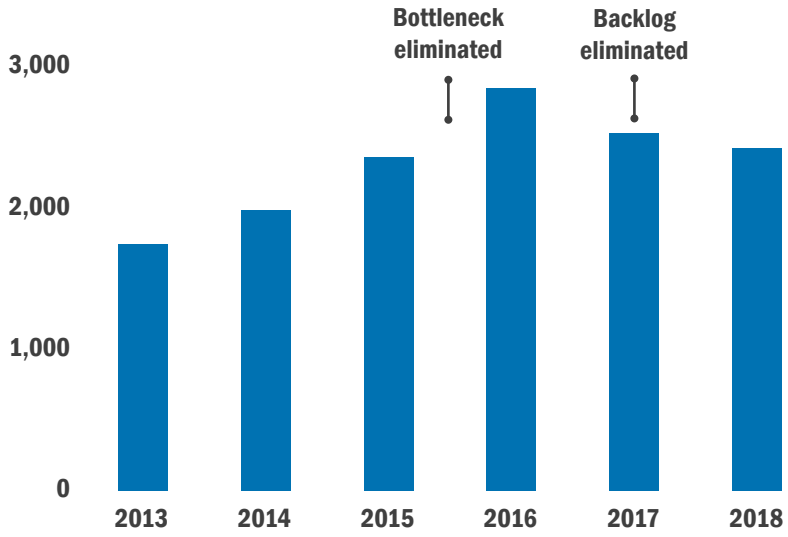
8. Idaho Code § 19-2521(1)(b) (2026).
9. Idaho Code § 19-2521(3) (2026).

Removing a program bottleneck led to a one-time drop in custody that overwhelmed supervision caseloads.

While discretion and professional judgment can impact how policy affects criminal sentences for individual offenders, policies that change how the department operates can impact large groups of offenders simultaneously. The Justice Reinvestment Act of 2014 included a provision requiring the evaluation of programs designed to reduce recidivism[10]. An evaluation of one of these programs, known as Therapeutic Communities, found it was required for many offenders but was only offered at certain facilities and had long waitlists. The department eliminated the program and replaced it with an alternative that was more accessible. By making a program that was easier to access, many offenders became eligible for parole during a short period in 2015 and 2016, creating a notable increase in exits from custody to community supervision (Exhibit 17).

Exhibit 17

Parole releases increased after a key bottleneck was eliminated but slowed after the backlog was cleared.



Note: OPE analysis of data from Idaho Department of Correction.

10. Idaho Code § 20-216(3) (2026), enacted in 2014 session by section 8 of S.B. 1357.

The department's *Justice Reinvestment Impact Report* for fiscal year 2015 estimated that Idaho saved $14 million on housing costs for offenders over the course of this initial surge of parole releases. But the elimination of the Therapeutic Communities program created an influx of paroled offenders into the community. At the same time, the department was working to improve the implementation of intermediate sanctions and train probation and parole officers to manage offenders using both incentives and sanctions. Probation and parole officers were put in a challenging position. They were being asked to retrain and develop new job skills while their caseloads were expanding.

In a November 2015 meeting of the Justice Reinvestment Oversight Committee department leadership stated a goal to reduce caseloads to a 50-to-1 offender-to-officer ratio, but these reduced caseloads were not possible with existing staffing. Instead, the department adjusted how it implemented policy between 2015 and 2017, moving low-risk offenders to a limited supervision unit and adopting an approach known as "focused supervision" to reduce caseloads for officers working with higher-risk offenders. In 2020, the department reported that focused supervision frequently shuffled offenders between officer caseloads as offender risk profiles changed. This made it harder for probation and parole officers to build trust with offenders, leading the department to adopt a hybrid model that balanced controlling caseloads and maintaining offender-officer relationships.

While the department was working to control caseloads, it was also working through challenges implementing automatic sanctions. These sanctions were intended to provide "swift and certain" consequences for negative behaviors for offenders on parole. However, the sanctions inadvertently created significant pressure on county jails. Criminal justice system stakeholders reported that the sanctions were not enough to remove public safety threats from the community. The Legislature responded with new policies in the 2016[11] and 2017[12] sessions to address these concerns. This led the department's community corrections division to revise its approach to parole violations. After the 2017 bill removed automatic sanctions for parole violations, the department adopted a system of parole violation diversions. These violation diversions were discontinued in 2019, when the Commission of Pardons and Parole took on the role of reviewing each violation to determine whether an offender would be reinstated on parole or have parole revoked.

11. S.B. 1343, 2016 session.
12. S.B. 1113, 2017 session.

Because of these changes in implementation, it is hard to tell which parts of the Justice Reinvestment Act were successes or failures. The elimination of Therapeutic Communities had the most impact in reducing the number of offenders in custody in the short term, but the reduction was not sustained. Other changes, like the evolution of the department's approaches to managing parole violators and controlling probation and parole officer caseloads, may have had impacts as well. But our ability to understand the impacts of these more recent changes is restricted by the onset of the COVID-19 pandemic, which significantly reduced the rate of new admissions and returns to custody in 2020.

3 Changes in the Custody Population

Idaho's stable custody rate hides large changes in who is incarcerated and why. This chapter shows that most growth came from four counties, that the population in custody has aged significantly, and that the female custody rate rose 52 percent while the male rate declined. Returns from community supervision, especially parole revocations, remain the largest source of admissions despite Justice Reinvestment reforms, and they put growing pressure on county jails. The offense profile has also shifted; property crimes have declined, while drug offenses and domestic violence have grown, and sentences for the most serious offenses have become longer.

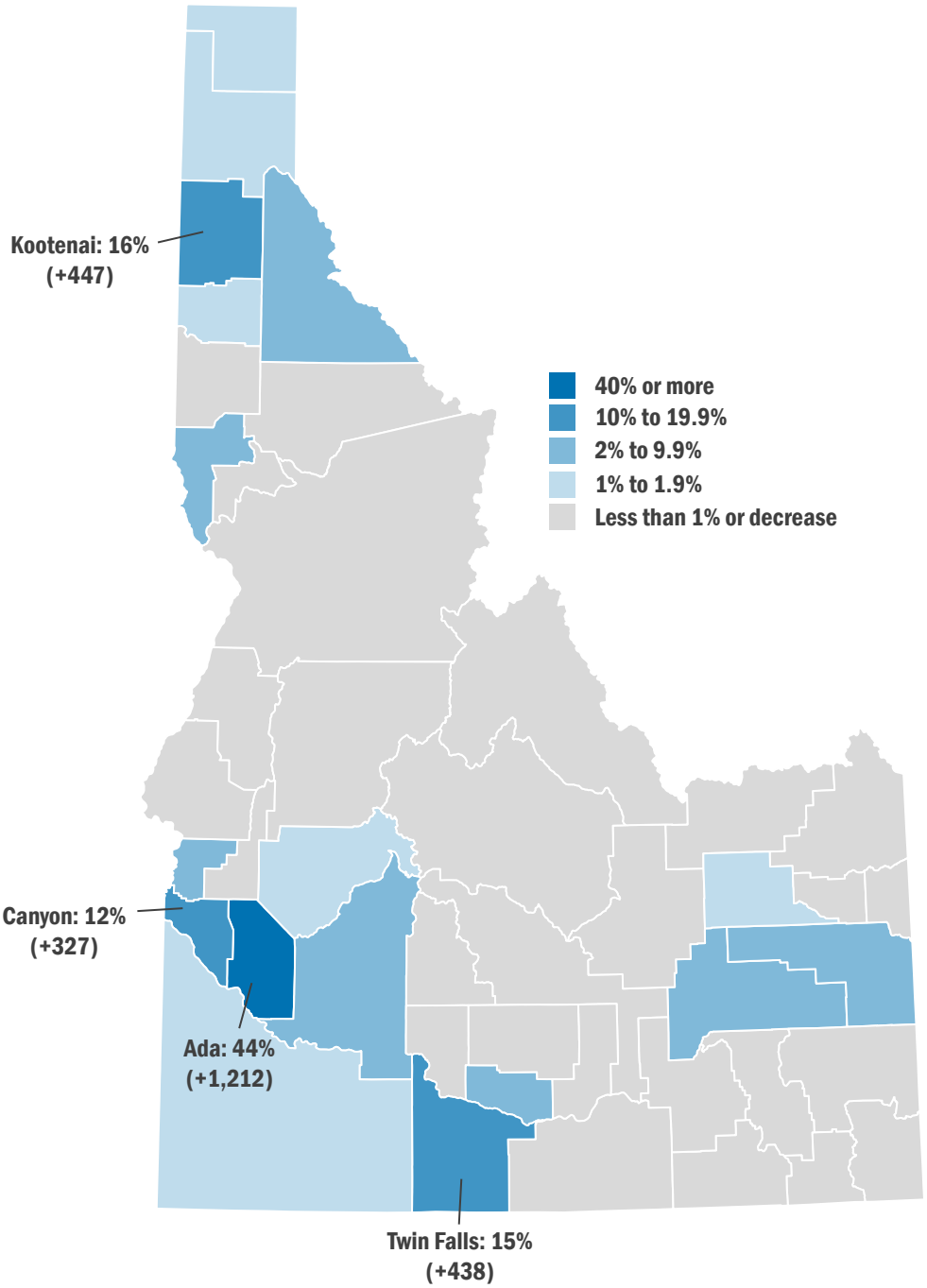
Ada, Canyon, Kootenai, and Twin Falls Counties produced 87 percent of Idaho's custody growth.

Offenders sentenced in Idaho's six largest counties[13] made up 75 percent of the custody population in 2025. The majority of growth between July 2005 and July 2025 came from only four of these counties: Ada, Canyon, Kootenai, and Twin Falls counties (Exhibit 18).

13. Kootenai County in Judicial District 1, Canyon County in Judicial District 3, Ada County in Judicial District 4, Twin Falls County in Judicial District 5, Bannock County in Judicial District 6, and Bonneville County in Judicial District 7.

Exhibit 18

87 percent of offenders added to the department's custody population between 2005 and 2025 came from Ada, Canyon, Kootenai, and Twin Falls counties.

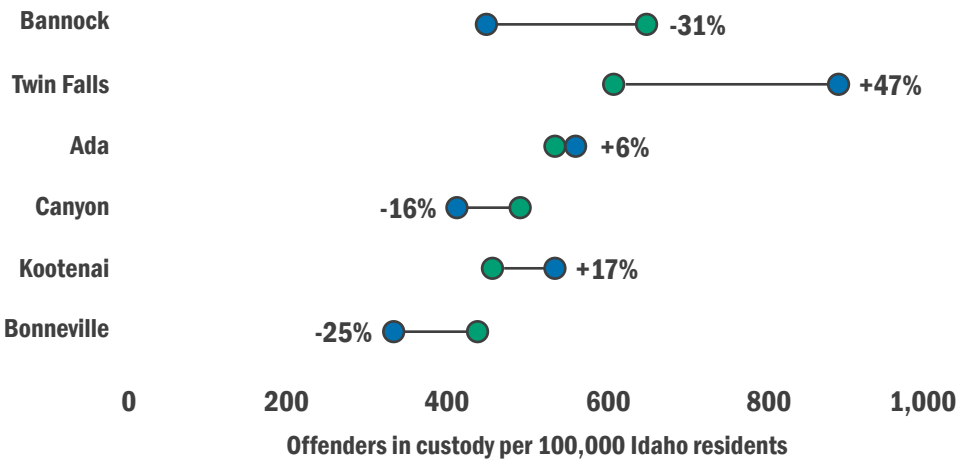


Note: County of conviction for each offender's primary offense. Based on custody counts on July 1 of each year. Darker red represents relative increase in proportion of custody population, darker green represents relative decrease in proportion of custody population. Custody population includes term sentences, parole violators, and retained jurisdiction.

Over this period, Twin Falls had the largest increase in custody rate. This means that people who committed crimes in Twin Falls were much more likely to be incarcerated in 2025 than they were in 2005, though the reasons for this change are unclear (Exhibit 19).

Exhibit 19

Of Idaho's six largest counties, Twin Falls County had the largest increase in offenders in custody per 100,000 residents between 2005 and 2025.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows custody rate by county of conviction on July 1 of each year. Custody population includes term sentences, parole violators, and retained jurisdiction.

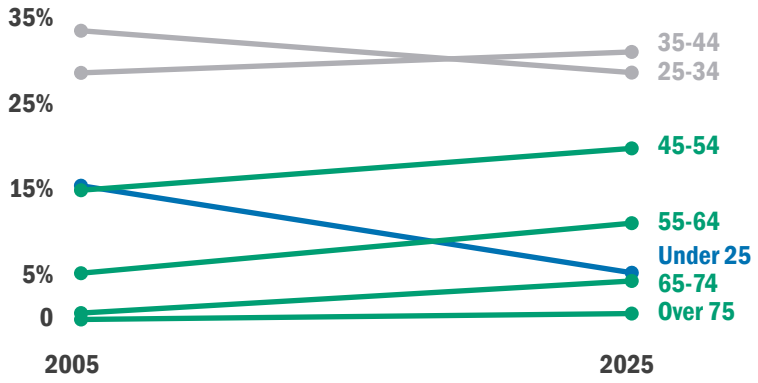
Prosecutorial and judicial discretion may contribute to some large counties having a higher custody population than others. As detailed in Chapter 2, we found that charges are amended at different rates depending on judicial district. Regional crime trends and approaches to law enforcement may also play a role. The Oregon-Idaho High Impact Drug Trafficking Area program lists Ada, Bannock, Canyon, and Kootenai as designated counties of particular concern. These counties receive dedicated federal funding and program support to combat drug trafficking.

