



# Sentencing Alternatives

## *Smart Justice, Best Practices*

The sentencing of offenders, whether for a felony or a misdemeanor offense, is one of the most difficult responsibilities of a judge. Judges are required by [IC 19-2521] to consider at the time of the sentencing, public safety, criminal history, punishment and deterrence, the impact on victims, and the risk to commit further crimes. The growing body of criminal justice research has indicated that matching the risks and needs of offenders with effective programming reduces recidivism. To that end, Idaho continues to seek out innovative and research based practices to provide judges a full range of sentencing alternatives to reduce crime and protect communities.

### ***Enhancing Sentencing Information and Options***

#### **Strengthening Information Provided to District Judges at Sentencing**

The Felony Sentencing Committee is focused on strengthening information provided to judges at sentencing; specifically, with efforts to improve the timeliness, consistency and quality of assessments and examinations that are attached to the pre-sentence investigation report (PSI). In addition, the Committee has agreed with the Idaho Department of Correction (IDOC) to amend and improve the report, which took effect in FY2013, upon the completion of IDOC's management information system.

#### **Committee Input on Important Legislative Changes Enacted**

HB 648 took effect March 2013, to provide district judges with timely, consistent, and quality behavioral health evaluations necessary for sentencing of offenders. Through a coordinated effort with the Idaho Department of Health and Welfare and IDOC, this legislation enhances the PSI process for the screening and assessment of substance use disorders and/or serious mental health diagnoses for felony offenders who reasonably may remain in the community following sentencing. The Felony Sentencing Committee provided feedback on a new process that will see mental health screenings and substance abuse assessment for every felony offender in a timely manner.

#### **Idaho Sentencing Information Database Report Implemented Statewide**

A web-based sentencing information database is now available. The Idaho Sentencing Information Database (ISID) (<http://sentencing.isc.idaho.gov/>) is comprised of IDOC data including; charge, age, gender, prior criminal history, and sentence type and length. During FY2013, there were just over 28,000 website hits in the ISID. The sentencing report is attached to all PSI reports which will strengthen the information provided to judges at sentencing.

#### **Misdemeanor Sentencing Advisory Team: Judicial Leadership to Enhance Sentencing Alternatives**

The Misdemeanor Sentencing Advisory Team (MSAT) is an advisory team of magistrate judges committed to enhancing sentencing options for misdemeanor offenders, particularly through increasing the professionalism and capabilities of adult misdemeanor probation services statewide. The MSAT is currently examining opportunities to expand the use of evidence based pretrial services. In addition, the team is providing input to the Idaho Criminal Justice Commission subcommittee that is examining whether certain misdemeanor offenses should be reclassified to infractions, and is working with Judicial Education to identify training opportunities to support the needs of magistrate judges.

## ***Improving Probation Supervision***

### **Training and Certification of Misdemeanor Probation Officers**

To date, nine Misdemeanor Probation Officer POST Academies have been held, graduating 116 officers. Future Misdemeanor Probation Officer Academies will be held annually, with the next scheduled for Fall 2014. The Misdemeanor Training Council continues to work with POST to plan in-service training to continue the education of officers.

### **Idaho Association of Counties (IAC) Misdemeanor Probation Planning Committee Completes its Work**

Upon vote of the membership and with a recommendation to the Idaho Criminal Justice Commission, the IAC Misdemeanor Probation Planning Committee completed its duties in March of 2013. Responsibility for the continued enhancement of misdemeanor probation services remains with the IAC Misdemeanor Probation Administrators Association and the POST Misdemeanor Training Council. Many thanks go to contributions of the members of the Committee, with special recognition to Valerie Gardner, who served as the only chair.

### **The Committee marked the following accomplishments:**

- Development of Statewide Misdemeanor Probation Standards and Professional Responsibilities
- Adoption of the Level of Service Inventory, revised as the statewide criminogenic risk/needs assessment for misdemeanants
- Implementation of Access to Recovery services for supervised misdemeanants
- Recommendations for minimum functional requirements for supervision case management systems

### **Completion of Misdemeanor Probation Enhancement Grant**

The Statewide Misdemeanor Probation Enhancement Grant funded through the Byrne/JAG program ended in February of 2013. The grant provided funding for a Misdemeanor Sentencing Alternatives Specialist, the purchase of risk/need assessments for distribution to probation departments and for enhancements to the supervision module of the case management system. The resources provided by this grant were essential to the implementation of the Misdemeanor POST Academy and to support the work of the IAC Misdemeanor Probation Planning Committee.

### **Access to Recovery (ATR)**

Access to Recovery is a federal grant to the Department of Health and Welfare that provides approximately \$1.89 million in substance use disorder treatment for supervised misdemeanants annually. Treatment services for these offenders help reduce their substance abuse and recidivism. October 1, 2013 marked the beginning of the fourth and final year of this funding. The Department of Health and Welfare will be requesting a no cost extension for ATR which, if granted, would extend the funding for approximately another year.

