IDAHO STATE LEGISLATURE



CHILD SEXUAL ABUSE STATISTICS 21st Annual Report I.C. § 67-1405 JULY 1, 2008 - JUNE 30, 2009

Joint Submission by
The Office of the Governor
C. L. Butch Otter
and
The Office of the Attorney General
Lawrence Wasden
January, 2010



C. L. "BUTCH" OTTER

Governor STATE OF IDAHO

LAWRENCE G. WASDEN

Attorney General STATE OF IDAHO

To: The Idaho Legislature and the Citizens of Idaho

The Prosecution of Child Sexual Abuse Re:

This 2010 report on the prosecution of child sexual abuse once again draws our attention to the disturbing fact that sexual abuse of children continues to be a problem in our state. A great deal of the resources of the Department of Health and Welfare, state and local law enforcement agencies, the county prosecuting attorneys, the courts and the Department of Correction are devoted to the apprehension and punishment of the offenders that commit these crimes and to the protection and rehabilitation of the victims of these unspeakable acts.

Too many Idaho children and their families suffer the painful and permanent scarring that such crimes inflict upon the innocent. Parental vigilance and the reporting of suspicious behavior to local law enforcement remain the essential protections for children against these crimes that occur most frequently in the victim's or the offender's home.

In a time when state and local resources continue to be stretched to the limit, it is important that we not forget the need for diligent efforts at all levels of government and in our homes, churches and neighborhoods to see that our children are protected and that those who commit these heinous crimes are reported. apprehended and held accountable.

We hope this report will be a resource to policymakers, prosecutors, law enforcement officers, parents and others who strive to protect our children.

Sincerely,

C. L. "BUTCH" OTTER

Governor

State of Idaho

LAWRENCE G. WASDEN

Attorney General State of Idaho

ACKNOWLEDGEMENTS

THIS TWENTY-FIRST ANNUAL REPORT WAS PREPARED IN ACCORDANCE WITH I.C. § 67-1405. WITH THE ASSISTANCE OF THE COUNTY PROSECUTING ATTORNEYS THROUGHOUT THE STATE, THE SUPREME COURT'S ISTARS STAFF, THE DEPARTMENT OF HEALTH AND WELFARE AND THE COMMISSION OF PARDONS AND PAROLE, THE OFFICE OF THE ATTORNEY GENERAL HAS COMPILED CHILD SEXUAL ABUSE STATEWIDE CASE DATA FOR FISCAL YEAR 2009 AS REFLECTED IN THIS REPORT.

REPORT TO THE IDAHO LEGISLATURE FY09 CHILD SEXUAL ABUSE STATISTICS

TABLE OF CONTENTS

		<u>Page</u>
REPORT SUM	MARY .	1
HISTORICAL (OVERVI	EW OF ANNUAL REPORT
DATA COLLE	CTION F	PROCESS
FY09 CHILD	SEXUA	L ABUSE REPORT5
1.	REPO	ORTED INCIDENTS – I.C. § 67-1405(1)5
11.	CASE	s FILED – I.C. § 67-1405(2)6
	A.	ADULT DEFENDANTS
	B.	JUVENILE OFFENDERS
III.	DISPO	OSITION INFORMATION — I.C. § 67-1405(3)9
	A.	ADULT DEFENDANTS
	B.	JUVENILE OFFENDERS
IV.	Disci	HARGED OFFENDERS – I.C. § 67-1405(4)11
V.	STAT	EWIDE CASE COMPARISON

REPORT TO THE IDAHO LEGISLATURE I.C. § 67-1405 FY09 CHILD SEXUAL ABUSE STATISTICS

REPORT SUMMARY

I.C. § 67-1405(1)

Reported

Incidents: IN FY09, 385 INCIDENTS OF CHILD SEX ABUSE WERE REPORTED

TO THE DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF

FAMILY AND COMMUNITY SERVICES. I.C. § 67-1405(1).

