

FILED
A.M. P.M.

NOV 16 2012

CANYON COUNTY CLERK
D KENNEL, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO COUNTY OF CANYON

In the Matter of the Use of Alternative) ADMINISTRATIVE ORDER
Sentencing by the Sheriff of Canyon) 12-14
County)
_____)

Whereas, Canyon County, in collaboration with local law enforcement agencies and the courts of the Third Judicial District, has endeavored to maintain an inmate population in the Canyon County Jail that meets the requirements of the Idaho Jail Standards and complies with the terms and spirit of the Consent Decree, Order, and Judgment entered in the United States District Court for the District of Idaho, in Case No. 1:09-CV-00107-BLW; and

Whereas, such Consent Decree established the functional capacity of the Dale Haile Detention Center at 266 inmates (214 male/ 52 female); and

Whereas, the Canyon County Sheriff previously established a "target population" (that population at which the jail is best able to classify and house inmates in accordance with sound detention practice and Idaho Jail Standards) of 240 inmates (188 male/ 52 female); and

Whereas, the Canyon County Sheriff, upon his identification of a sustained upward trend of female inmate population during 2012 such that the jail has been regularly at or over its functional capacity for housing female inmates, has now established a target population of 234 inmates (188 male/ 46 female); and

Whereas, while the target population of the Canyon County Jail may accurately reflect the relationship between certain structural limitations of the facility and the Sheriff's perceived ability to meet his constitutional and statutory obligations given such limitations, it has no relationship- proportional or otherwise- to the volume of criminal cases administered by the Third Judicial District or the quantity of offenders potentially subject to the local incarceration; and

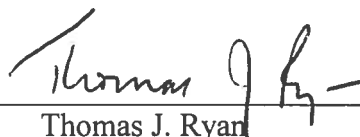
Whereas, the judges of the Third Judicial District and the Canyon County Sheriff have agreed that current circumstances require the supplementation of the framework established by Administrative Orders 08-3 and 11-1 and the 2009 Consent Decree to afford or memorialize an enhanced authority by which the Sheriff might, in limited circumstances, exercise direct control over the daily population of the jail without compromising the ability of a Judge to fashion fact-dependent and offender-specific sentences for execution and enforcement.

It is Therefore Ordered that:

Excluding cases in which a defendant is ordered to serve a mandatory minimum jail sentence as required by the state legislature, the local incarceration component of any judgment entered pursuant to the jurisdictional authority of the Third Judicial District shall, when the population of the Canyon County Jail is in excess of the target population, be considered satisfied and its balance subject to completion under an alternative sentencing option offered by the Canyon County Sheriff when at least 80% of such time has been served. The Canyon County Sheriff agrees, in each such instance, to provide a dated, written letter signed by the Canyon County Sheriff or his Chief Deputy directed to the presiding Judge, the Defense, and the Prosecution referencing a named defendant by case number and averring that the jail's population is then over the established target and that the named offender has served at least 80% of imposed incarceration, and that the balance of such sentence will be served on an alternative sentencing program administered by the Sheriff.

For all judgments wherein a victim (s) has been identified in the case, the Sheriff shall inform said victim (s) at the commencement of the jail sentence that the defendant will have the alternative sentencing option as provided herein. If the victim (s) objects, then the defendant shall serve his/her entire jail sentence with no alternative sentencing option available to the Sheriff.

Dated this 15th day of November, 2012.



Thomas J. Ryan
Administrative District Judge
Third Judicial District