



Idaho

Overall Grade for Idaho

Total Grade

65
/100

Letter Grade

D

Program Grades

Medical Parole

Total Grade

65/100

Letter Grade

D

Medical Parole

Total Grade

65 /100

Letter Grade

D

Eligibility Criteria

17/30

4/10 Clearly set out with understandable and measurable standards.

4/10 Generous or not unduly restrictive.

9/10 No categorical exclusions/everyone is eligible for consideration.

× **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

Procedures

9/10

5/5 Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

4/5 Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

× **Extra credit:** Expedited time frames exist for terminal cases. **0**

Engaging the Process

10/15

5/5 Clinical and other staff can identify potentially eligible individuals and initiate the process.

5/5 Incarcerated people, their loved ones, and advocates can initiate the process.

0/5 Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

Release Planning Support

10/10

5/5 Agencies provide comprehensive release planning.

× **Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **0**

5/5 Release planning begins early in the process.

Agency Policy Design

9/15

3/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

3/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

3/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting

5/10

5/5 Agencies are obliged to gather, compile, and report release data to legislature.

0/5 Reporting is made available to the public via annual reports or other means.

Right to Counsel and Appeals

15/10

5/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. **0**

5/5 Individuals have the right to reapply should conditions change.

+ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. **+5**



Overall Penalty

-10 Idaho rarely uses Medical Parole. Only one person per year received Medical Parole in 2019 and 2020.

The Numbers

Idaho granted Medical Parole to only one person each in 2019 and 2020.

High and Low Marks

HIGH MARKS

- The Department of Correction has a well-designed process for identifying and assessing people for Medical Parole. FAMM would have scored the program higher for **agency policy design** but for the fact that we could find very few rules governing the Parole Commission's deliberations in Medical Parole cases.
- The **procedures** the Department must follow are clearly laid out with deadlines. Each task is assigned to an individual or office, and the time frames for completing the steps are short enough to ensure the process moves forward at a good pace. Very few state compassionate release programs include deadlines. FAMM thinks all programs should use them because the incarcerated people under consideration are medically vulnerable, if not near death, and time is of the essence.
- Idaho's Medical Parole **release planning** is quite good. It begins early in the process. It requires the Department to put together a comprehensive parole plan, describing living and medical care arrangements and how those will be paid for, and identifying family and friends who will support the paroled individuals.

LOW MARKS

- Idaho's Medical Parole **eligibility criteria** leave a lot to be desired because they are relatively narrow and undefined. Besides the terminally ill, the only people eligible for the program are those who are "permanently and irreversibly incapacitated." The rules do not explain what qualifies a person to be considered under that standard. The rules also require that the incapacitation be such that the person can pose "no threat" to society, but they provide no guidance to how the Commission arrives at that conclusion.
- While Idaho's Medical Parole program has a number of good features, it does not appear to work. Only one person received Medical Parole in 2019 and one in 2020. Idaho lost 10 points and its grade of C dropped to D as a consequence