In 2005, half of offenders in custody were under the age of 35. By 2025, only a third were under the age of 35.

The average age of offenders in custody has increased over the past two decades (Exhibit 20). This has been driven by an increase in older offenders, and a decrease in younger offenders.

Exhibit 20

The percentage of offenders in custody under 25 decreased, while the percentage of offenders age 45 and older increased.

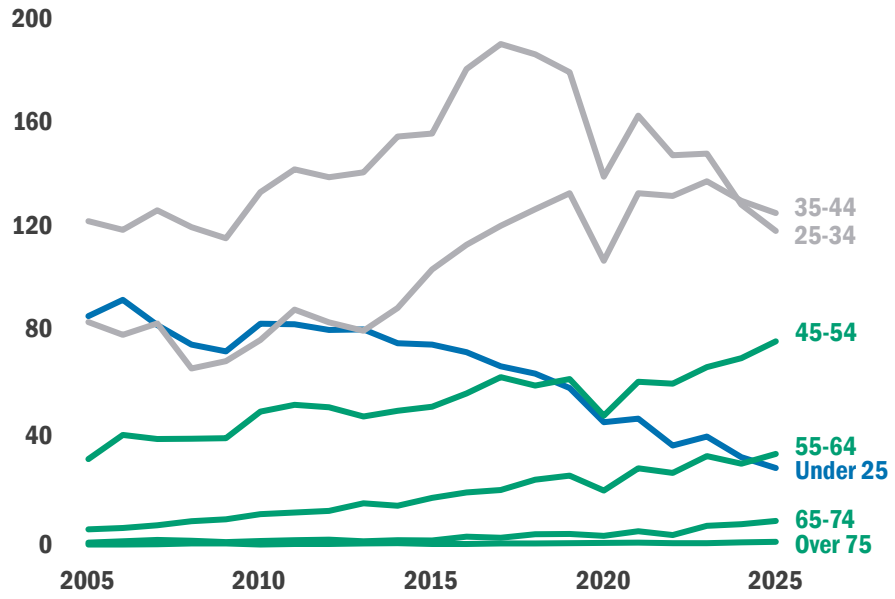


Note: OPE analysis of data from Idaho Department of Correction. Figure shows custody population percentage by age group on July 1 of each year. Custody population includes term sentences, parole violators, and retained jurisdiction.

While some offenders in custody are aging as they serve long sentences, offenders are also more likely to be older when they enter custody from a new conviction or a return from supervision (Exhibit 21). At the same time, new admissions from the younger offenders have dropped since the late 2010s.

Exhibit 21

Monthly admission of offenders under 25 decreased, while monthly admissions of offenders age 45 and older increased.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows yearly average custody admissions per month by age group. Custody admissions include term sentences, parole violators, and retained jurisdiction.

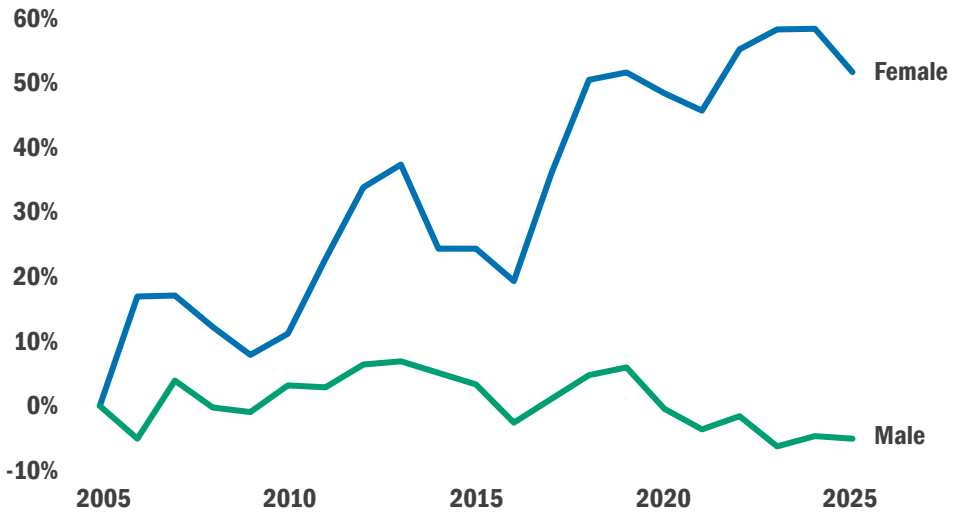
A 2024 report by the Idaho Statistical Analysis Center found similar trends in drug and alcohol arrest data, where older offenders were increasingly likely to be arrested for drug and alcohol crimes. Past research and evaluations in Idaho have found older offenders are more likely to complete treatment, and that offenders who complete treatment are less likely to recidivate. It is unclear why a population shown to be more accepting of treatment is increasing the custody population, but there are impacts that result from this shift. An aging custody population will increase the cost of medical services for offenders in custody.

Idaho's custody rate for women rose 52 percent while the rate for men fell 5 percent.

Most offenders in the custody of the department are male. However, the male custody rate has fallen over the past two decades. Over the same period, the female custody rate has increased (Exhibit 22). In Chapter 4, we show that women are much more likely to enter custody with drug offenses than other types of offenses. The overall increase in offenders with drug-related primary offenses may be responsible for the increase in incarcerated women.

Exhibit 22

Per capita, the male custody rate has decreased 5 percent while the female custody rate has increased by 52 percent.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows custody rates for male and female offenders on July 1 of each year. Custody population includes term sentences, parole violators, and retained jurisdiction.

The growth of the female custody population prompted the construction of a new women's prison. The department does not currently send female offenders to private out-of-state facilities, though it could if capacity constraints required. As a consequence, women are more likely to be housed in county jails while waiting for prison beds to become available. In 2025, women made up 29 percent of offenders in county jails, but just 14 percent of offenders in department facilities. Housing offenders in county jails can create delays in release, as required programming may not be available and offenders may arrive at prison without enough time to complete the department's six-month parole preparation process.

Mothers in custody

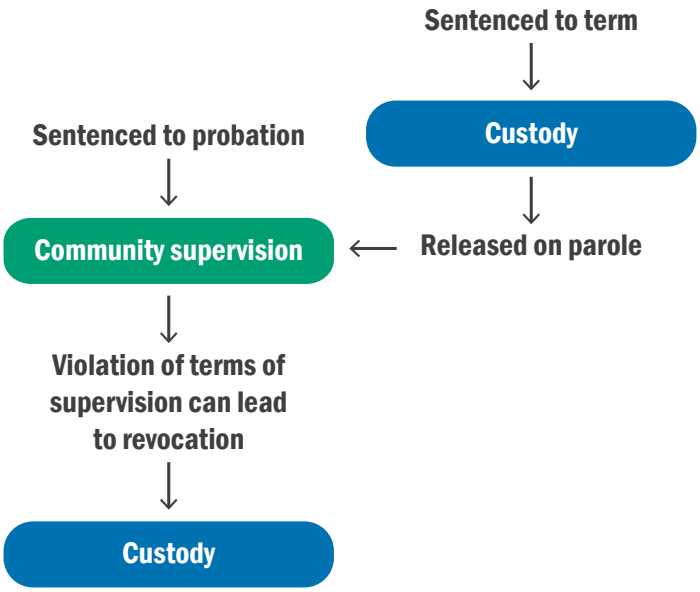
We reviewed data from the Idaho Supreme Court on felony treatment court participants between 2018 and 2025. We found that 70 percent of female participants were mothers and 57 percent were single mothers. Incarceration of mothers places a significant burden on Idaho's foster care and kinship care systems. In a 2003 report by our office, *Programs for Incarcerated Mothers*, we reported that children of incarcerated mothers most frequently live with a grandparent or other non-parent relative, while about 10 percent receive a foster care placement. A 2020 criminal justice needs assessment conducted by the Idaho Statistical Analysis Center reported that regardless of parent sex, children in homes with adults in custody frequently ended up involved with the Idaho Department of Juvenile Corrections.

Two-thirds of admissions still come from probation and parole, despite Justice Reinvestment.

In 2013, as Idaho began exploring possible reforms to control the growth of the prison population, analysts at CSG concluded that unsuccessful outcomes during supervision and treatment in the community setting were the most important driver of prison growth in Idaho. During the scoping phase of Justice Reinvestment, CSG analysts and Idaho criminal justice system stakeholders found that 84 percent of new felony convictions resulted in diversion to probation or retained jurisdiction, but within three years 30 percent of these diversion sentences were taken into custody for new crimes or violations of the terms of their supervision. This group also found that probation and parole revocations took up more prison beds in Idaho than in other states (Exhibit 23).

Exhibit 23

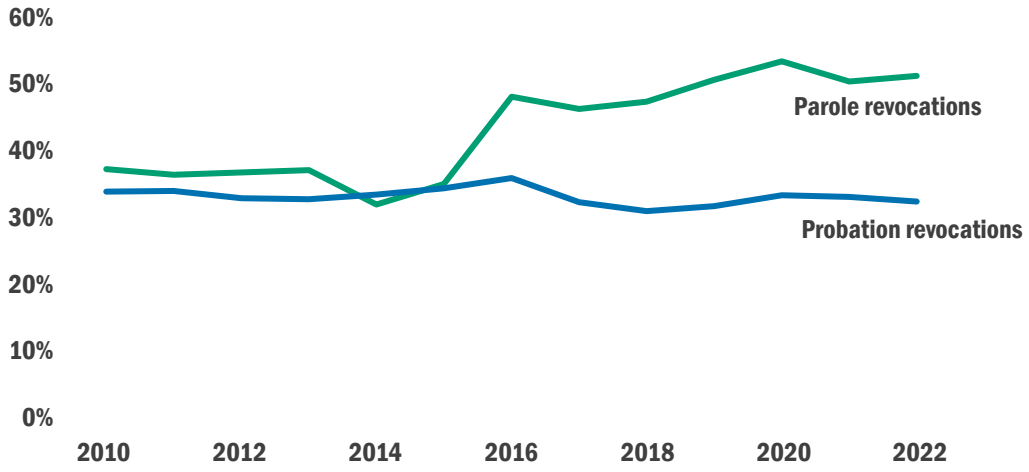
Probation revocations and parole revocations both lead to offenders in custody.



Many of the policies put into place by Justice Reinvestment reforms were meant to address the growth created by custody admissions from supervision. However, in a 2018 presentation to the Justice Reinvestment Oversight Committee, the department reported that little progress had been made in reducing this growth. The majority of prison beds were still dedicated to offenders who had been taken into custody after a failure on probation, parole, or retained jurisdiction. And in 2020, the department stated in its fiscal year 2019 *Justice Reinvestment Impact Report* that offenders entering custody from supervision had consistently made up at least two-thirds of annual admissions since 2007. Since 2010, we found that about 30 percent of probation placements end in a custody admission. Parole revocations used to occur at a similar rate, but increased for offenders released in 2016 or later (Exhibit 24).

Exhibit 24

Probation revocations to custody have been stable since 2010, but parole revocations increased.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows percent of community supervsion placements each year that ended in custody admissions within three years.

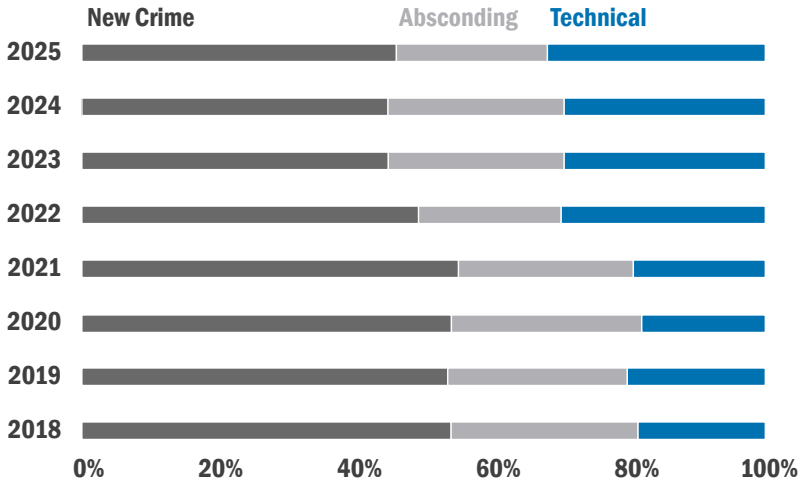
Several factors related to Justice Reinvestment could have driven this increase in returns from parole: automatic jail sanctions could have increased the number of behaviors that resulted in jail time, or the increase in caseloads associated with a surge of releases in 2015 and 2016 may have led to lower quality supervision for offenders in the community.