I.C. § 67-1405(2)

Cases Filed: A TOTAL OF 669 CHILD SEXUAL ABUSE CASES WERE FILED (504

ADULT CASES, **165** JUVENILE PETITIONS) IN IDAHO DISTRICT AND JUVENILE COURTS IN FY09. THIS REPRESENTS AN **INCREASE** OF

130 CASES FILED OVER FY08.

I.C. § 67-1405(3)

Disposition: CONVICTIONS WERE REPORTED IN 368 CASES; THAT INCLUDES

108 ADULT OFFENDERS RECEIVING PRISON, AND 31 JUVENILE OFFENDERS COMMITTED TO THE CUSTODY OF IDJC; THERE WERE 99 ADULTS AND 64 JUVENILES PLACED ON PROBATION; AND 66

ADULTS WERE GIVEN RETAINED JURISDICTION.

I.C. § 67-1405(4)

Discharged

Offenders: The Commission of Pardons and Parole granted parole to 1448 inmates and discharged an additional 585 inmates

WHO HAD SERVED THEIR ENTIRE SENTENCES DURING THE 2009 FISCAL YEAR. OF THE 1448 INMATES RELEASED ON PAROLE IN FY09, 113 (8%) WERE OFFENDERS SERVING SENTENCES FOR COMMITTING CHILD SEXUAL ABUSE CRIMES; OF THE 585 INMATES DISCHARGED AFTER COMPLETION OF THEIR SENTENCES, 55

(9.5%) WERE OFFENDERS SERVING SENTENCES FOR COMMITTING

CHILD SEXUAL ABUSE CRIMES.

HISTORICAL OVERVIEW OF ANNUAL REPORT

WITH THE PASSAGE OF HOUSE BILL 362 IN 1989 (ADDING SECTION 67-1405 TO THE IDAHO CODE), THE DUTIES OF THE ATTORNEY GENERAL WERE EXPANDED TO INCLUDE PREPARATION OF AN ANNUAL STATISTICAL REPORT REGARDING CHILD SEXUAL ABUSE IN IDAHO. THE ANNUAL REPORTS PRESENTED TO THE IDAHO LEGISLATURE SINCE 1990 ARE AVAILABLE AT www2.state.id.us/ag/sexual_prosecution_reports/reports_index.htm.

THE COLLECTION OF DATA AND PREPARATION OF THIS REPORT FOR FY09 IS THE RESULT OF THE ATTORNEY GENERAL'S STAFF EFFORTS TO PREPARE A REPORT THAT COMPLIES WITH THE STATUTORY DIRECTIVES OF I.C. § 67-1405. THIS REPORT IS JOINTLY SUBMITTED BY GOVERNOR C.L. BUTCH OTTER AND ATTORNEY GENERAL LAWRENCE WASDEN.

DATA COLLECTION PROCESS

THIS REPORT INCLUDES DATA ON "INCIDENTS" OF CHILD SEX ABUSE REPORTED TO THE DEPARTMENT OF HEALTH AND WELFARE IN FY09 (JULY 1, 2008 TO JUNE 30, 2009), THE ADULT AND JUVENILE CHILD SEX ABUSE CASES FILED BY COUNTY PROSECUTORS IN FY09, THE DISPOSITIONS OF THE CHILD SEXUAL ABUSE CASES DURING THAT PERIOD, AND INFORMATION CONCERNING THE DISCHARGE OF INMATES IN 2009 WHO WERE CONVICTED OF CHILD SEXUAL ABUSE CRIMES. THE PROCESS OF GATHERING INFORMATION INCLUDED IN THIS REPORT WAS INITIATED AT THE CLOSE OF THE FISCAL YEAR IN JULY 2009.

