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IDAHO POLICY BRIEF · 2027 LEGISLATIVE SESSION

Smart on Crime, Smart on the Budget

Liberty, smaller government, and results.

Idaho has about 10,000 people in prison and room for about 8,200. Here is what is filling the beds, what it costs, and eight changes that would spend less and get better results.

BarNone · November 2026

Discussion draft

01 · THE ASK

Spend Idaho's money on what works, and give people their freedom back

Idaho prides itself on liberty and smaller government. Its prison system is the exception. About 10,000 people are in IDOC custody, with beds for about 8,200. The overflow sits in county jails and private prisons out of state, and the Legislature is being asked for $45.3 million just to open new beds. In November, the Legislature's own watchdog, the Office of Performance Evaluations (OPE), showed what is filling those beds, but ran out of time and data to price it. This brief takes a first pass.

~10,000
People in IDOC custody. The system is at 122% of capacity.

$46M
Spent renting jail and out-of-state beds in FY2026. $59.5M is budgeted for FY2027.

#1
Idaho's rank for incarcerating women (2023). 7th overall.

39%
Share of prison growth since 2005 that came from drug possession.

Public safety costs every Idahoan about $540 a year. That's $281 for police and sheriffs and $259 for prisons and jails, state and local combined, or about $2,160 for a family of four (2021, the latest Census figures). Corrections spending has grown since.

Eight changes

1. **Stop sending people back to prison for technical violations alone.** Use short, capped sanctions and overhaul supervision.
2. **Release people when they become eligible.** Not after a wait for a hearing, a class, or a bed in the right place.
3. **Create Earned Home Reentry.** Let people finish the end of their sentence at home, working and supervised, anywhere in Idaho.
4. **Find out which programs work, and fund those.** Measure results, not just completions.
5. **Treat drug possession with treatment, not a felony.** Follow Utah and Oklahoma, and keep parents with their kids.
6. **Make medical parole work and add an elder parole review.** The oldest and sickest cost the most and are the least likely to reoffend.
7. **Simplify the criminal code and update the theft threshold.** The $1,000 felony line hasn't moved since 1998.
8. **Seal old records automatically.** When a sentence is over, it should be over.

The first two changes alone: roughly 375 to 900 beds, or about $11 million to $26 million a year in custody costs avoided

That's roughly $22 to $52 a year for a family of four, before the cost of supervision and treatment. Illustrative estimates from IDOC's own numbers; page 14 shows the math.

02 · THE PICTURE

Idaho didn't have a crime wave. It kept its prisons full while other states brought theirs down.

Between 2005 and 2025, the number of people in IDOC custody grew 43%. Idaho's population grew 42%. Crime went down over that time, led by a long drop in property crime. Idaho's incarceration rate held at an average of about 475 per 100,000 while other states lowered theirs, so Idaho climbed from 17th highest to 7th (OPE's custody measure, 2023). As Idaho grows, the beds fill. Building more prisons never catches up.

People in IDOC custody vs. state prison beds, 2026



What is filling the beds

39% Drug possession

Possession drove more growth than any other offense. Growth in drug offenses came entirely from possession, not dealing or trafficking. Only 8% of possession charges were amended to something lesser, the lowest of any major offense OPE checked.

2 of 3 Failed supervision

IDOC has reported that at least two-thirds of prison admissions since 2007 came from failed probation, parole or riders. Since 2016, about half of people on parole have gone back into custody at least once.

2x Women

The number of women in custody more than doubled. More than half of that growth comes from women with a single drug possession charge. 70% of women in Idaho's felony treatment courts are mothers.

50% → 33% Fewer young people

In 2005, half the people in custody were under 35. By 2025 it was a third. Older people cost more to house and are the least likely to reoffend.

> **"Something in our process isn't working."**
>
> Sen. Dave Lent (R-Idaho Falls), at the release of OPE's report on Nov. 18, 2026, pointing to Idaho's rate of incarcerating women compared with Utah's.