However, both of these factors had been addressed through policy or process changes by 2019, and do not explain the sustained higher rate of parole returns for offenders released in 2019 and beyond.

One possible explanation for the sustained rate of parole returns in recent years is an increase in technical violations. As detailed in Chapter 1, offenders can receive parole violations when they abscond or commit new crimes. They can also receive technical violations when they violate terms of their release, like refusing a search or associating with gang members. Between 2018 and 2021, more than half of parole violations were new crimes. While new crimes are still the most common type of parole violation, technical violations increased in 2022 (Exhibit 25).

Exhibit 25

Technical violations increased in 2022.



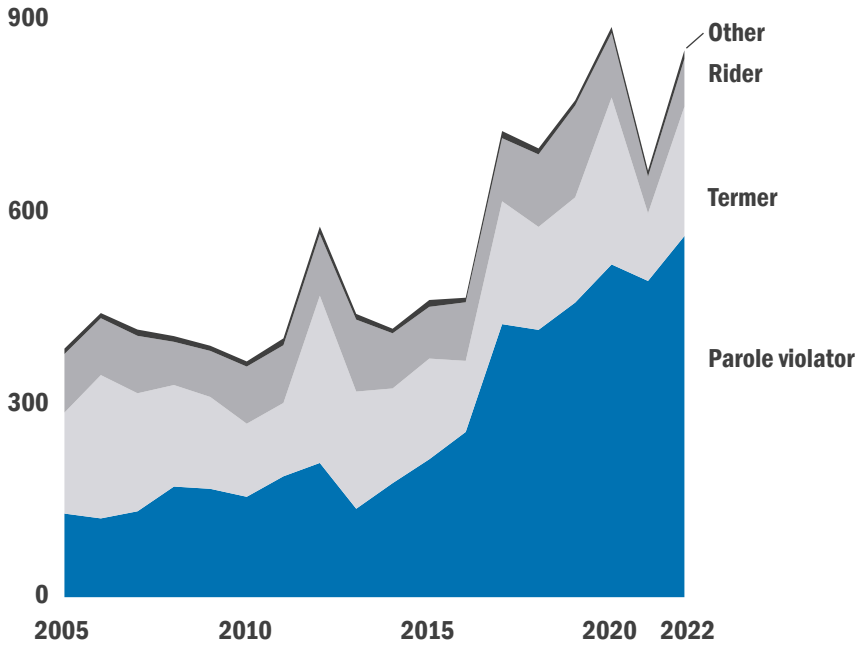
Note: OPE analysis of data from Idaho Department of Correction. Parole violations recorded without a violation reason were excluded from analysis.

This shift may reflect a change in the department's approach to deterring new crimes by offenders on parole. As technical violations increased, the number of offenders who received violations for new crimes fell. However, the shift toward technical violations impacts the number of offenders in custody, as the number of technical violations increased more than new crimes decreased.

After returns from parole increased in 2016, the number of felony offenders housed in county jails for parole violations surged (Exhibit 26). Parole violators can be held in department facilities, but most frequently are committed to county jails while they wait for a revocation hearing. Concerns about overcrowding in county jails contributed to the 2017 removal of the automatic sanction policy introduced by the 2014 Justice Reinvestment Act, but this did not bring down the number of offenders with parole violations housed in county jails.

Exhibit 26

Increases in the number of parole violators disproportionately impacted county jails.



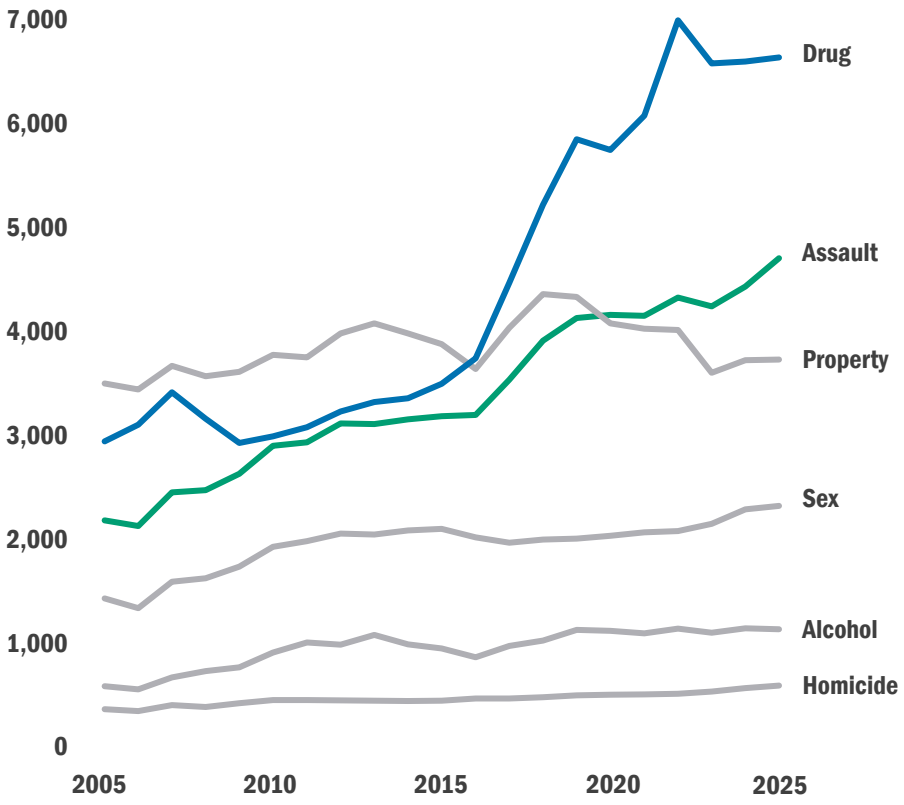
Note: OPE analysis of data from Idaho Department of Correction. Figure shows yearly average count of offenders housed in county jails per month. A data system change in 2023 limited our ability to make comparisons of parole violator custody rates before and after the change.

The custody rate for property crimes fell by half, while rates for drug and assault crimes rose.

When counting the number of total active sentences for all offenders in custody, including offenders with multiple active sentences, drug offenses and assault sentences have increased more over the past two decades than any other category (Exhibit 27).

Exhibit 27

The total number of drug and assault sentences for offenders in custody increased more than other offense category.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows the raw number of active sentences for offenders in department custody. An offender may have active offenses in multiple categories, or multiple active sentences in the same category. Annual active sentence counts are from July 1 of each year. Custody population includes term sentences, parole violators, and retained jurisdiction.

Between 2005 and 2025, the total number of drug sentences increased by 125 percent and the number of active assault sentences increased by 115 percent. Some offenders with drug or assault sentences also had other sentences for more severe offenses. To better understand how offenses have changed over the past two decades, we looked at each offender's most serious offense ("primary offense"). The department identifies each offender's primary offense[14] using a decision hierarchy (Exhibit 28).

Exhibit 28

Primary offenses are determined by the length of sentence and severity of offense category.

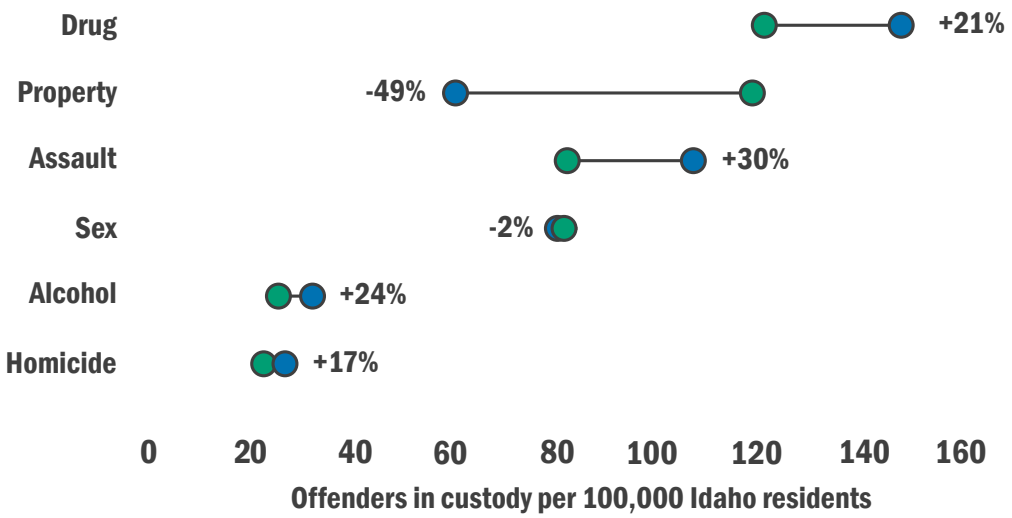
Decision level	Primary offense is...
1	The offense with a life or death sentence, if any
2	Otherwise, the offense with the longest combined fixed and indeterminate sentence
3	If sentence lengths tie, the offense in the most severe category from most to least severe: Homicide Sex Assault Property Alcohol Drug Other

14. The department refers to an offender's most severe offense as their instant offense. We have chosen to use the term primary offense to simplify terminology.

We found that drug sentences were the most common primary offenses, but both drug and assault offenses had large increases in custody rate. Over the same period, the rate of property offenses was cut in half (Exhibit 29).

Exhibit 29

The custody rate for property crimes dropped by half between 2005 and 2025, while assault and drug offenses increased.



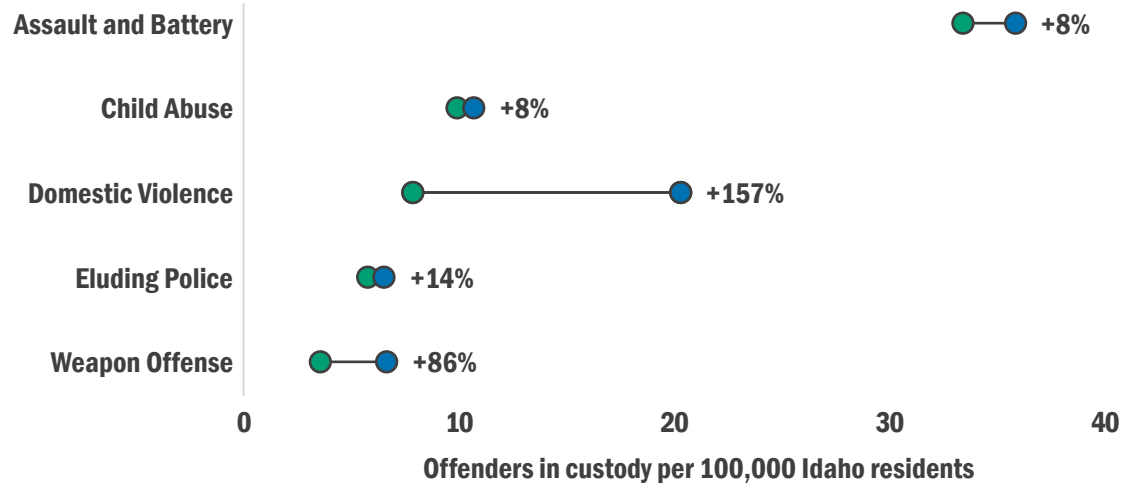
Note: OPE analysis of data from Idaho Department of Correction. Comparison of primary offense custody rates for July 1, 2005, and July 1, 2025. Primary offenses are the single most serious offense for each offender in custody. Custody population includes term sentences, parole violators, and retained jurisdiction.

Domestic violence doubled as a share of assault offenses after a 2004 law made more cases felonies.

In July 2005, domestic violence sentences made up 10 percent of all primary offenses in the assault category. By July 2025, domestic violence had increased to make up 20 percent of all assault offenses in custody. While the custody rate increased for all common assault offenses, the most substantial growth came from domestic violence (Exhibit 30).

Exhibit 30

Relative to the size of the state population, the rate of domestic violence primary offenses grew by 157 percent between 2005 and 2025.



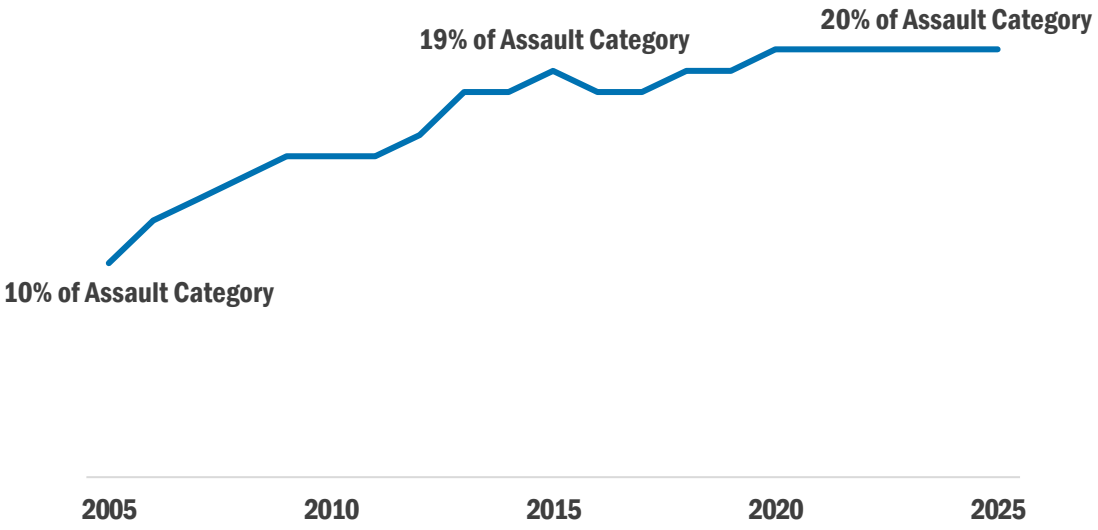
Note: OPE analysis of data from Idaho Department of Correction. Comparison of primary offense rates for July 1, 2005, and July 1, 2025. Custody population includes term sentences, parole violators, and retained jurisdiction.