In Keeping with the Intent of I.C. § 67-1405, the Office of the Attorney General collected data through systems and processes presently utilized by the contributing governmental entities. For example, information concerning the reporting of child sexual abuse incidents was gathered from "Facts, Figures, Trends 2008-2009: A report prepared by the Idaho Department of Health and Welfare." FY09 case and disposition information was initially obtained through the Supreme Court's ISTARS statewide case management database and then presented to each county prosecutor's office for review and verification. Discharge and parole release data was collected from existing Commission of Pardons and Parole data for fiscal year 2009.

In this report, the Office of the Attorney General has endeavored to collect and include child sex abuse data pertaining to: (1) incidents; (2) cases; (3) dispositions; and (4) discharged inmates as required by I.C. § 67-1405. This report includes cases involving the following statutory sexual offenses involving children:

INJURY TO CHILDREN (I.C. § 18-1501);

SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS (I.C. § 18-1506);

RITUALIZED ABUSE OF A CHILD (I.C. § 18-1506A);

SEXUAL EXPLOITATION OF A CHILD (I.C. § 18-1507);

Possession of Sexually Exploitative Materials (I.C. § 18-1507A);

LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. § 18-1508);

SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE (I.C. § 18-1508A);

ENTICING OF CHILDREN (I.C. § 18-1509);

ENTICING OF CHILDREN OVER THE INTERNET (I.C. §18-1509A);

Some of the reports in prior years included information on offenses under other statutes and data which was collected through independent on-site field audits of case files from around the state. As a result, information beyond that required by the statute was included in some prior reports (e.g. offender ethnicity, income, occupation, victim relationship, etc.). Consistent with the statutory mandate this report includes only information available through existing systems and resources relating to reported incidents, cases filed, dispositions, and offenders discharged in child sexual abuse cases involving the above statutory sections.

I. REPORTED INCIDENTS I.C. § 67-1405(1)

I.C. § 67-1405(1) PROVIDES:

THE DEPARTMENT OF HEALTH AND WELFARE, EACH CITY POLICE DEPARTMENT, EACH COUNTY SHERIFF AND THE IDAHO STATE POLICE SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT OF EACH CHILD SEXUAL ABUSE INCIDENT REPORTED TO EACH AGENCY OF STATE OR LOCAL GOVERNMENT. THE REPORT SHALL CONTAIN SUCH INFORMATION AS SPECIFIED BY THE ATTORNEY GENERAL. IT SHALL BE THE DUTY OF THE ATTORNEY GENERAL TO THE GREATEST EXTENT POSSIBLE TO USE AND DEVELOP THE INFORMATION REQUIRED IN THIS SECTION ON FORMS CURRENTLY IN USE BY EACH GOVERNMENTAL ENTITY, THUS AVOIDING UNNECESSARY PAPERWORK.

In this report, the Office of the Attorney General has included the child sex abuse incident data reported by the Department of Health and Welfare for FY05 – FY09, which is summarized as follows:

FISCAL YEAR	<u>INCIDENTS</u>		
FY09	385		
FY08	415		
FY07	452		
FY06	475		
FY05	458		

THE STATISTICS MAINTAINED BY THE DEPARTMENT OF HEALTH AND WELFARE INCLUDE THOSE REPORTS OF CHILD SEXUAL ABUSE WHICH REQUIRED THE DEPARTMENT'S INVOLVEMENT. THESE STATISTICS DO NOT INCLUDE INCIDENTS OF CHILD SEXUAL ABUSE WHICH WERE REPORTED TO LAW ENFORCEMENT BUT DID NOT INVOLVE THE SERVICES OF THE DEPARTMENT OF HEALTH AND WELFARE.²

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¹ See "Facts, Figures, Trends 2008-2009: A report prepared by the Idaho Department of Health and Welfare." On October 21, 2009, an email was received by the Attorney General's Office from Department of Health & Welfare stating the number of reported cases for these fiscal years.

² The Attorney General recognizes that some "incidents" of child sexual abuse are reported to local law enforcement entities but not reported to or investigated by the Department of Health and Welfare, however, there are no systems presently in place to identify such reports or to account for duplicate reporting of the same incident. Therefore incident information included in this report is limited to those incidents of child sexual abuse reported to and investigated by the Department of Health and Welfare.