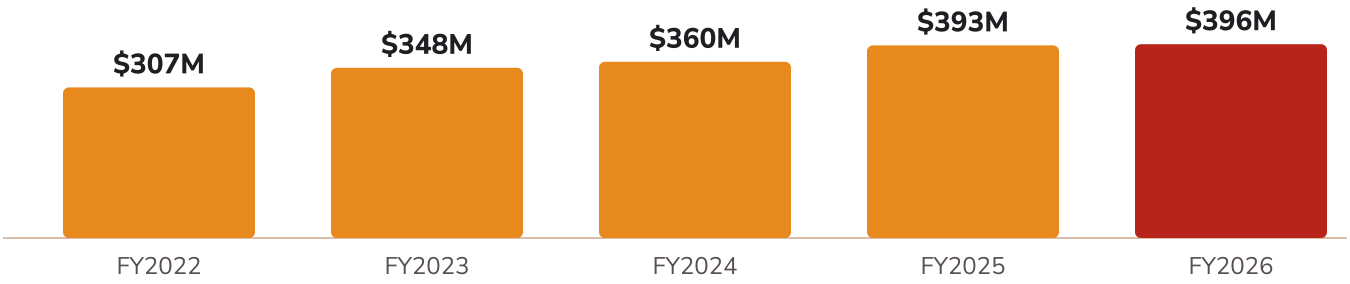
87% of the growth came from four counties: Ada, Canyon, Kootenai and Twin Falls.

Sources: OPE, Drivers of Incarceration (Report 2601), Nov. 2026; IDOC, Justice Reinvestment report, 2026; Idaho Capital Sun, Nov. 19, 2026.

Idaho is paying more every year to hold more people

IDOC's spending grew by almost $90 million between FY2022 and FY2026. Some of that is real and needed: correctional officers finally got raises. But underneath it, the number of people keeps growing, and when the prisons are full, Idaho rents beds.

IDOC total spending by fiscal year, all funds



Source: IDOC Performance Report FY2025; FY2028 budget request (Sept. 2026).

What a day costs

Where a person is	Cost per day	Note
State prison	**$99.66**	IDOC average, FY2025
Private prison out of state	**about $82 to $85**	Budget projects $82 to $83; Canyon County's sheriff cites $85 plus transport
County jail	**$80**	Flat state rate since July 1, 2026 (HB 556). Counties put their real cost at $106 to $114.
Community reentry center	**$75.30**	Residents pay 35% of their wages toward it
Probation or parole	**$8.72**	IDOC supervision cost, FY2025

About $150 million in new prisons
$112.4 million for a 560-bed women's prison due in late 2027, and $37.6 million for a 280-bed unit at ISCI. Now $45.3 million more is requested just to open and run new beds.

Renting beds keeps growing
$46.3 million spent on jail and out-of-state beds in FY2026. $59.5 million is budgeted for FY2027. OPE says Idaho will keep relying on rented beds even after the new prisons open.

Longer waits in county jail
State-sentenced people waited an average of 73 days in county jail for a prison bed in FY2025, up from 34 days in FY2022.

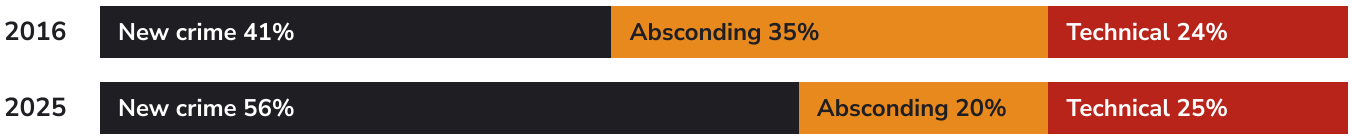
Sources: IDOC FAQ and Performance Report FY2025; HB 556 (2026) and Statement of Purpose; KIVI, 2026; IDOC FY2028 budget request; IDOC capital projects update; OPE Report 2601.

CHANGE 1

Stop sending people back to prison for technical violations alone

Since 2016, about half the people paroled in Idaho have gone back into custody at least once. Technical violations increased in 2022 (OPE). New crimes are still the top reason, but a quarter involve no new crime and no running.