A policy change made in the 2004 legislative session is a key factor in the growth of domestic violence offenses. In the 2004 session, the Legislature passed S.B. 1234, which allowed domestic violence offenses committed outside of Idaho to be included in the count of prior domestic violence charges when determining whether the offense was eligible to be charged as a felony. The bill also made any domestic violence offense committed after a prior felony domestic violence

conviction into a felony. Before this change, some offenders with histories of domestic violence could be charged for new domestic assaults with a misdemeanor. This change made it more likely that both chronic offenders and severe offenders would be eligible for felony domestic violence charges. Domestic violence primary offenses increased the most during the first ten years after the policy change, growing from 10 percent to 19 percent of all assault primary offenses between 2005 and 2015. Between 2015 and 2025 they only grew from 19 percent to 20 percent of all assault primary offenses (Exhibit 31).

Exhibit 31

Changes to domestic violence penalties took 10 years to fully impact the custody population.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows annual July 1 percent of assault-type primary offenses that were domestic violence. Custody population includes term sentences, parole violators, and retained jurisdiction.

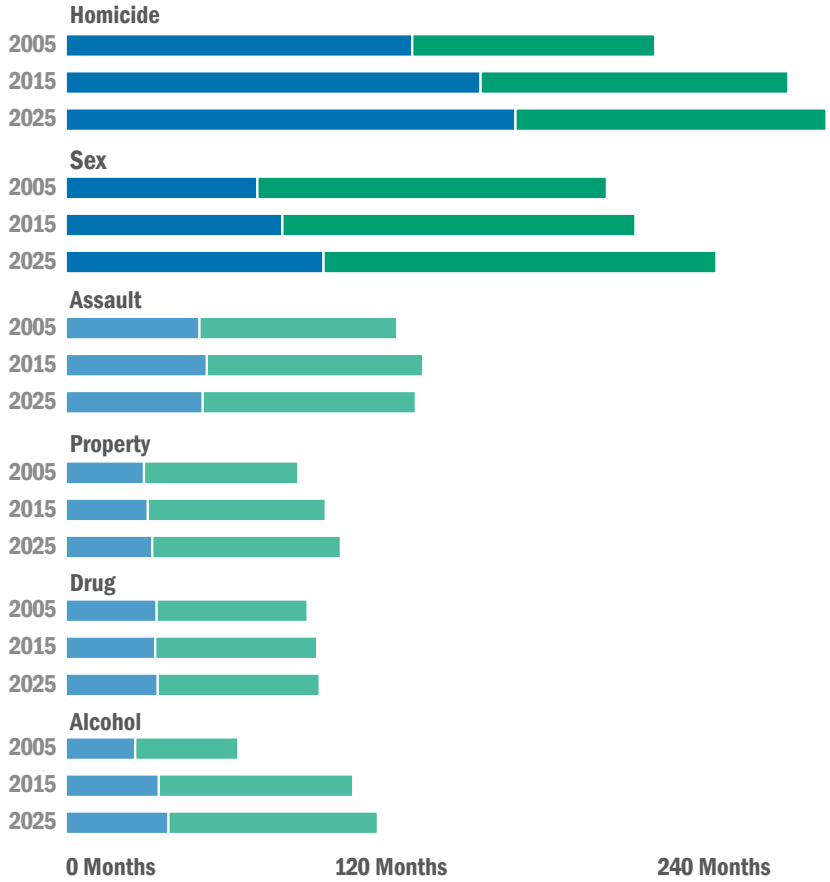
In the 2024 legislative session, the Legislature passed H.B. 600, which doubled the maximum sentence for repeat felony domestic violence offenses from 10 to 20 years. Evidence from the prior 2004 increase in penalties suggests this change may result in further growth of offenders in custody with domestic violence offenses.

Average sentence lengths for the most severe primary offenses have increased, but are not a large driver of incarceration.

While maximum sentence lengths for offenses are defined in statute, the average length of fixed and indeterminate sentences for offenses can shift due to changes in policy and judicial discretion. Over the past two decades, the lengths of both fixed and indeterminate sentences have increased most for the most serious offenses (Exhibit 32).

Exhibit 32

Fixed and indeterminate sentences for homicide and sex crime primary offenses have increased.



Note: OPE analysis of data from Idaho Department of Correction. Custody population includes term sentences, parole violators, and retained jurisdiction. Life and death sentences are excluded from this exhibit.

In the homicide category, sentences are longer for murder, while manslaughter sentences have not increased. In the sex crime category, sentences are longer for both rape and child sexual abuse. In the 2006 session, the Legislature increased penalties for several offenses related to child sexual abuse[15], which may explain the increased sentence length in that category. There are no clear policy changes that explain the increased lengths for murder or rape sentences. This suggests that these increases are related to judicial discretion or factors that are not clear in the available data.

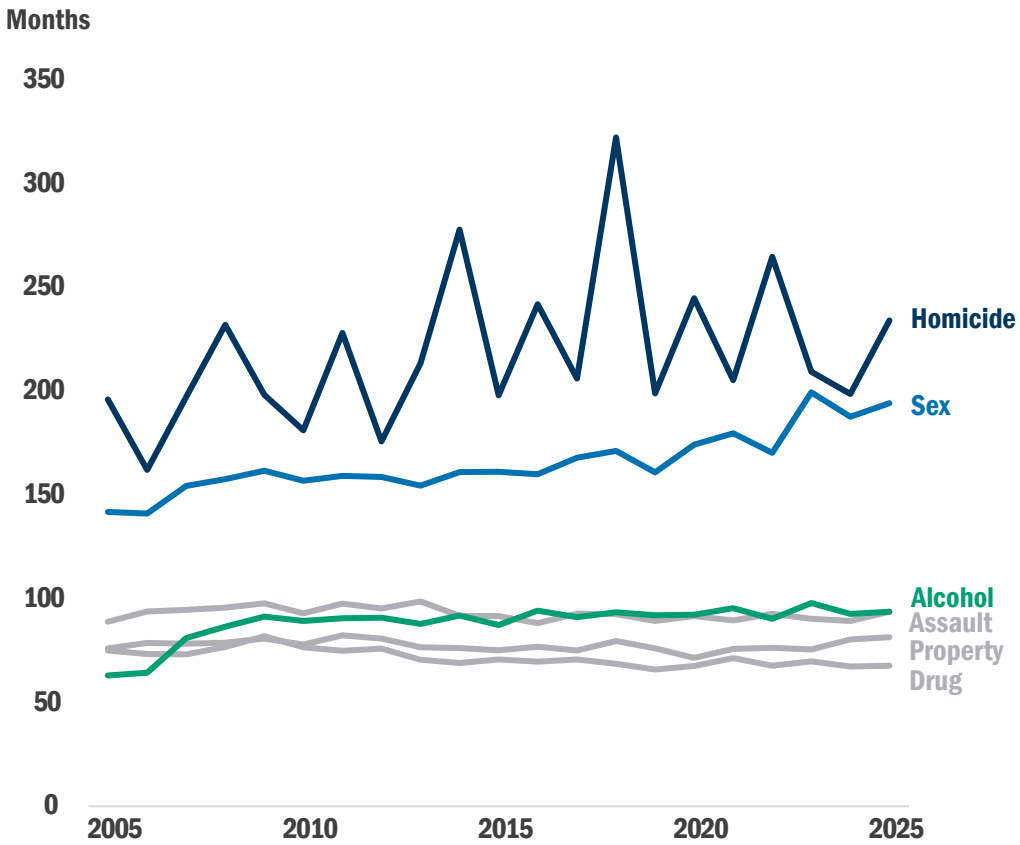
The other primary offense category with a large increase in sentence length is alcohol offenses. While the department classifies several other misdemeanor offenses under this category, the only felony alcohol offense was driving under the influence (DUI). A policy change is likely related to the increase in sentence lengths in this category.

15. S.B. 1312, 2006 session.

During the 2006 session, S.B. 1397 doubled the maximum sentence for a third DUI from 5 to 10 years and increased the maximum sentence for aggravated DUI causing great bodily harm from 10 to 15 years. The bill also expanded the range of time that the court could consider when determining the number of DUI offenses committed, increasing the number of offenders eligible for felony DUI sentences. The monthly average combined sentence length of alcohol offenses at admission increased sharply after the 2006 change before leveling off (Exhibit 33).

Exhibit 33

Average combined sentence length at custody intake has increased for alcohol, sex, and homicide offenses.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows annual average combined sentence length. Custody population includes term sentences, parole violators, and retained jurisdiction.

4 Growth of Drug Offenses in Custody

Drug possession accounts for 39 percent of the growth in Idaho's prison population since 2005, more than any other offense. This chapter examines that trend. Growth in drug offenses came entirely from possession rather than distribution or trafficking. Possession sentences are more likely to appear alongside other offenses, particularly property crimes. Drug offenders make up an especially large share of incarcerated women. First-time possession offenders rarely receive a prison term at sentencing; most enter custody after failing probation or retained jurisdiction. Felony possession charges are also amended far less often than other major offenses. This may be due to limited statutory alternatives or because treatment resources are only available through felony supervision.

Available data cannot show whether more drug use or more enforcement drove custody growth.

While incarceration for drug-related offenses has increased over the past two decades, it is difficult to determine whether this is because of changes in enforcement practices or increases in population-level drug use. Population data on drug use relies heavily on self-reports or adverse outcomes like hospital visits for overdoses. Data availability is much worse for emerging issues like fentanyl than for longer-running public health concerns like alcohol, tobacco, and marijuana.

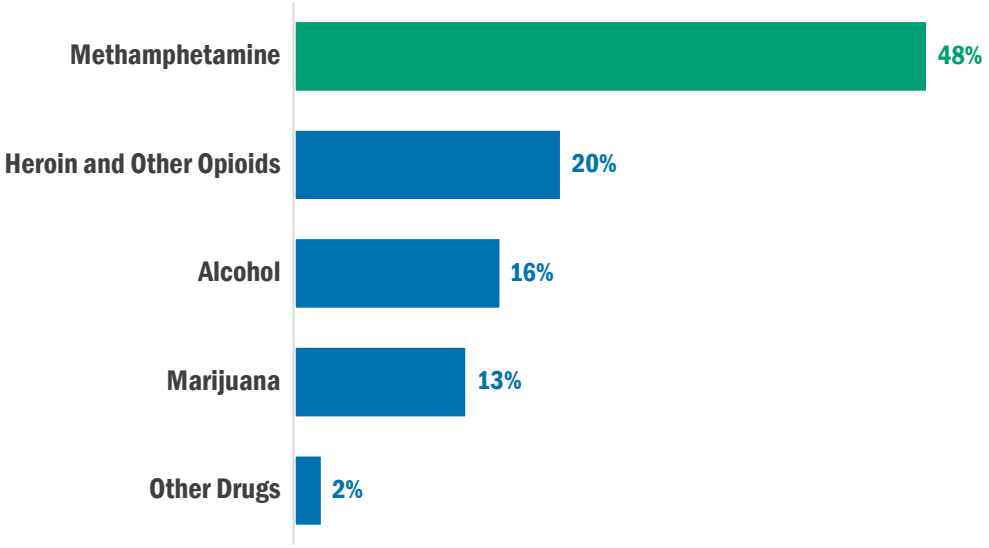
In 2017, the department reported that the highest need for substance use disorder treatment came from amphetamines and alcohol. The Idaho Statistical Analysis Center reports that deaths from opioids have significantly increased since that time, with fentanyl-associated deaths increasing tenfold[16]. A 2024 needs assessment published by the Idaho Office of Drug Policy ties these two concerns together, noting that combined use of stimulants and narcotics was a common factor in overdose deaths. This needs assessment also concluded that by 2024 fentanyl had replaced heroin for opioid-dependent users and that methamphetamine remained a significant concern. The office also reported that national survey data did not show a significant increase in drug use in Idaho between 2015 and 2019, and that Idahoans report drug use at rates similar to or less than the national rate across all age groups.

16. Substance Misuse in Idaho (2024), Idaho Statistical Analysis Center

The data we analyzed did not include specific information about the drugs that led to the incarceration of offenders. To get a sense of which drugs might be responsible for an increase in possession charges, we obtained data on primary drugs of choice for felony drug court participants from the Idaho Supreme Court. This data does not correspond directly with the drugs that offenders in custody were arrested for, but it does provide some sense of which drugs are likely to be associated with involvement in the criminal justice system. Of more than 5,000 drug court participants with known drugs of choice, we found that most participants reported a preference for methamphetamine or narcotics like heroin and opioids (Exhibit 34).

