

## Process for Admitting Problem-Solving Court Participants Who are on Parole

The Idaho Supreme Court, Idaho Department of Correction, and Commission of Pardons and Parole collaborated to clarify an efficient process for admitting defendants on parole into a problem-solving court (PSC) in appropriate cases. The Parole Commission recently implemented a new streamlined process in which a smaller panel meets twice per month to facilitate more timely decisions regarding parole revocations. This introduces a great deal more flexibility into the process, making it easier to collaborate and communicate in a timely manner.

Defendants who are on parole *may* be accepted into an Idaho PSC when:

- 1) The defendant has plead guilty to or been sentenced on a new felony or misdemeanor charge; and
- 2) The defendant meets eligibility requirements in accordance with IC 19-5604 and the relevant *Standards and/or Guidelines* for Idaho problem-solving courts.<sup>1</sup>

Parolee status does not guarantee nor indicate preferential acceptance into a PSC even if eligibility requirements are met. Acceptance still rests with the PSC judge. A parolee that is participating in a PSC will be under concurrent jurisdiction of both the Parole Commission for the previous case and the Court presiding over the current case. In this scenario, both the Court and the Commission retain the authority to impose sanctions. However, the Commission will treat PSCs like other programs and will consider the recommendations of the PSC team when making any revocation decisions.

The process outlined below is intended to promote timely and effective communication between the entities involved throughout the entire process from the point of referral to graduation or termination.

Process for a parolee seeking admittance into a PSC:

1. The parolee is charged with (and may also have pled guilty and been sentenced to) a new felony or misdemeanor, which violates the conditions of his/her parole.
2. A referral is made to a PSC. Although a PSC referral can come from various sources, in cases where the defendant is on parole, the defendant's probation officer must approve of the referral before it is processed.
3. The PSC district manager promptly notifies Commission staff of the referral.
4. At the completion of the screening/application process, the PSC district manager notifies Commission staff whether or not there has been a decision of conditional acceptance. At this stage, the final decision may still be pending acceptance on the part of the defendant and/or a final decision on the part of the PSC judge.
5. Commission staff notifies the Parole Commissioners of any decisions of conditional acceptance so that the panel can take the decision into consideration should the panel take up the parole violation diversion review at their next semi-monthly meeting. Because the referral/application process takes a great deal longer in post-sentence courts, in these cases the Commission may decide to delay their decision about revocation until after the defendant has been sentenced.

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<sup>1</sup> The Idaho Courts have Standards and/or Guidelines (all of which include eligibility requirements) for adult drug courts, mental health courts, child protection drug courts, juvenile drug courts, and Veterans treatment courts.

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6. The PSC district manager notifies Commission staff as soon as a final decision is made (acceptance into the court on the part of the PSC judge or denial of the application). At this stage, the defendant must have entered a guilty plea and possibly been sentenced.
7. Commission staff notifies the Parole Commissioners of the final decision so that the panel can make a determination regarding the potential parole revocation at their next semi-monthly meeting if they have not already.
8. Commission staff then notifies the PSC district manager of the Commission's decision.
9. No parolee may be admitted into a PSC until approved by both the Parole Commission and the PSC judge.

In the event that the Commission decides not to revoke parole in order to allow the parolee to participate in a PSC, the defendant is transferred to the probation officer that is assigned to the PSC. That probation officer will serve as the primary point of contact to ensure coordination between the Commission and the Court.

If a sanction of incarceration is imposed at any point during participation in the PSC program, the probation officer will file a special progress report with the Commission that includes dates of incarceration. The probation officer will file a report of violation with both the sentencing court and the Parole Commission in cases where the defendant is terminated from the PSC, regardless of whether that defendant is being considered for re-admittance. In this scenario, the Commission will take up the question of parole revocation at their next semi-monthly meeting. In cases, where the defendant is being considered for re-admittance into the PSC Court following a rider or for any other reason, the PSC district manager will communicate this to Commission staff. Although the Commission always retains the authority to revoke parole, due consideration will be given to the recommendation of the PSC regarding re-admittance into the PSC. In this scenario, Commission staff will promptly notify the PSC district manager of the Commission's decision regarding revocation.

Until further notice, all communications to "Commission staff" as referenced in this document should be sent via email to:

Sandy Jones – [sajones@idoc.idaho.gov](mailto:sajones@idoc.idaho.gov),  
Jarod Cash – [jcash@idoc.idaho.gov](mailto:jcash@idoc.idaho.gov), and  
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