Supervision violations by type



Source: IDOC, Justice Reinvestment report to the Legislature, 2026.

What we mean by a technical violation

Breaking a rule of supervision without a new criminal charge and without absconding. Think of a missed appointment, a failed drug test, a curfew violation, or losing a job. Revocation stays on the table for new crimes and absconding.

The fix

No prison revocation for technical violations alone. Answer them with graduated responses: more check-ins, treatment, and short jail stays. Idaho law already lets the Board set sanctions without a hearing, including up to three days in jail (Idaho Code 20-219).

Revocation is for new crimes, absconding, and repeated serious violations after graduated responses have been tried and written down.

Fast decisions. Nobody should wait weeks in a county jail to learn whether they're going back.

Overhaul supervision. Officers average about 71 people each, and IDOC says general caseloads run over 100. Focus officers on higher-risk people, reward progress, and let people earn time off supervision. Missouri's earned credits cut its supervised population 18% with no change in reconvictions (Pew).

IDOC and the Board
Decide what officers write up and which sanctions apply. This can change now.

Parole commission
Decides parole revocations.

Judges
Decide probation and rider revocations, under rules the Legislature sets.

Illustrative estimate: 225 to 500 beds, about $6.6 million to $14.6 million a year in custody costs

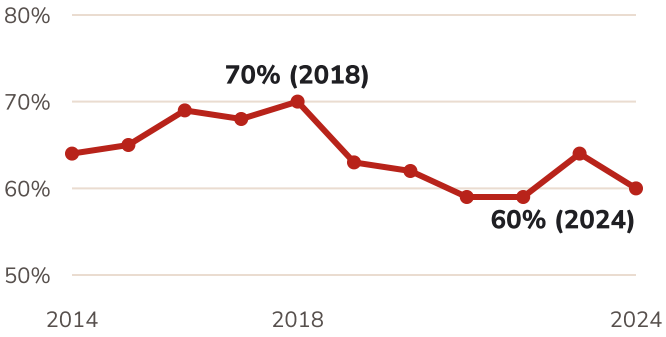
About $5.9 million to $13 million after the cost of keeping people on supervision. Page 14 shows the math.

CHANGE 2

Release people when they become eligible

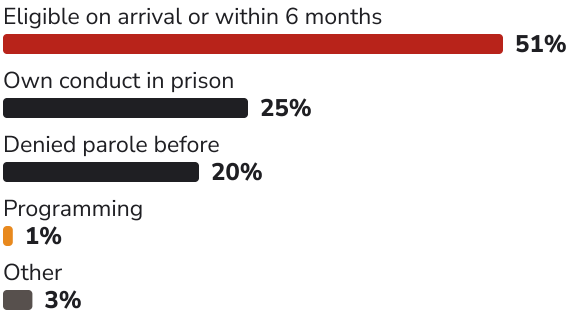
In Idaho, a judge sets a fixed prison term. Once someone serves it, the parole commission can release them. Every extra day after that, taxpayers pay for a bed and get nothing back. The grant rate fell from 70% in 2018 to 60% in 2024.

Parole grant rate, 2014 to 2024



Source: IDOC, Justice Reinvestment report, 2025.

Why 158 people left late in 2025



First reason recorded for people released after 150% of their fixed term. Covers first-time parolees with drug or property convictions only. Source: 2026 Timely Release Report.

In 2025, 912 people with drug or property convictions were paroled for the first time. 158 of them left after serving more than 150% of their fixed term. For 80 of those 158, the first reason IDOC recorded was that they were already eligible for parole when they arrived, or within six months. They stayed a median of a year past their eligibility date. OPE points to one cause: people held in county jails often can't take required classes there.

Officially, programming caused 1% of late releases, but the report records only the first reason. InvestigateWest found at least 463 women granted parole who were held past their fixed term between 2019 and 2025. Separately, more than a third of the 251 people whose parole was delayed six months or more in early 2026 had one condition left: finish assigned programming.

The fix

Hold hearings before eligibility, not after, especially for people who arrive already eligible.

Take programming to people in county jails, or let them finish it in the community. Idaho law already says lack of programming shouldn't be the main reason parole is delayed (Idaho Code 20-223).