Exhibit 34

Methamphetamine was the preferred drug most often reported by offenders in felony drug court.



Note: OPE analysis of data from Idaho Supreme Court.

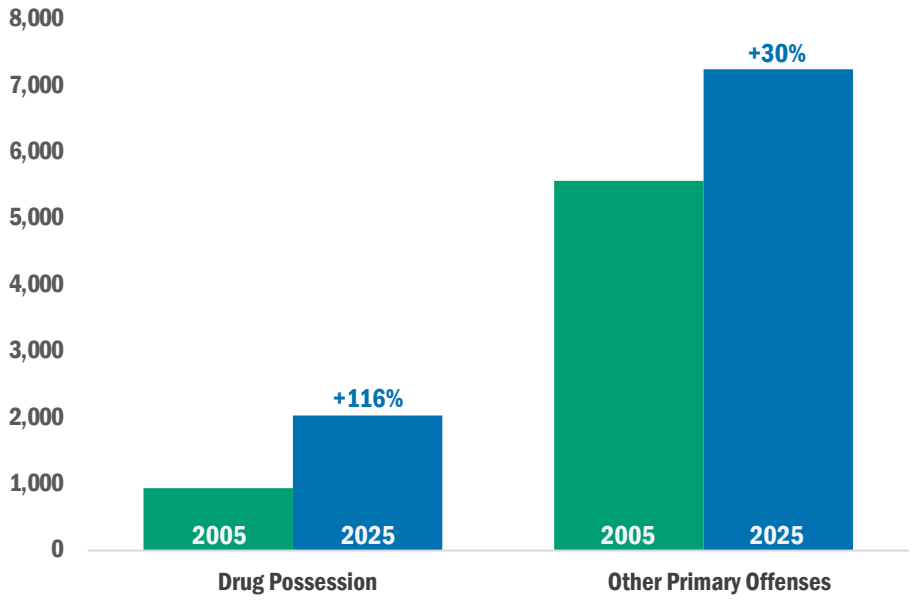
Participants discharged from drug court more recently reported their preferred drugs as opioids most frequently and heroin and marijuana less frequently. This aligns with the Office of Drug Policy's conclusion that fentanyl has replaced heroin demand for opioid-dependent users. Methamphetamine remained the most common drug of choice for drug court participants over the date range we reviewed.

In the past two decades, 39 percent of Idaho's total prison growth has come from drug possession sentences.

The number of offenders in the custody population with a primary offense of drug possession more than doubled between 2005 and 2025 (Exhibit 35).

Exhibit 35

Between 2005 and 2025, drug possession primary offenses increased by 116 percent, while all other primary offenses together increased by 30 percent.

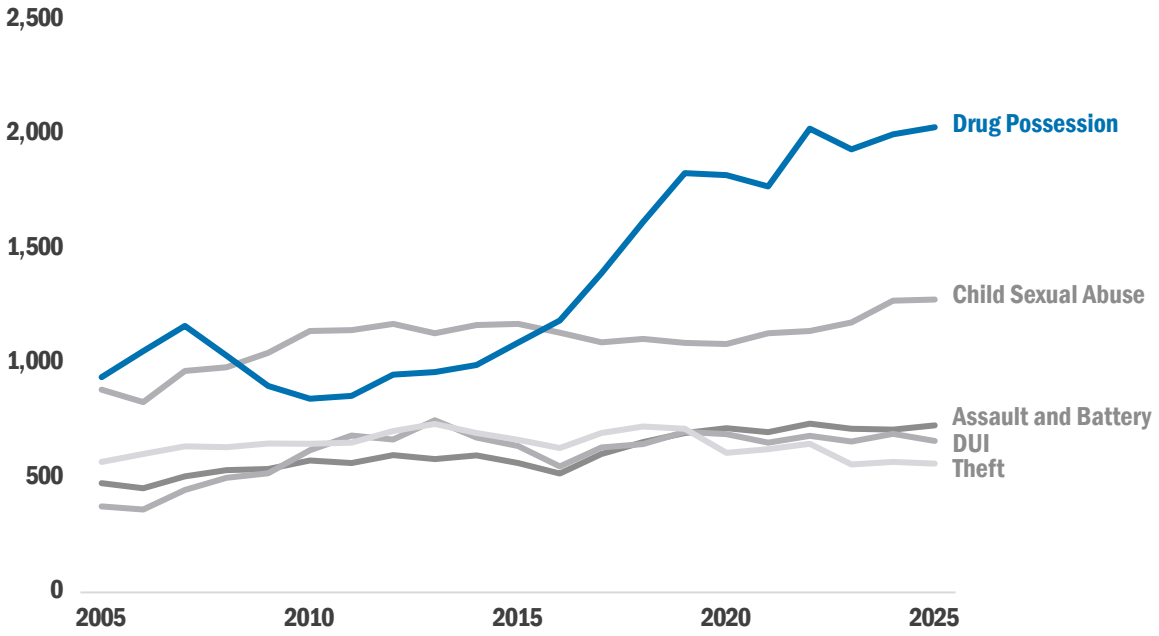


Note: OPE analysis of data from Idaho Department of Correction. Figure shows counts of offenders in custody on July 1, 2005, and July 1, 2025. Custody population includes term sentences, parole violators, and retained jurisdiction.

In 2005, drug possession was the most common primary offense in the custody population, but only slightly exceeded child sexual abuse and actually fell below child sexual abuse in the late 2000s and early 2010s. However, between 2015 and 2020, drug possession primary offenses grew at a faster rate than any other primary offense, and in 2025 drug possession was the most common primary offense in the custody population by a wide margin (Exhibit 36).

Exhibit 36

Of the five most common primary offenses in department custody, drug possession has grown the most.

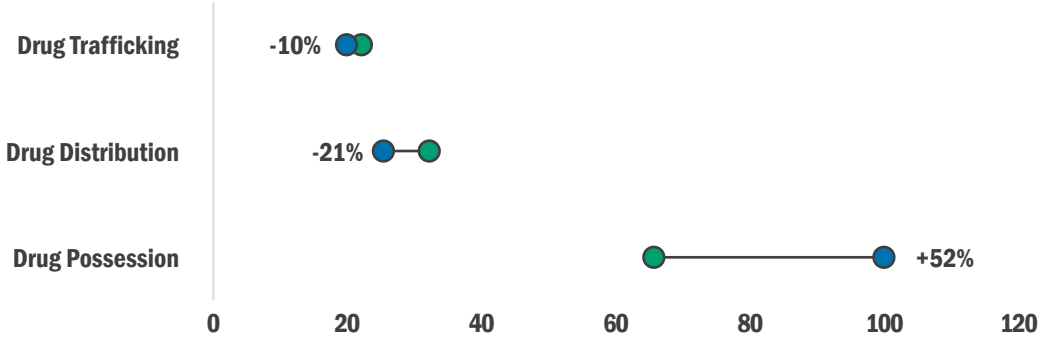


Note: OPE analysis of data from Idaho Department of Correction. Figure shows annual July 1 counts of primary offenses. Custody population includes term sentences, parole violators, and retained jurisdiction.

While the custody rate for drug possession rose between 2005 and 2025, the custody rate for drug distribution and drug trafficking actually declined slightly during that time (Exhibit 37). The overall growth of drug offenses in the custody population has been driven by increases in the number of offenders convicted of drug possession.

Exhibit 37

The custody rate for more serious drug offenses has declined.



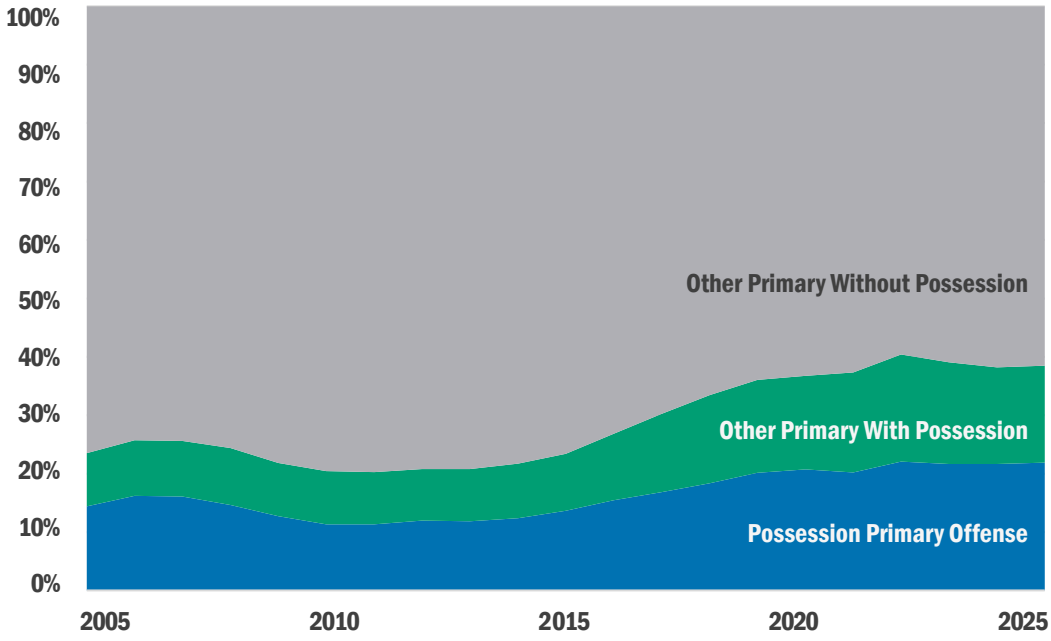
Note: OPE analysis of data from Idaho Department of Correction. Figure shows comparison of custody rates for drug primary offenses between July 1, 2005, and July 1, 2025. Custody population includes term sentences, parole violators, and retained jurisdiction.

Drug possession sentences have become more common for offenders with other primary offenses.

Offenders with other primary offenses are more likely to have additional drug possession sentences. In 2025, offenders in custody with drug possession as either a primary or additional offense made up 38 percent of the total custody population (Exhibit 38).

Exhibit 38

The percentage of offenders in custody with primary and additional drug possession offenses has increased.

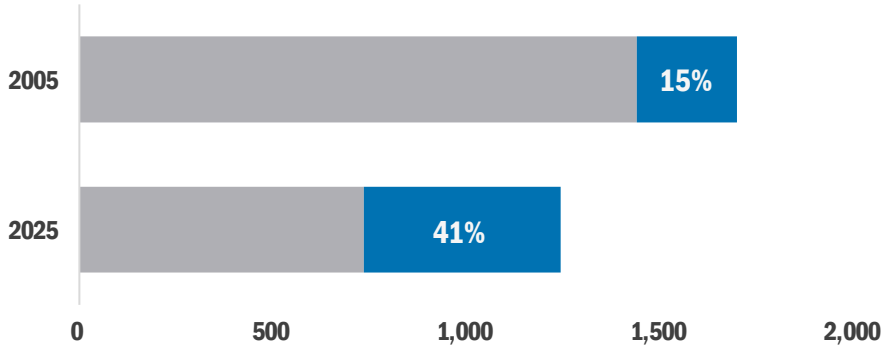


Note: OPE analysis of data from Idaho Department of Correction. Figure shows annual percentage of offenders with a primary possession offense, other primary offenses with additional possession offense, and other primary offense without possession on July 1. Custody population includes term sentences, parole violators, and retained jurisdiction.

The largest increase in additional drug possession sentences came from offenders with property crime sentences (Exhibit 39). While the total number of offenders with property crime sentences fell between 2005 and 2025, the number of property crime offenders who had an additional drug possession offense increased.

Exhibit 39

In 2025, 41 percent of offenders with property offenses also had one or more active drug possession sentences.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows count of offenders in custody with primary property offenses and percentage with additional drug possession sentences on July 1, 2005 and July 1, 2025. Custody population includes term sentences, parole violators, and retained jurisdiction.