II. **CASES FILED** I.C. § 67-1405(2)

I.C. § 67-1405(2) PROVIDES:

IT SHALL BE THE DUTY OF EACH COUNTY PROSECUTING ATTORNEY TO SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT OF EACH CHILD SEXUAL ABUSE CASE HANDLED BY THE PROSECUTING ATTORNEY. THE REPORT REQUIRED PURSUANT TO THIS SECTION SHALL BE DESIGNED BY THE ATTORNEY GENERAL TO MINIMIZE THE PAPERWORK IMPACT ON EACH COUNTY PROSECUTOR.

A. SUMMARY OF ADULT CASES FILED

(JULY 1, 2008 - JUNE 30, 2009)

ADULT OFFENDERS: CASES AND CHARGES FILED

Information on the adult cases filed in FY09 is included in Charts A1 and A2. A total of 504 adult cases were filed in district court during the twelvementh period of July 1, 2008 - June 30, 2009.

CHART A1 SHOWS THE BREAKDOWN, BY IDAHO CODE SECTION, OF THE MOST FREQUENT CHARGES FILED AGAINST ADULT OFFENDERS IN THE 504 CHILD SEXUAL ABUSE CASES REPORTED.

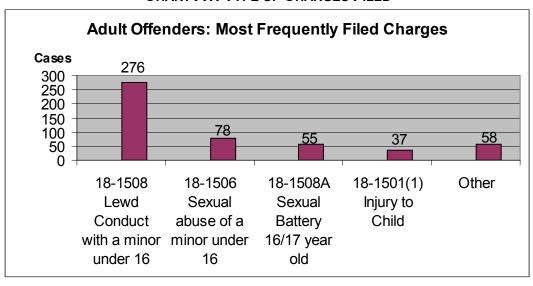


CHART A1: Type of Charges Filed

Lewd conduct with a minor child under sixteen (I.C. \S 18-1508) charges continued to be the charge most frequently filed, representing 276 of the charges filed in the 504 adult cases (55%).

CHART A2 REFLECTS THE CHILD SEXUAL ABUSE CASES FILED AGAINST ADULT OFFENDERS IN EACH OF THE STATE'S SEVEN JUDICIAL DISTRICTS DURING FY09.

Adult Offenders: Cases Filed by Judicial District Cases 160 138 138 140 120 100 80 65 60 50 40 20 0 First Second Third Fourth Fifth Sixth Seventh

CHART A2: CASES FILED BY JUDICIAL DISTRICT

The fourth and fifth judicial districts of idaho reported filing the highest number of cases, representing 276~(54%) of the total child sexual abuse adult offender cases filed in FY09.

B. SUMMARY OF JUVENILE PETITIONS FILED

(JULY 1, 2008 - JUNE 30, 2009)

A SUMMARY OF THE JUVENILE PETITIONS INVOLVING CHILD SEXUAL ABUSE FOLLOWS IN CHART J1. A TOTAL OF 165 JUVENILE PETITIONS INVOLVING CHILD SEXUAL ABUSE WERE FILED DURING THE TWELVE-MONTH PERIOD FROM JULY 1, 2008 - JUNE 30, 2009.

JUVENILE OFFENDERS: PETITIONS FILED

ALL BUT THREE OF THE 165 JUVENILE PETITIONS REPORTED IN FY09 CHARGED LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. §18-1508). THUS, LEWD CONDUCT WITH A MINOR CHILD UNDER SIXTEEN (I.C. §18-1508) IS CLEARLY THE PREDOMINANT CHARGE IN CHILD SEXUAL ABUSE CASES WHERE THE OFFENDER IS A JUVENILE.

 $\hbox{\it Chart J1}$ shows juvenile petition data in sexual abuse cases by judicial district across the state of Idaho in FY09.