Make release at eligibility the expectation for people without recent serious write-ups. The commission can still say no, with a written reason. And count every reason for delay, not just the first.

Illustrative estimate: 150 to 400 beds, about $4.4 million to $11.7 million a year in custody costs

Scheduling delays alone are roughly 100 beds. The rest assumes the grant rate moves back toward its 2018 level. Page 14 shows the math.

CHANGE 3

Create Earned Home Reentry: finish the sentence at home, working and supervised

Idaho already has a tool for this. It's just too small.

Some people are ready to go home before their sentence ends: a job, a family, a place to live. Idaho's Expanded CRC furlough was created in 2022. People in a community reentry center can live at home on GPS for their last six months, still in IDOC custody, if they work or go to school full time. Idaho Code 20-242 already lets the Board house someone in a "residence." The 2024 Legislature funded staff for roughly 175 people at a time. IDOC hasn't published how many use it.

What holds it back, and what Earned Home Reentry would change

	Expanded CRC today	Earned Home Reentry
Where	Only after 60 days in a reentry center, and all are in southern Idaho	From any facility, supervised by the local probation and parole office
Distance	Within 30 miles of an IDOC facility	Within 50 miles of an IDOC facility or probation and parole office, with exceptions
How long	Last 6 months	Up to the last 12 to 18 months before the parole eligibility or release date
Who qualifies	Full-time work or school only	Also people in treatment, caregivers, older and disabled people
Programming	Every class finished in prison first	Required programming can be finished in the community
Cost to join	$500 in savings, plus $360 in fees, lost if revoked	Sliding-scale fees
Reporting	None published	Yearly: placements, revocations, new crimes, beds saved
Safeguards	GPS, supervision, victim safety plan	Same. IDOC can return anyone to prison for any violation, and time at home counts toward the sentence

Every 100 people at home: about $2.9 million a year in custody costs, or about $2.1 million after supervision

It works elsewhere: of 13,204 people the federal Bureau of Prisons sent home under the CARES Act, 22 had been arrested for a new crime as of May 2023. Washington lets people spend up to their last 18 months at home. Needs an amendment to Idaho Code 20-242 or a new section.

CHANGE 4

Find out which programs work, and fund those

Idaho law requires evidence-based supervision, and it should. But three-year recidivism sits near 38%, and success on supervision has been stuck at 61% to 64%. Good programs help, but only when they're run right and reach the right people.

IDOC has started measuring. That's a good start.

IDOC's November 2025 Program Effectiveness Report scored its programs with the University of Cincinnati's Correctional Program Checklist. The average was 49.3%, "moderate adherence," and the curricula themselves scored higher. That tells Idaho how well programs are run. It doesn't tell Idaho whether people who finish them do better.

Four ways a good program fails

It isn't run the way it was tested

The right dosage, trained staff, and the right group size. A class with the right name isn't the same as the program that was studied.

It reaches the wrong people

Intensive programs work best for moderate- and high-risk people. Putting low-risk people through them wastes slots and can make things worse.

It becomes a ticket to parole

When finishing a class is what unlocks a parole date, the system counts completions, not changed lives, and waitlists keep people inside.

The problem isn't the program

Many returns to prison come from how supervision works. No class prevents a revocation for a missed appointment. That's Change 1.

The ask: an independent review that measures results

Independent check. An outside evaluator confirms IDOC's scores.

Results by program. Recidivism for people who finished each program, compared with similar people who didn't.

The right people. Who gets each program, by risk level.

Access. How many people are past their eligibility date waiting for a class, and where.

Cost. Cost per person who finishes.

Pay for what works

The Washington State Institute for Public Policy estimates cognitive behavioral therapy for moderate- and high-risk people returns about $4 in benefits for every $1 spent, counting benefits to victims and the public, not just the state budget. A results review tells Idaho which programs to grow, which to fix, and which to stop paying for.

CHANGE 5

Treat drug possession with treatment, not a felony

22%

of women in IDOC custody are there on a single possession sentence and nothing else. For men it's 10%.