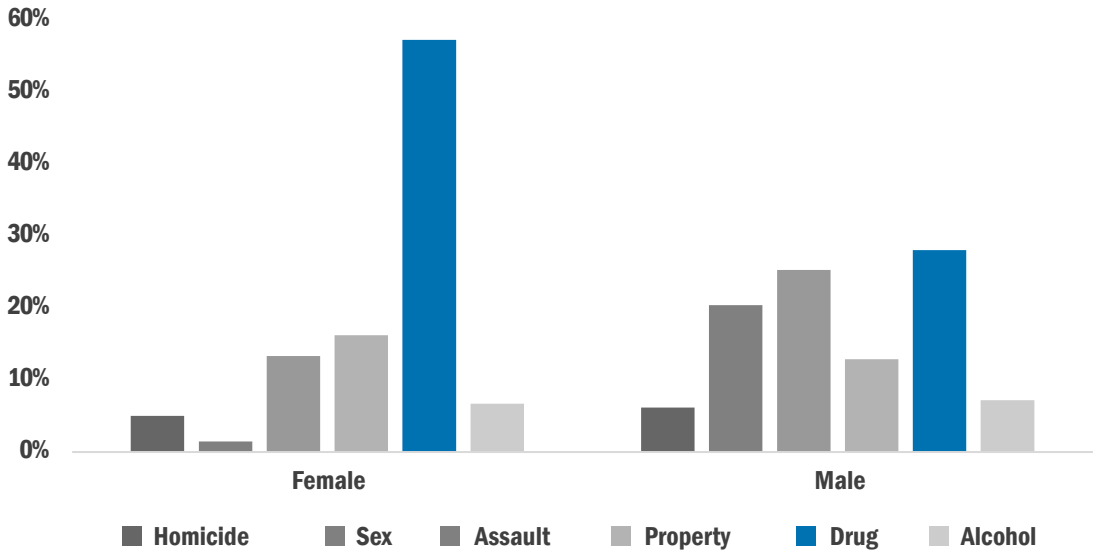
The growth of both primary and additional drug possession sentences may be a factor in revocations of probation or parole. The department's 2023 *Justice Reinvestment Impact Report* concluded that offenders with drug offenses were some of the most likely individuals to return to custody. Offenders with substance use disorders are more likely to be arrested for new drug offenses while on community supervision, regardless of whether their primary offense was drug-related or not. And a 2024 report by the Idaho Statistical Analysis center found that the rate of person and property crimes with suspected drug or alcohol involvement had almost doubled since 2005, suggesting more offenders in custody may have committed drug and non-drug crimes in the same criminal episode.

Most women in custody are there because of a drug offense.

Men in Idaho are more likely to be arrested, convicted, and incarcerated with drug charges than women. But women in custody are more likely to have drug-related sentences than sentences for any other type of offense (Exhibit 40). Between 2005 and 2025, the percentage of women in custody with a drug-related primary offense rose from 45 percent to 57 percent of the female custody population.

Exhibit 40

More than half of all women incarcerated in 2025 had drug-related primary offenses.



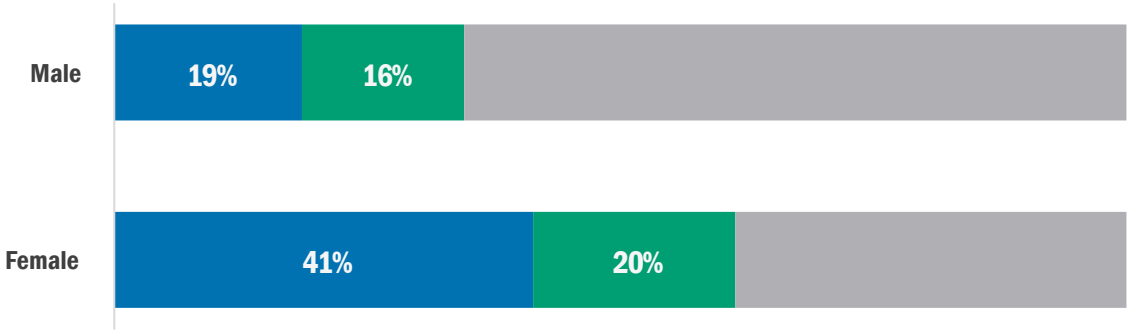
Note: OPE analysis of data from Idaho Department of Correction. Figure shows percentage of female and male offenders with primary offenses in each category on July 1, 2025. Custody population includes term sentences, parole violators, and retained jurisdiction.

Women are much more likely to be incarcerated for drug possession than for other offenses, including other drug offenses. We found that a large portion of female offenders in custody had only a single drug possession sentence. In 2025, 22 percent of female offenders in custody had a single drug possession sentence; only 10 percent of male offenders in custody had a single drug possession

sentence and no other active sentences. Women were only slightly more likely than men to have an additional drug possession offense accompanying a different primary offense but were much more likely to have a primary offense of drug possession (Exhibit 41).

Exhibit 41

Almost two-thirds of women in custody in 2025 had either a drug possession primary offense or a different primary offense with an additional drug possession sentence.



Note: OPE analysis of data from Idaho Department of Correction. Figure shows percentage of male and female offenders in custody with a primary offense of drug possession or a different primary offense with an additional drug possession sentence. Custody population includes term sentences, parole violators, and retained jurisdiction.

There is a clear connection between the increases in the custody of female offenders and increases the custody of offenders with drug-related primary offenses. Drug-related offenses, which grew the most over the past two decades, are the group of offenses most common for women in custody. The system-wide rise in incarceration for drug-related offenses has had a disproportionate impact on the female prison population. The number of women in custody has more than doubled over the past two decades, and more than half of that growth comes from women incarcerated with a single drug possession charge.

22% of female offenders
vs.
10% of male offenders in custody had a single drug posession sentence

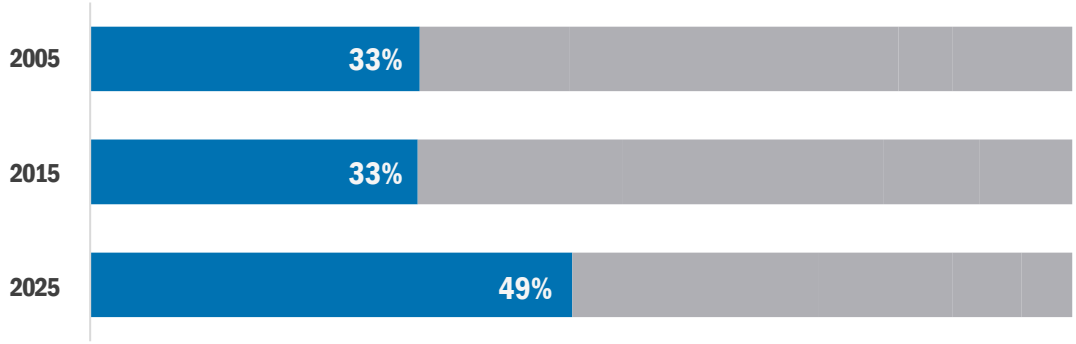
Most first-time felony drug offenders start their sentences on probation or retained jurisdiction.

While offenders with drug possession sentences make up a significant portion of the custody population, first-time drug possession offenders typically do not start their sentences in prison. In the 2017 *Justice Reinvestment Impact Report*, the department reported that the majority of drug offenders in the population were admitted to prison term after a failure on probation or retained jurisdiction.

When offenders fail on probation, judges often use retained jurisdiction as an alternative to revoking probation and sentencing offenders to term. In 2018, the department reported to the Justice Reinvestment Oversight Committee that just over half of retained jurisdiction sentences were admitted after a failed probation, and nine out of every ten retained jurisdiction sentences ended with the offender released to probation. Retained jurisdiction sentences are more common for drug-related offenses than other types of offenses. In 2025, 30 percent of all offenders in custody with drug offenses were on retained jurisdiction sentences. Offenders with drug offenses made up more of the population on retained jurisdiction in 2025 than they did a decade earlier (Exhibit 42). This trend is even more pronounced for female offenders. In 2025, 43 percent of women on retained jurisdiction had only drug possession charges, compared to 26 percent of men.

Exhibit 42

Almost half of offenders on retained jurisdiction in 2025 had drug-related primary offenses.



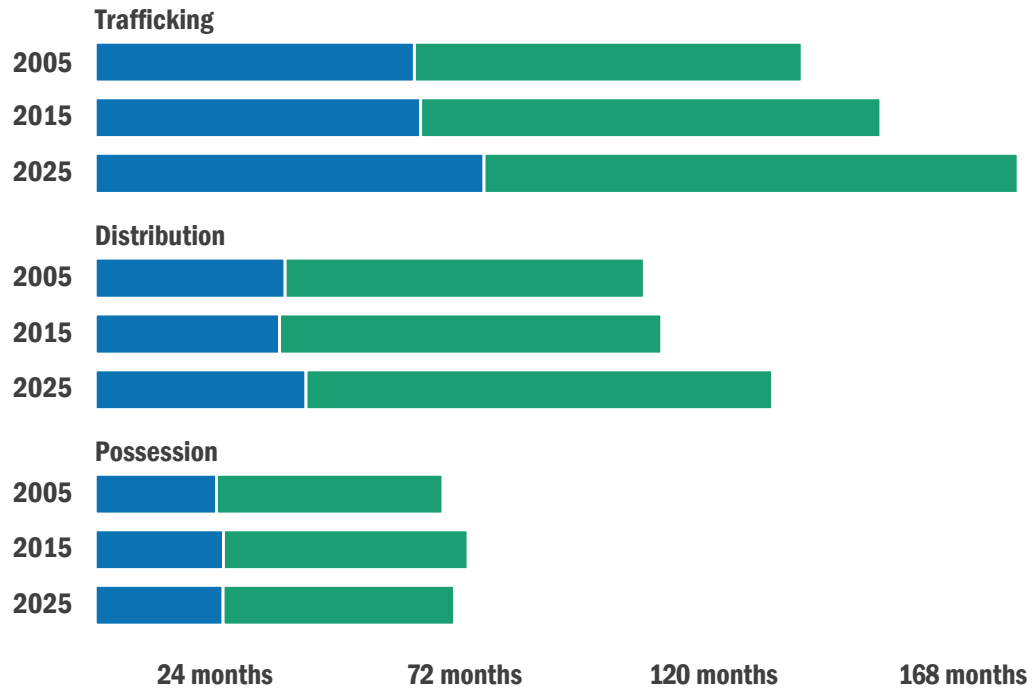
Note: OPE analysis of data from Idaho Department of Correction. Figure shows percentage of offenders on retained jurisdiction with a drug-related primary offense on July 1 of each year.

Sentences for drug distribution have increased.

Over the past two decades, the average sentence lengths for drug trafficking and drug distribution both increased (Exhibit 43). Drug trafficking[17] and drug distribution[18] sentences are affected by the types of drugs that offenders have introduced into the community, and trafficking sentences are also affected by the amount of drugs introduced. Drug possession laws are applied differently depending on the drug type. Possession is split into felony and misdemeanor sentences depending on the drug type rather than into different felony sentences.

Exhibit 43

While the lengths of fixed and indeterminate sentences for drug distribution and trafficking have grown, sentences for possession have not changed.



Note: OPE analysis of data from Idaho Department of Correction. Custody population includes term sentences, parole violators, and retained jurisdiction. Life and death sentences are excluded from this exhibit.

17. Idaho Code § 37-2732B and 37-2732D (2026).
18. Idaho Code § 37-2732(a) (2026).

Sentencing data from the Idaho Supreme Court between 2016 and 2025 shows that the majority of trafficking sentences come from offenders charged with trafficking smaller amounts of drugs. However, the types of drugs that offenders were charged with trafficking has changed:

- marijuana trafficking sentences declined,
- methamphetamine trafficking sentences increased,
- and heroin trafficking sentences spiked to more than two-thirds of all trafficking sentences in the late 2010s and early 2020s, before dropping to only 3 percent of trafficking sentences in 2025.

More arrests for drug types with higher mandatory minimums may explain the increase in the lengths of trafficking sentences.

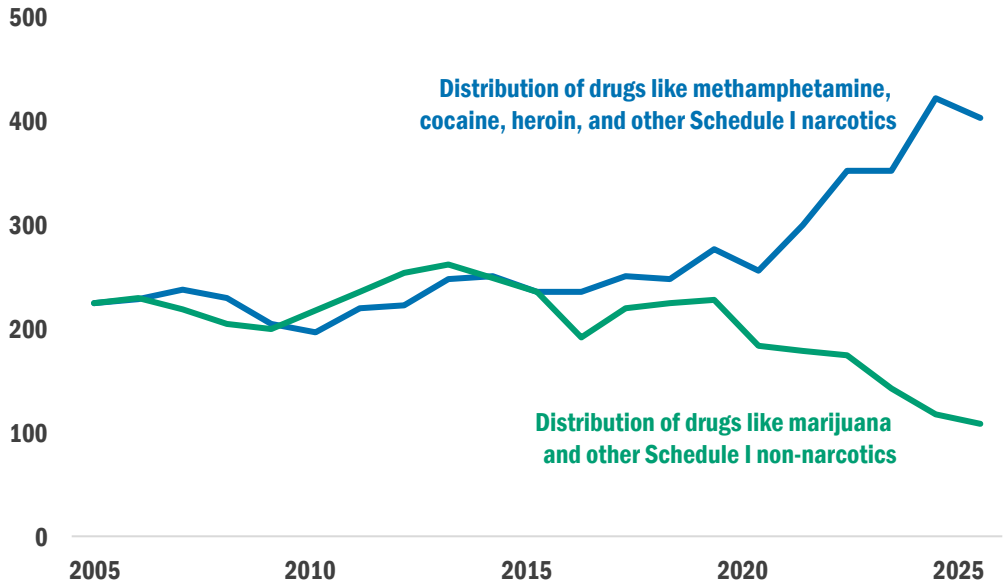
While heroin trafficking cases have declined, national research on drug use trends describes a wave of heroin use in the late 2010s following a decrease in opioid prescribing that gave way in the 2020s to the proliferation of illicitly manufactured fentanyl. It is likely that the decrease in heroin trafficking sentences seen between 2020 and 2025 will be replaced by new fentanyl trafficking sentences as the fentanyl trafficking statute enacted in the 2024 legislative session[19] takes effect.