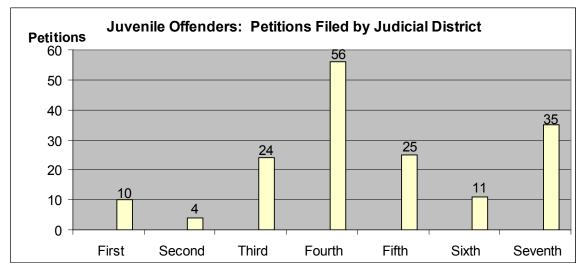


CHART J1: PETITIONS FILED BY JUDICIAL DISTRICT

THE FOURTH AND SEVENTH JUDICIAL DISTRICTS OF IDAHO REPORTED HANDLING THE HIGHEST NUMBER OF PETITIONS, REPRESENTING 91 (56%) OF THE TOTAL CHILD SEXUAL ABUSE JUVENILE OFFENDER PETITIONS FILED IN FY09.

III. DISPOSITION INFORMATION I.C. § 67-1405(3)

I.C. § 67-1405(3) PROVIDES:

THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT SHOWING THE DISPOSITION OF EACH CHILD SEXUAL ABUSE CASE HANDLED BY EACH OF THE DISTRICT COURTS THROUGHOUT THE STATE. THIS REPORTING REQUIREMENT MAY BE SATISFIED BY SUBMISSION OF A COPY OF A JUDGMENT MADE AND ENTERED IN EACH CASE.

A. SUMMARY OF DISPOSITIONS FOR ADULT CASES FILED IN FY09

ADULT OFFENDERS: DISPOSITION INFORMATION

CHART A3 SHOWS THAT IN FY09, CONVICTIONS WERE OBTAINED IN 273 CHILD SEXUAL ABUSE CASES WHERE THE OFFENDER WAS AN ADULT; DISMISSALS WERE ENTERED IN 74 CASES AND 157 CASES REMAIN PENDING.

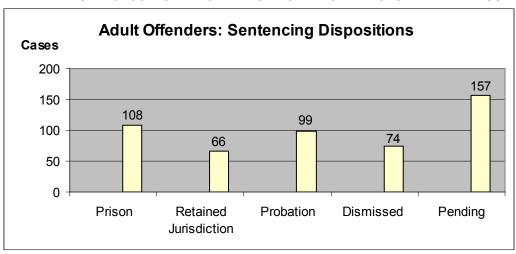


CHART A3: DISPOSITION INFORMATION FOR ADULT CASES FILED IN FY09

CHART A3 ALSO SHOWS THAT OF THOSE CONVICTED IN FY09, 108 (40%) WERE SENTENCED TO PRISON; 66 (24%) WERE GIVEN RETAINED JURISDICTION; AND 99 (36%) WERE PLACED ON PROBATION.

B. SUMMARY OF DISPOSITION INFORMATION FOR JUVENILE OFFENDERS

JUVENILE OFFENDERS: DISPOSITION INFORMATION

CHART J2 SHOWS THAT OF THE 95 JUVENILES DISPOSITIONED IN FY09 IN CHILD SEX ABUSE CASES; PROBATION WAS GRANTED IN 64 CASES (67%); AND 31 JUVENILES (33%) WERE COMMITTED TO THE CUSTODY OF THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS.

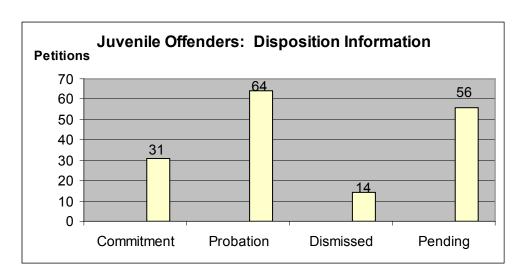


CHART J2: DISPOSITION INFORMATION

IV. **DISCHARGED OFFENDERS** I.C. § 67-1405(4)

I.C. § 67-1405(4) PROVIDES:

THE COMMISSION ON PARDONS AND PAROLE SHALL SUBMIT TO THE OFFICE OF THE ATTORNEY GENERAL A REPORT SHOWING THE RELEASE OR DISCHARGE OF ANY INDIVIDUAL CONVICTED OF A CRIME INVOLVING CHILD SEXUAL ABUSE. SUCH REPORT SHALL BE DESIGNED TO MINIMIZE THE PAPERWORK IMPACT UPON THE COMMISSION.