Idaho incarcerates women at the highest rate in the nation, and more than half that growth comes from women with a single possession charge. Most didn't start in prison. They got probation or a rider, struggled, and were revoked. And 70% of women in Idaho's felony treatment courts are mothers.

OPE found possession charges are reduced only 8% of the time, perhaps because Idaho has few alternatives in statute and treatment may only come with felony supervision. Nobody should need a felony to get help.

Red states already did this

Utah · 2015

Gov. Gary Herbert (R) signed H.B. 348, making first and second possession misdemeanors. It passed the Senate unanimously and the House 67-2. The package was projected to save over $500 million in 20 years, and Utah put about $14 million into treatment and supervision.

Oklahoma · 2016

Voters made simple possession a misdemeanor with State Question 780. A companion measure, SQ 781, was written to send the savings to county treatment and mental health services.

Next door

Washington lets judges sentence some parents of minor children to a year of supervision with treatment instead of prison, and lets the prison system move some parents home for the end of their sentence.

The fix

1. **First and second possession become misdemeanors,** the way Utah did it.
2. **Treatment without a felony.** Make treatment available through misdemeanor probation and pretrial diversion.
3. **No prison revocation** when the only conviction is possession and the violation is technical.
4. **A parenting alternative,** so mothers and fathers can serve their sentence at home, in treatment, raising their kids.

Keep mothers home before staffing a new 560-bed women's prison

Women are 29% of the people IDOC holds in county jails but 14% of those in its own prisons, because Idaho doesn't send women out of state. Every woman diverted frees a county jail bed. This only works if treatment is there (page 12).

CHANGE 6

Make medical parole work and add an elder parole review

The oldest and sickest people in prison cost the most to house, and they are the least likely to commit another crime. Idaho's prison population is getting older. IDOC is opening a 280-bed unit at ISCI, part of it for people with disabilities and special needs.

Make medical parole work

Idaho law already allows medical parole for people who are permanently incapacitated or terminally ill and no danger to anyone (Idaho Code 20-1006). It is rarely used. Staff can already refer people, but families can't, and there are no deadlines.

Ask:

let families and medical providers refer people, set deadlines for a decision, cover people who need nursing-home level care, and publish referrals, grants, denials and wait times every year.

Add an elder parole review

Idaho has no age-based parole review. Risk drops with age. In a U.S. Sentencing Commission study of people released from federal prison, 16% of those over 60 were rearrested within eight years, compared with 68% of those under 21.

Ask:

a parole review at a set age and number of years served. Violent and sex offenses are decided case by case by the commission, not excluded outright.

50% → 33%

Share of people in custody under 35, 2005 vs. 2025

OPE found the custody population is aging mostly because fewer young people are coming in, not only because long-termers are getting older. Either way, the result is the same: more people who are expensive to care for and unlikely to reoffend.

Who decides

The parole commission makes every release decision under both changes. Nothing here releases anyone automatically. The Legislature sets the rules for who gets a hearing and how fast, and IDOC sets up the referral process.

Sources: Idaho Code 20-1006; IDOC capital projects update, 2026; U.S. Sentencing Commission, The Effects of Aging on Recidivism Among Federal Offenders (Dec. 2017); OPE Report 2601.

CHANGE 7

Simplify the criminal code and update the theft threshold

A criminal code commission

Idaho passed more than 150 criminal justice bills between 2005 and 2025. Utah keeps a standing task force that reviews how crimes are classified and keeps the code consistent.

Ask:

an Idaho criminal code commission, and fiscal notes that estimate how many prison beds each new crime or longer penalty will fill.

Update the felony theft line

$1,000 set in 1998, worth about **$2,000** today

Without a single vote, inflation has cut Idaho's felony theft line about in half. OPE flagged it.

Ask:

raise it to $2,000 and tie it to inflation from here on.

CHANGE 8

Seal old records automatically

When the government hands out old records, it helps employers and landlords shut people out of work and housing long after a sentence is done. That's the government helping people discriminate. Idaho's 2023 Clean Slate Act was a good start: some people with nonviolent misdemeanors or felony possession can ask a court to shield their record five years after finishing their sentence. But they have to petition, they get one chance in their lifetime, and Idaho still has no general expungement law.