19. H.B. 406, 2024 session.

The average sentence length for drug distribution has also increased over the past two decades. Changes in the types of drugs involved in these offenses may be responsible. Between 2015 and 2025, the number of offenders in custody for distribution of narcotics, methamphetamine, and other hard drugs increased[20], while the number of offenders in custody for distribution of marijuana and other non-narcotic drugs decreased (Exhibit 44).[21]

Exhibit 44

Offenders are more likely to have distributed drugs with higher statutory penalties.



Note: OPE analysis of data from Idaho Department of Correction.

This shift in the makeup of drug distribution sentences may explain why the length of sentences increased more between 2015 and 2025 than between 2005 and 2015. Prior to 2015, offenders were incarcerated at about the same rate for all types of drug distribution, but after 2015 distribution offenses with longer maximum sentences became much more common.

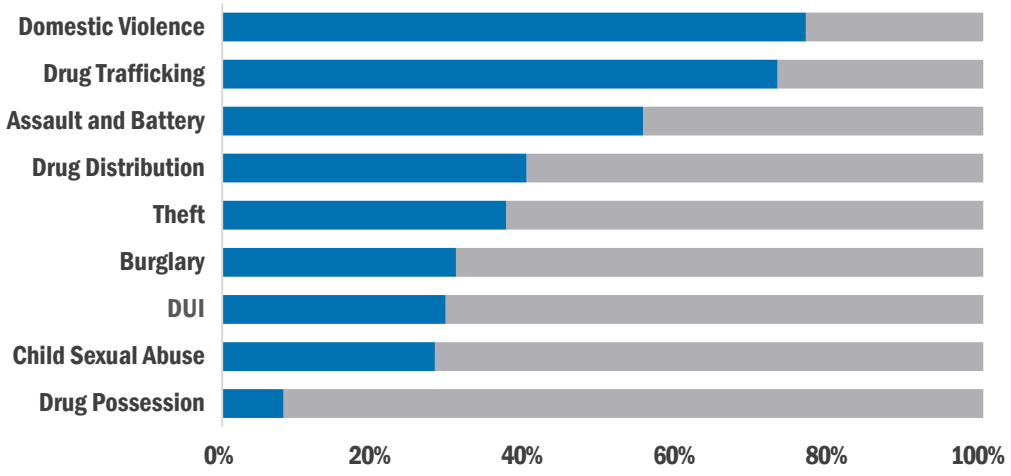
20. Idaho Code § 37-2732(a)(1)(a) (2026).
21. Idaho Code § 37-2732(a)(1)(b) (2026).

Offenders with drug possession charges are less likely to have their charges amended to lesser charges.

Whether or not an offender enters the department's jurisdiction can depend on decisions made when charges are filed or amended. While we were unable to investigate charges that were not filed, we reviewed data from the Administrative Office of the Courts for cases filed in 2022 to understand how amendments to charges might affect the custody population. We found that some common offenses, like domestic violence and drug trafficking, were amended in three out of every four charges. But drug possession charges were amended in only 8 percent of cases, less often than offenses like child sexual abuse and driving under the influence (Exhibit 45).

Exhibit 45

In 2022, offenders charged with possession of controlled substances were less likely to have their charges amended.



Note: OPE analysis of data from Idaho Supreme Court. Data from cases filed in 2022 was used over more recent data to ensure most cases had time to be disposed.

Only 6 percent of felony drug possession filings were reduced to misdemeanor charges for possession of drugs or drug paraphernalia. When charges were amended for other offenses, they were frequently reduced to a lesser charge in response to plea deals, evidentiary standards, or witness cooperation:

- Felony domestic violence filings were reduced to misdemeanor domestic violence charges in 39 percent of cases we reviewed, and an additional 16 percent were reduced to misdemeanor public order charges.
- Drug trafficking filings were reduced to distribution charges in 43 percent of cases, and to felony drug possession charges in 17 percent of cases.
- Offenses that were amended less frequently still saw charges reduced, like child sexual abuse to felony child abuse (in 11 percent of cases) or felony DUI to misdemeanor DUI (in 11 percent of cases).

While the data provided by the department and the Administrative Office of the Courts cannot explain why amendments for drug possession charges are so much less common than amendments for other felony offenses, there are two structural factors that may contribute.

First, drug possession statutes provide fewer sentencing options than many other offenses. Offenses like assault and DUI have misdemeanor-level penalties defined in statute for less severe first offenses, but there are no misdemeanor-level penalties for possession of drugs like narcotics or methamphetamine. Judges and prosecutors may have to follow statute when they might otherwise feel a lesser charge would be more appropriate for the nature of the offense or more likely to encourage a plea deal.

Second, misdemeanor probation is organized at the county level and can vary depending on the county, while felony probation is centrally organized under the department. Additionally, the department is statutorily obligated[22] to provide substance use disorder assessments for felony offenders, but not for misdemeanors. There may be situations where misdemeanor sentences could be appropriate, but judges and prosecutors do not use them because they feel that offenders with substance use disorders are more likely to receive better support, assessment, and treatment on felony probation.

22. Idaho Code § 19-2524 (2026).

More people on supervision now get treatment, but Idaho does not know whether it works.

Since 2003, the Idaho Statistical Analysis Center has conducted a series of needs assessments with stakeholders in the criminal justice system. These needs assessments have consistently highlighted the lack of sufficient mental health and substance use resources as a key barrier to the safe and effective management of offenders in the community.

- In 2003, probation and parole officers reported that offenders in Idaho's rural communities faced a lack of local treatment options and a significant transportation burden to get to their nearest treatment provider.
- In 2012, stakeholders reported that statewide access to mental health treatment providers was decreasing and funding for substance use treatment was unable to meet the demand.
- In 2020, crimes related to illicit drug use and mental health were the highest-ranked public safety concerns, and the top community needs were for treatment and resources that could address these concerns.
- In 2024, stakeholders restated these concerns and highlighted the increasing threat of fentanyl abuse in the community.

Two interagency collaborations have shared similar concerns about substance use and mental health. In the Idaho Criminal Justice Commission's 2025–2028 Strategic Action Plan, the commission stated that "those at-risk or already involved in the justice system require more [mental health and substance use disorder] support and services—and yet prevention and intervention programs are underfunded." And in 2024, the Idaho Behavioral Health Council brought together stakeholders from across the criminal justice system to where individuals with behavioral health disorders overlap with the criminal justice system. While the resulting report highlighted many impactful collaborations, it also emphasized shortcomings including limited treatment capacity and challenges staffing both the behavioral health and corrections workforces.

During the implementation of the Justice Reinvestment Act in Idaho, the Legislature took some steps to address these needs. The Legislature increased appropriations for substance use services and training between FY2015 and FY2019, totaling $13.1 million in added spending. But the Justice Reinvestment Oversight Committee's vision to provide ongoing support to address gaps in services was not completely realized; the department's analysis of substance use

and mental health treatment needs in services led to one additional appropriation of $5.5 million for mental health services in 2017, half the amount requested to address the identified need.

Medicaid expansion may have helped close gaps in access to treatment services. The number of eligible offenders tripled after Idaho expanded Medicaid in 2020 to include adults with incomes below 133 percent of the federal poverty line, and the Legislature reduced the department's appropriation for substance use services as Medicaid took up more of these services. In 2023, the department reported that 92 percent of moderate- and high-risk offenders in the community received mental health or substance use services[23], a large increase relative to the number of needs served prior to expansion.

While the number of offenders accessing substance use and mental health services increased, we do not know whether these services were effective for the offenders who accessed them. Evaluations of community treatment programs in Idaho have been limited by inconsistent participation and poor data quality. Lack of quality data and inconsistent participation present significant challenges for understanding whether treatment services provided to offenders are having their intended outcomes. As detailed in Appendix E, other states have found similar knowledge gaps to be a barrier to improving treatment and effectively allocating funding.

23. The department reported that providers working with moderate- and high-risk offenders in the community billed $13.9 million in substance use services and $11.1 million in mental health services to Medicaid in fiscal year 2022.

A Request

Idaho State Senate
State Capitol
P.O. Box 83720
Boise, Idaho 83720-0081

March 5, 2026

Senator Melissa Wintrow and Representative Jordan Redman,

We are writing to request that the Committee direct the Office of Performance Evaluations to conduct an informational study examining the factors driving growth in Idaho's prison population. As of January 2026, the Idaho Department of Correction reported approximately 10,023 individuals in custody against an in-state capacity of roughly 8,200 beds. Idaho now has the fifth-highest incarceration rate in the nation, the Governor's FY2027 budget recommendation for the Department reached $388 million, and an estimated $51 million is required for out-of-state placements alone. The Legislature needs a clear, independent understanding of what is causing these trends to make informed policy and budget decisions.

While the Department of Correction, the courts, and other agencies each produce valuable data, including IDOC's Timely Release and Justice Reinvestment Impact Reports, the Supreme Court's felony sentencing reports, and the CSG Justice Center's data snapshots, no existing report synthesizes these sources into a comprehensive analysis of what is driving incarceration growth. An OPE study would bring together data from across agencies to identify the relative contributions of different factors and how they interact.

Specifically, we would suggest the study examine:

- Which offenses are driving prison admissions and how the mix has changed over time;
- Whether sentences for the same offenses are getting longer;
- The extent to which growth is driven by new admissions versus increasing length of stay;
- The role of probation and parole revocations in prison admissions, including whether increases are driven by new criminal conduct or technical violations;
- Recidivism patterns and gaps in reentry services;
- Demographic and geographic trends, including Idaho's nationally high rate of female incarceration;
- Cost implications of current trends;
- How Idaho's population growth is playing a role in prison population growth; and
- How Idaho compares to other states.

This type of study has strong precedent. Legislative oversight offices in Minnesota, Louisiana, Connecticut, Washington, Illinois, Georgia, Kentucky, and Utah have all conducted similar analyses of their states' incarceration drivers. Several of these studies led directly to significant, bipartisan policy reforms. Idaho's own OPE examined related issues in its 2020 Managing Correctional Capacity report. This study would build on that foundation with a deeper focus on the underlying drivers of prison population growth.

We want to be clear that this is a request for an informational, aggregate-level analysis—the same kind of statistical examination of sentencing patterns that Idaho's own Felony Sentencing Committee already produces through its statewide sentencing reports. The study would not evaluate the decisions of individual judges or question prosecutorial discretion in particular cases. It is an exercise of the Legislature's responsibility to understand the consequences of the laws it has enacted and to properly evaluate the fiscal propriety of the appropriations it has made. Other states have consistently maintained these boundaries while producing actionable information for their legislatures.



Senator James Ruchti



Representative Richard Cheatum



Senator Jim Guthrie



Representative Dan Garner



Representative Michael Veile

B Scope

The primary goal of this evaluation is to identify the factors driving growth in Idaho's prison population. Within that goal, requesters suggested several specific lines of inquiry: which offenses account for prison admissions and how the mix has changed over time; whether sentences for the same offenses are getting longer; the extent to which growth reflects new admissions versus increasing length of stay; the role of probation and parole revocations in admissions, including whether increases reflect new criminal conduct or technical violations; recidivism patterns and gaps in reentry services; demographic and geographic trends, including Idaho's nationally high rate of female incarceration; cost implications of current trends; the role of Idaho's population growth; and how Idaho compares to other states.

This evaluation will cover the adult population under the jurisdiction of the Department of Correction, including offenders supervised by the department in the community and offenders in the custody of the department in state-operated facilities, county jails, and out-of-state contracted facilities. It will not address juvenile justice or the broader county jail population. While we will identify variations across judicial districts, we will not evaluate the decisions of individual prosecutors or judges.

C Evaluation Methods

Given the breadth of the request, our evaluation methods emphasized analysis of high-level data trends. While we conducted background interviews with many stakeholders in Idaho's criminal justice system, we used these conversations primarily to inform our project scope and to better understand the context surrounding criminal justice in Idaho rather than as primary sources for our analysis. This evaluation focused on measurable inputs and outputs of the criminal justice system and did not review agency processes or assess statutory compliance. Because the goal of the evaluation is primarily informational, we make no recommendations for agencies or policymakers based on our findings.

This report presents a summary of prison growth in Idaho over the past quarter-century. We synthesize existing publications from a wide range of sources involved in criminal justice in Idaho with analysis of offender-level data provided by the department and the Administrative Office of the Courts. Existing publications reviewed for this report include:

- Annual reporting produced by the department. Since 2016, the department has been statutorily obligated to produce a series of reports for the Legislature, including reports on timely release of offenders in custody (prepared in collaboration with the Commission of Pardons and Parole), gaps in services for offenders in community supervision (prepared in collaboration with the Department of Health and Welfare), and the impact of criminal justice policy changes.
- Public reporting on custody and community supervision populations produced by the department. These reports are not required by statute and have gone through several format revisions and release schedules between their first instance in 2013 and the most recent reports released in 2026.
- Reports on felony sentencing practices between 2020 and 2024, produced by the Administrative Office of the Courts.
- Grant-funded evaluations and reports prepared by the Idaho State Police's Idaho Statistical Analysis Center. Since 2002, the Center has produced publications covering relevant topics like recidivism, drug and alcohol crime trends, diversion programs, and community resources, as well as a series of needs assessment surveys of criminal justice practitioners.
- Annual *Crime in Idaho* reports prepared by Idaho State Police between 2005 and 2024. State crime data is also made available through Idaho's

participation in the FBI's Uniform Crime Reporting system.