THE COMMISSION OF PARDONS AND PAROLE REPORTED THAT IT GRANTED PAROLE TO 1448 INMATES DURING THE 2009 FISCAL YEAR AND RELEASED AN ADDITIONAL 585 INMATES WHO HAD COMPLETED THEIR SENTENCES. OF THE 1448 INMATES PAROLED IN FY09, 113 (8%) WERE OFFENDERS SERVING SENTENCES FOR COMMITTING CHILD SEXUAL ABUSE CRIMES. OF THE 585 INMATES DISCHARGED IN FY09 AFTER COMPLETION OF THEIR SENTENCES, APPROXIMATELY 55 (9.5%) WERE OFFENDERS SERVING SENTENCES FOR COMMITTING CHILD SEXUAL ABUSE CRIMES.

V. STATEWIDE CASE COMPARISON

THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED IN FY09 WAS 669 (504 ADULT CASES AND 165 JUVENILE PETITIONS). FOR THE PAST TEN FISCAL YEARS, THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED EACH YEAR WAS AS FOLLOWS:

TEN YEAR SUMMARY OF REPORTED CHILD SEXUAL ABUSE CASES

FISCAL	TOTAL
<u>Year</u>	CASES
2009	669
2008	539
2007	430
2006	324
2005	422
2004	371
2003	459
2002	434
2001	386
2000	364

THE TOTAL NUMBER OF CHILD SEXUAL ABUSE CASES FILED FOR EACH COUNTY IN IDAHO BY TYPE OF OFFENDER (ADULT OR JUVENILE) FOLLOWS IN **TABLE 1: FY09 CASE FILINGS BY COUNTY**. THREE (3) COUNTIES (ADAMS, CARIBOU & IDAHO), REPORTED FILING NO CHILD SEXUAL ABUSE CASES IN FY09 UNDER THE STATUTES TRACKED IN THIS REPORT AND, AS SUCH THEIR RATES ARE REPORTED AS ZERO. ONE (1) COUNTY PROSECUTOR FAILED TO REPORT ANY CASE DATA AND THAT COUNTY'S RATE IS REFLECTED AS NR.

TABLE 1: FY09 CASE FILINGS BY COUNTY

<u> </u>	BLE I. FIUS	CASE FIL		COUNTI
County	Population	FY09	FY09	FY09
	2008 Census	Adult	Juvenile	Total
Ada	380,920	118	51	169
Adams	3,499	0	0	0
Bannock	80,812	27	5	32
Bear Lake	5,798	8	0	8
Benewah	9,352	5	1	6
Bingham	43,903	10	9	19
Blaine	21,731	7	0	7
Boise	7,504	5	2	7
Bonner	41,168	7	4	11
Bonneville	99,135	23	14	37
Boundary	10,962	1	0	1
Butte	2,751	2	2	4
Camas	1,126	1	1	2
Canyon	183,939	50	16	66
Caribou	6,826	0	0	0
Cassia	21,348	21	2	23
Clark	910	1	0	1
Clearwater	8,176	3	0	3
Custer	4,254	2	0	2
Elmore	28,997	9	3	12
Franklin	12,454	4	2	6
Fremont	12,551	2	5	7
Gem	16,513	6	2	8
Gooding	14,295	4	4	8
Idaho	15,448	0	0	0
Jefferson	23,860	5	5	10
Jerome	20,468	10	0	10
Kootenai	137,475	37	6	43
Latah	35,906	4	1	5
Lemhi	7,808	2	0	2
Lewis	3,594	1	0	1
Lincoln	4,503	2	0	2
Madison	37,456	NR	NR	NR
Minidoka	18,645	16	5	21
Nez Perce	38,975	8	3	11
Oneida	4,130	1	0	1
Owyhee	10,877	3	1	4
Payette	22,966	7	3	10
Power	7,683	2	4	6
Shoshone	12,913	5	0	5
Teton	8,833	2	0	2
Twin Falls	74,284		13	88
Valley	8,862	6	0	6
•				
Washington	10,206	2	1	3