1. **Make it automatic** for people who qualify, with no petition and no filing fee.
2. **Drop the once-in-a-lifetime limit.**
3. **Widen who qualifies,** with waiting periods based on how serious the offense was.

A sentence should end when it ends

People who have served their time and stayed out of trouble should be able to get a job and rent an apartment. Work and stable housing are some of the strongest protections against going back.

WHAT IT TAKES

Treatment has to exist before we send people to it

Several of these changes send people to treatment instead of prison. That only works if treatment exists when people need it, in the places they live. Right now, about half the people who need it get it.

8,773
People on probation or parole scored moderate to high risk in FY2025

52%
Got behavioral health services. 60% of women and 49% of men.

$50M
IDOC and Health and Welfare's estimate of what it could cost to serve everyone, at the most

Source: IDOC and IDHW, Community Gap Analysis FY2025 (Jan. 2026). Services for the 4,558 people served cost $54.4 million, about $11,900 each.

Prison costs more than treatment

One year for one person	Approximate cost
A rented county jail bed at $80 a day	**$29,200**
A state prison bed at $99.66 a day	**$36,400**
Supervision plus a year of behavioral health services	**about $15,100**

Supervision at $8.72 a day plus the FY2025 average service cost. Not everyone needs a full year of services, and some people need more.

How to build it

Put a share of the savings into community treatment, the way Utah put about $14 million into treatment and supervision alongside its reforms.

Use federal Medicaid dollars wherever people qualify, so the General Fund isn't paying the whole bill.

Start where the people are. 87% of prison growth came from Ada, Canyon, Kootenai and Twin Falls counties. Build capacity there first.

Medication for opioid use disorder in jail, at release and on supervision.

Track it. Report every year how many people were referred, how long they waited, and how many finished.

Phase it in

Move people out of prison beds as treatment slots open, not before. That keeps the savings honest and keeps people from being set up to fail.

THE EVIDENCE

What works, and what doesn't

Each approach is rated on the evidence for a specific outcome. Dollar figures from the Washington State Institute for Public Policy (WSIPP) count benefits to victims and the public, not just the state budget. Read them as a guide to size.

Idaho's own evidence points the same way

Same model, Idaho data. In 2011 Idaho was the first state to join Pew-MacArthur Results First, built on WSIPP's model. Results went to the Idaho Criminal Justice Commission in 2014.

Drug courts. The Idaho Supreme Court's 2014 statewide study found recidivism 12% lower than for felony probationers. A new study is underway.

Cutting what fails. In 2015 IDOC reviewed its ~$10 million in programming with the CSG Justice Center and dropped a model found ineffective.

What works, and what doesn't

Approach	Rating	What the research says
Diversion and community drug treatment	Works	About $7 in benefits for every $1 (WSIPP)
Contingency management for meth	Works	Small rewards for clean tests; top-rated meth treatment in reviews
CBT for moderate and high risk	Works	About $4 in benefits per $1, when run as designed (WSIPP)
Work release	Works	Benefits outweigh costs (WSIPP); the model for Earned Home Reentry
Release at eligibility	Works	Longer stays don't lower reoffending (meta-analyses)
Earned time off supervision	Promising	Missouri: supervision down 18%, no rise in reconvictions (Pew)
Home confinement, end of sentence	Promising	CARES Act group did no worse than standard home confinement
Opioid medication at release	Saves lives	Rhode Island: released people's share of overdose deaths fell 61%
"Swift and certain" probation	Mixed	No better than regular probation in a four-site federal trial
Longer sentences, mandatory minimums	Doesn't work	No recidivism benefit from longer stays, at prison prices

THE NUMBERS

What the first changes could save, and how we counted

Illustrative estimates of custody costs Idaho could avoid, from IDOC's public numbers. Not a budget score.