- Federal reports on state prisoner populations prepared by the Bureau of Justice Statistics between 2005 and 2023.
- Other relevant publications include a series of substance misuse needs assessments prepared between 2015 and 2024 by the Idaho Office of Drug Policy as well as reports on criminal justice trends in Idaho prepared by the Council of State Governments between 2014 and 2025.

In addition to these existing publications, we also analyzed the following offender-level data:

- Monthly snapshots from 2005 to 2025 of the department's custody and community supervision populations, including information about offender charges, sentences, risk assessments, and transfers into and out of custody. This data was used as the primary source for understanding who is incarcerated in Idaho prisons and why.
- Felony cases and charges tried by the Idaho judiciary between 2018 and 2025, including charges at filing and sentencing as well as information about revisions to case dispositions. This data was used as the primary source for understanding the sentencing process and provided supporting evidence when data from the department could not address a research question.

D Criminal Justice Data Silos

This report has focused on ways that environmental changes, policy changes, and policy implementation have impacted the growth of the custody population in Idaho. The stakeholders that developed Idaho's Justice Reinvestment policies recognized that there was a need for significant data infrastructure to track, evaluate, and respond to these changes. Statutes[24,25] introduced in 2014 by S.B. 1357 placed significant reporting demands on the department. In complying with these statutes the department has consistently produced high-quality reports outlining the impact of Justice Reinvestment policies on the prison population as well as gaps in behavioral health services and funding for offenders in the community.

However, there are still areas where better data quality and availability would benefit the Idaho criminal justice system. In the past decade, state agencies involved in criminal justice have significantly expanded their data capabilities, with data system upgrades completed at the department as well as the Commission of Pardons and Parole and the Administrative Office of the Courts. The capacities of these modernized systems are in large part responsible for the existence of this report. But there are barriers to maximizing the impact of this data capacity. The modernized data systems are siloed within agencies, which presents a significant challenge for addressing policy questions that cut across agencies, like how criminal histories or behavioral health needs might explain patterns of repeated incarceration.

An interagency collaboration, Insight Idaho, is intended to address this challenge. Insight Idaho was established in statute by H.B. 432 in the 2020 legislative session to manage and link data across agencies to support data driven, cost saving decision-making on criminal justice issues. While this goal may still be achieved, we found Insight Idaho was not able to meet the data needs of this project. We explored Insight Idaho as a possible solution to allow us to access deidentified, linked data for analysis without having to coordinate across multiple data sources. While we were offered the opportunity to develop aggregate reports, this limited solution did not meet our analysis goals. In the future, a more developed and more accessible system for connecting and analyzing data across multiple criminal justice data silos could offer opportunities for deeper insight and more responsive policymaking.

24. Idaho Code § 20-216 (2026).
25. Idaho Code § 20-250 (2026).

E Justice Reinvestment in Idaho and Other States.

The Justice Reinvestment Initiative was the most significant criminal justice policy effort made in Idaho in the timeframe of this report. While multiple states have considered other criminal justice reform packages, it was most useful for this report to compare other states' approaches to Justice Reinvestment. The Council of State Governments tracks specific policy options adopted by each Justice Reinvestment state. We found that Idaho implemented 11 of the policy options in 2014 and removed one (automatic sanctions capped at 90 and 180 days) in 2017. Idaho sits in the middle of the Justice Reinvestment states in terms of policy options implemented. The Council of State Governments records some states like Arizona and New Mexico implemented only a single policy option from the Justice Reinvestment framework while states like Nevada implemented more than 20.

Idaho's implementation of Justice Reinvestment was relatively conventional. Idaho adopted the majority of the most common policy options focused on organizational improvement and enhancing supervision. It did not adopt any policy options that would reduce sentence lengths, either through reclassification of offenses or through earned time for good behavior credited towards sentence reductions (Exhibit 46). Some states adopted policies that were already a feature of Idaho's criminal justice system, like treatment courts or pre-sentence assessments. Other states removed policies that did not exist in Idaho's statute, like different mandatory minimum sentences for cocaine and crack cocaine.

Exhibit 46

Idaho implemented 11 of the 15 most commonly adopted Justice Reinvestment policies.

Policy Option	States implementing	Implemented in Idaho?
Require data collection or performance measures	33	Yes
Require risk-needs assessment	30	Yes
Require evidence-based practices	27	Yes
Improve behavioral health interventions	26	Yes
Develop graduated responses or matrices for violations	25	Yes
Revise parole hearings and eligibility standards	23	Yes
Establish or expand earned discharge	20	Yes
Reclassify drug offenses	19	No
Authorize administrative jail sanctions	19	Yes
Establish oversight council	19	Yes
Improve restitution and victim notification	18	Yes
Cap revocation time	18	Yes
Expand earned-time prison credits	18	No
Reclassify property offenses	17	No
Authorize performance incentive funding	16	No

Note: The Council of State Governments implementation tracker does not credit Idaho's Justice Reinvestment implementation for requiring evidence-based practices, but this is contradicted by statute, e.g., I.C. § 20-219(5), added by S.B. 1357 in 2014.

When we compared the number of Justice Reinvestment policies adopted in other states to the change in state custody rates over the past two decades, we found that adopting a larger number of policies did not predict a larger decrease in state custody rates. Several states which implemented more Justice Reinvestment policies than Idaho saw custody rates grow, while several states which did not undertake any Justice Reinvestment reforms saw their custody rates decline.

As detailed in Chapter 2, policy changes interact with population trends and implementation challenges. The most effective impacts of Justice Reinvestment came when states had idiosyncratic policies inflating their custody rates. For example:

- Delaware dedicated a significant number of prison beds to pretrial detention. A change allowing judges to use criminal summons for low-risk offenders rather than pretrial detention significantly eased this pressure.
- Connecticut, one of the first states to adopt Justice Reinvestment policies, struggled with high rates of parole revocations for technical violations. The state piloted programs which increased support for offenders transitioning from custody to supervision and enhanced supervision for offenders at risk of technical violations. Offenders enrolled in both programs had lower parole violation rates than comparison groups.
- Louisiana relied heavily on local jails to house state prisoners but did not make reentry services available to these prisoners. While the state adopted a wide range of Justice Reinvestment policies, particular attention was paid to establishing and funding reentry resources for offenders leaving county jails.

A key principle of Justice Reinvestment is to save money by reducing the incarceration of low-risk offenders and reinvest savings in prevention and supervision, which ideally would result in further custody rate declines. Reinvesting savings from custody reductions has been a challenge for policymakers across the country. In many cases, investments to strengthen supervision are necessary before custody cost savings are realized. Even when the potential costs of custody growth are significant, the funding necessary to avert these costs may give policymakers pause.

For example, in a 2006 review of Texas Department of Criminal Justice programs, the Texas Sunset Review Commission reported that the department could not achieve recidivism reduction targets without a significant investment in programming. No action was taken until the following session, when the Texas Legislature was presented with a proposed $523 million in needed facility expansion and construction spending. Instead of expanding capacity, the 2007 session of the Texas Legislature opted to invest $241 million in expanded supervision, substance abuse, and mental health services. While Texas' custody rate declined, it is not possible to attribute the decline entirely to this investment without a deeper investigation of other environmental and policy factors impacting custody in the same timeframe.

Even when cost savings are realized by reductions in the custody population, states have struggled to maintain ongoing investments in community supervision and treatment services. A 2020 report by the Utah Office of the Legislative Auditor General reported that while Utah had reduced the custody population through the reclassification of low-level drug offenses from felonies to misdemeanors, the Legislature had not fully implemented planned expansions of supervision and treatment services. The report found that the incomplete implementation had unintended consequences. Repeat arrests for drug offenses rose, probation and parole officers were tasked with supervising more high-risk cases, and more first-time offenders were placed on unsupervised probation without any mechanism to monitor or enforce treatment compliance. While more offenders received treatment overall, there was a lack of data on the quality of treatment received or the number of offenders who needed treatment but did not receive it.

F Responses to the Evaluation

Governor Brad Little
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(208) 334-2100 :: gov.idaho.gov

November 18, 2026

Director Ryan Langrill
Office of Performance Evaluations
954 W. Jefferson St.
Boise, ID 83702

Dear Director Langrill,

Thank you for sharing the Office of Performance Evaluation's report on drivers of incarceration in Idaho. I recognize the challenges of a growing prison population in Idaho, and I welcome this opportunity to respond.

Idaho continues to be one of the safest places in the nation to live, work, and raise a family. Our quality of life reflects our strong investments in public safety. Public safety requires a criminal justice system that is tough on crime while ensuring those who want to become productive members of society have the adequate tools to do so.

I concur with the Idaho Department of Correction's (IDOC) assessment regarding the areas where deficiencies have been identified. IDOC has consistently tracked the trends outlined in this report and continues to work closely with law enforcement, the judiciary, and other partners to develop timely and responsible outcomes.

As legislators consider addressing specific findings in the report, I urge them not to lose sight of the importance of safe communities or compromise public safety.

Again, thank you for sharing this important study, and I look forward to continuing Idaho's success in improving Idaho public safety.

Sincerely,

Governor Brad Little
State of Idaho

State of IDAHO
JUDICIAL BRANCH

Monday, November 16, 2026

Ryan Langrill
Director, Office of Performance Evaluations
Idaho Legislature

Dear Director Langrill,

Thank you for this opportunity to comment on your office's "Drivers of Incarceration in Idaho" report.

Your team assembled a valuable, broad view of the activities of our criminal justice system. I also appreciate where they took time to note the discretion inherently built into Idaho's criminal justice processes.

Criminal sentencing is a highly individualized process, balancing a number of statutory factors to achieve a sentence tailored to each unique case. At our level, we experience the broad trends described in your report as a deeply personal process for each defendant. Sentencing is not just about punishment: Judges must render a sentence that also balances the protection of society, deterrence against similar crimes, rehabilitation of the defendant, and the impact on any victims.

The report notes (p. 53) that for those crimes that society has deemed the most harmful — murder and sex offenses — the fixed sentences have increased in the last 20 years. This demonstrates the seriousness with which Idaho judges approach their sentencing responsibilities and the protection of this state's citizens.

At contrast are the sentences crafted for defendants impacted by substance use disorders and who require accountability and treatment. Idaho judges appreciate the retained jurisdiction option, which ensures accountability and provides needed treatment for behavioral health issues that drive criminal behavior.

These examples illustrate the balancing of the statutory factors. But even at the sentencing stage, it is important to know our judges' discretion is limited. They may only act based on the information presented in court — and in certain situations, the terms of the plea agreement developed by the parties. This report questions (p. 71) whether judges may prefer to issue felony sentences for certain defendants because of the difference in available drug treatment services at that level. However, a judge cannot unilaterally declare a felony to be a misdemeanor or vice versa. It is prosecutors who are tasked with applying Idaho statutes in deciding how to charge each case. And it is the parties on both sides who must provide the facts and argument needed to reach the most appropriate outcome.

I am pleased that we could contribute data necessary to this analysis. Our administrative team works hard to ensure court data is available and transparent to policymakers and to the public we serve.

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IDAHO DEPARTMENT OF CORRECTION

We envision a safer Idaho with fewer people in its correctional system

BRAD LITTLE
Governor

BREE DERRICK
Director

November 17, 2026

Ryan Langrill, Director
Office of Performance Evaluations
Idaho Legislature
Boise, Idaho

Re: Agency Response — Drivers of Incarceration (Technical Review Draft)

Dear Director Langrill:

Thank you for the opportunity to review the draft of Drivers of Incarceration. On behalf of the Idaho Department of Correction, I want to recognize the care and rigor your team brought to this evaluation, particularly the effort required to bring together two decades of offender-level data and publications from many agencies on an expedited timeline.

The report rightly acknowledges that there is no single explanation for the growth of Idaho's prison population. It also documents a meaningful achievement: Idaho's crime rate has fallen substantially over the past two decades. Statewide population growth, shifting crime and drug trends, statutory changes, charging and sentencing discretion, and the availability of community resources all interact, and the effects of a single policy change can take a decade to appear. We appreciate the report's candor about the limits of the available data, as well as its description of the department as a basin with little control over either the faucet or the drain.

The department shares many of the report's observations. Returns from failed retained jurisdiction and parole supervision remain a central driver of admissions, and drug possession, often alongside other offenses, accounts for a substantial share of growth. The rise in the incarceration of women, the aging of our population, and the strain on county jails each carry real consequences for the people in our care, their families, and our partners. Stable behavioral health resources for people on supervision are essential to public safety, and we agree that better-linked data across agencies would support more responsive, evidence-based policymaking. We are also grateful for the report's recognition of the quality of the department's statutory reporting.

Our shared goal is a correctional system that helps produce the kinds of neighbors Idahoans want to have when people return home. Thank you again for your partnership and for work that will help inform that effort.

Sincerely,

Bree Derrick, Ph.D.
Director, Idaho Department of Correction

Find the report at legislature.idaho.gov/ope



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