FY09 CASES FOR CHILD SEXUAL ABUSE PROSECUTIONS IN THE 10 MOST POPULATED COUNTIES ARE SET FORTH IN **TABLE 2**.

TABLE 2

FY09 CASES FOR TEN MOST POPULATED COUNTIES

COUNTY	POPULATION	ADULT	JUVENILE	TOTAL
		CASES	CASES	CASES
ADA	380,920	118	51	169
CANYON	183,939	50	16	66
Kootenai	137,475	37	6	43
BONNEVILLE	99,135	23	14	37
BANNOCK	80,812	27	5	32
TWIN FALLS	74,284	75	13	88
BINGHAM	43,903	10	9	19
BONNER	41,168	7	4	11
Nez Perce	38,975	8	3	11
LATAH	35,906	4	1	5

FY09 CASES FOR CHILD SEXUAL ABUSE PROSECUTIONS IN THE 10 LEAST POPULATED COUNTIES ARE SET FORTH IN **TABLE 3**.

TABLE 3

FY09 CASES FOR TEN LEAST POPULATED COUNTIES

COUNTY	POPULATION	ADULT	JUVENILE	TOTAL
		CASES	CASES	CASES
CLARK	910	1	0	1
CAMAS	1,126	1	1	2
BUTTE	2,751	2	2	4
ADAMS	3,499	0	0	0
Lewis	3,594	1	0	1
ONEIDA	4,130	1	0	1
CUSTER	4,254	2	0	2
LINCOLN	4,503	2	0	2
BEAR LAKE	5,798	8	0	8
Boise	7,504	5	2	7

FY09 discharges of adult child sexual abuse offenders by county and type of discharge are set forth in **Table 4**

TABLE 4

FY09 DISCHARGES OF ADULT CHILD SEXUAL ABUSE OFFENDERS

COUNTY	STATUS	TOTAL
ADA	Discharge	14
ADA	Parole	39
BANNOCK	Discharge	5
BANNOCK	Parole	8
BEAR LAKE	Discharge	1
BEAR LAKE	Parole	1
BENEWAH	Parole	1
BINGHAM	Discharge	3
BINGHAM	Parole	2
BOISE	Discharge	1
BONNER	Parole	3
BONNEVILLE	Discharge	2
BONNEVILLE	Parole	6
BOUNDARY	Discharge	1
CANYON	Discharge	5
CANYON	Parole	11
CARIBOU	Parole	2
CASSIA	Parole	1
ELMORE	Discharge	2
FRANKLIN	Discharge	2
FRANKLIN	Parole	2
GOODING	Parole	3
IDAHO	Discharge	4
JEROME	Parole	2
KOOTENAI	Discharge	3
KOOTENAI	Parole	13
LATAH	Parole	1
LEMHI	Parole	1
LEWIS	Discharge	1
LEWIS	Parole	1
MINIDOKA	Discharge	1
NEZ PERCE	Discharge	3
NEZ PERCE	Parole	3
OWYHEE	Discharge	1
OWYHEE	Parole	1
PAYETTE	Parole	1
POWER	Discharge	1
POWER	Parole	2
TWIN FALLS	Discharge	5
TWIN FALLS	Parole	9
Total Paroled		113
Total Discharged		55
GRAND TOTAL		168