Change	Beds	Custody costs avoided	After supervision	How we got there
1. Technical violations only	**~125**	**~$3.7M**	**~$3.3M**	A quarter of 1,185 parole violator admissions (FY2025), about five months each
1. Plus probation and riders	**225 to 500**	**$6.6M to $14.6M**	**$5.9M to $13M**	Upper end needs probation counts
2. Scheduling delays	**~100**	**~$2.9M**	**~$2.6M**	About 80 people a year leaving late
2. Grant rate back toward 70%	**150 to 400**	**$4.4M to $11.7M**	**$3.9M to $10.4M**	Includes delays; needs hearing counts
Changes 1 and 2	**375 to 900**	**$11M to $26M**	**$10M to $23M**	Illustrative
3. Earned Home Reentry	**per 100**	**~$2.9M**	**~$2.1M**	Supervision about $7,900 per slot

How we count

Each bed is worth about $29,200 a year, the $80 county jail rate. OPE says Idaho will keep renting beds even after the new prisons open, so the first beds freed are rented ones. "After supervision" subtracts $8.72 a day.

Savings are real only when the county and out-of-state budget line goes down. Some people show up in more than one change, so don't add rows blindly. Changes 4 to 8 need IDOC data we are requesting.

What we'll hear, and the answer

"Isn't this soft on crime?"
It's about results. Longer stays don't lower reoffending, and revocation stays for new crimes and absconding.

"We already built the new prisons."
Open them and bring people home from Arizona and county jails. Without changes, growth fills them.

"That's what liberal states do."
This brief leans on Utah and Oklahoma. Utah's reform passed its Senate unanimously.

"Won't this cost counties?"
Counties lose money on every state inmate they hold. Fewer revocations means fewer of them.

MAKING IT HAPPEN

Who decides, and how we'll know it works

Who decides, and when

Change	Who decides	How	When
1. Technical violations	IDOC, commission, courts	Sanction policy now; revocation rule in statute	Now + 2027
2. Release at eligibility	Commission, IDOC	Earlier hearings, classes in jails, full delay reporting	Now
3. Earned Home Reentry	Legislature, IDOC	Amend 20-242; IDOC can widen Expanded CRC now	Now + 2027
4. Program results	IDOC, JLOC, OPE	Independent review; outcome reporting	Now
5. Possession	Legislature	Reclassify possession; treatment through misdemeanor probation	2027
6. Medical and elder parole	Legislature, commission	Referral rules, deadlines, new elder review	2027
7. Code and theft line	Legislature	Code commission; index the threshold	2027 + longer
8. Clean slate	Legislature, courts	Automatic record shielding	Longer term
Treatment capacity	JFAC, IDHW, IDOC	Reinvest savings; Medicaid; four counties first	2027 on

How we'll know it's working: a public scorecard

Budget
Spending on rented beds. Cost per day by setting.

Beds
People in jails and out of state. People held past eligibility, by every reason.

Public safety
New crimes on supervision and home reentry. Three-year recidivism. Absconding.

People
Treatment waits and completions. Jobs at release. Parents kept with their kids.

No new paperwork
Add these measures to reports IDOC already sends the Legislature: Justice Reinvestment, Timely Release, Program Effectiveness and the Community Gap Analysis.

WHAT COMES NEXT

The Legislature has already asked the right question

1. **OPE's follow-up.** In November, the Joint Legislative Oversight Committee asked OPE to come back with recommendations. This brief offers a first look at the costs OPE said it ran out of time to price.
2. **The budget.** The 2027 session opens January 11. JFAC decides the $45.3 million request and the county and out-of-state line. Fund the new beds with a plan to stop renting the old ones. The Legislature has also asked IDOC to review how community reentry centers are run, which is the right moment to build Earned Home Reentry.
3. **What IDOC can do now.** Change what officers write up, schedule parole hearings before eligibility, widen Expanded CRC, and start measuring program results. None of that needs a bill.

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Inflation adjustment: BLS CPI-U.

About this brief

All savings figures are illustrative estimates from public data and will be refined as IDOC data comes in. BarNone is a Northwest nonprofit doing criminal justice research and policy across Idaho, Washington and Oregon. Questions: admin@barnoneinc.org · barnoneinc.org