

IDOC  
DRUG OFFENDER  
STUDY

## EXECUTIVE SUMMARY

On July 10, 2018, Idaho Department of Correction Director Henry Atencio reported to the Justice Reinvestment Oversight Legislative Committee that there are 1,245 drug offenders in prison. This number represents only 18% of the term prison population as reported by Director Atencio.

Of the 1,245 total number of drug offenders in prison, 258 are drug dealers, drug traffickers, and drug manufacturers, which represent 3.8% of the term population. According to IDOC data, of the 1,245 total number of drug offenders in prison, 742 have prior felony convictions. Even according to Director Atencio's data, this leaves only 245 drug possession cases remaining, which is only 3.6% of the term prison population.

Prosecutors across Idaho reviewed each of the 245 cases to determine how many of those drug offenders were in fact first time felony offenders in prison for a drug possession offense. Our case studies established that of those 245, 97 had prior felony convictions, including felonies such as robbery, child sexual abuse, rape, and Assault on Corrections Officer. The fact that many of these drug offenders have prior felony convictions not included in the original IDOC data has now been confirmed by the data analysts at IDOC. Of the remaining 148, which represents 2.2% of the term population, each of these offenders had opportunities at rehabilitation, such as the retained jurisdiction program, felony probation, drug courts, mental health courts, other problem solving courts and community treatment. Many of these drug offenders committed new felony crimes while on felony probation and many had other felony crimes dismissed as part of the initial case resolution.

Idaho's Prosecutors and law enforcement are producing this case study to reveal the actual facts and data. It is simply not true that first time "non-violent drug offenders" fill Idaho's prisons. Idaho's citizens are being misled and this uninformed messaging is creating policies that are jeopardizing public safety.

What is true is recidivism is on the rise. Crime in Idaho is increasing. The results of our study demonstrate that those drug offenders who are addicted (who are not dealers, not drug traffickers, not drug manufacturers and who do not pose a risk to the public) are given an opportunity to participate in all of the rehabilitation tools at the criminal justice system's disposal before they are ever sentenced to prison. The results of this study further establish Idaho judges are balancing all of the facts and circumstances required by law before imposing a prison sentence.

The remainder of this report is not available online.  
Please visit the **Legislative Services Office** located in **Suite W133**  
of the **State Capitol** to view the document in its entirety.