

Juvenile Justice

Judges Continue to Improve the Administration of Juvenile Cases

Juvenile Case Filings Decline

Juvenile court filings for this past year are down as compared with the previous few years.¹

Restorative Practice Training Provides Judges with the Necessary Tools to Apply Balanced Approach and Restorative Justice Principles

Idaho's Juvenile Justice System is based on the principles of accountability, community protection and competency development. These principles comprise what is called the Balanced or Restorative Justice Approach. Every decision made about a juvenile offender must take into consideration these principles. This past year three judges -- Judge Monty Berecz from Valley County, Judge Roger Cockerille from Boise County, and Judge David Epis from Elmore County -- joined others from their communities to be trained in Restorative Practices. Funds for their training and the community members were provided by Idaho's Juvenile Justice Commission.

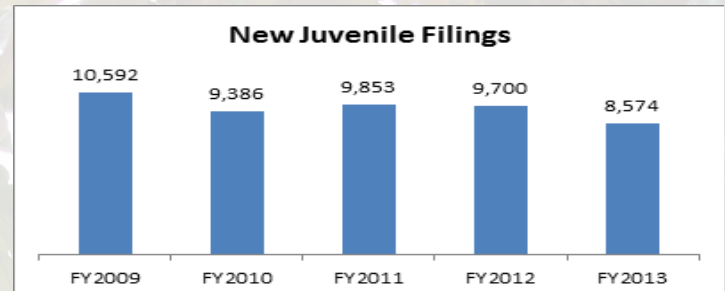
The judges attended the International Institute for Restorative Practices Graduate School, a private training school in Bethlehem, Pennsylvania. Restorative Practices is a social science that studies how to build social capital and achieve social discipline through participatory learning and decision-making. The use of restorative practices helps to: (1) reduce crime, violence and bullying; (2) improve human behavior; (3) strengthen civil society; (4) provide effective leadership; (5) restore relationships; and (6) repair harm.

These three judges, along with Judge Mark Ingram, who has previously been trained in this process, will work with their communities and the Idaho Department of Juvenile Corrections to institute Restorative Practices in their communities and school districts.

Judges Volunteer to Preside Over Juvenile Justice Calendars

Judges who work with juvenile offenders must be able to connect with juvenile offenders and their families, and also become community leaders to help ensure there are the needed resources to address the criminal risks and needs of the juvenile offenders. The Juvenile Correction Act specifically grants juvenile judges authority, with county commissioners, over juvenile probation offices and detention centers. Many judicial districts in Idaho have recruited judges to specifically handle juvenile cases in their larger communities including Judge Mark Ingram in the Fifth District, Judge Bryan Murray in the Sixth District, Judge Ralph Savage in the Seventh District and Judge Stephen Calhoun in the Second District. In Canyon County, which is in the Third District, Judges Frank Kotyk, Dayo Onanubosi and Randy Kline handle juvenile cases. Judge Lynnette McHenry was appointed by the 4th District Magistrate Commission to specifically work at the Ada County Juvenile Court along with the two current judges, Judge William Harrigfeld and Judge David Manweiler. Judge McHenry worked earlier in her career as a Nez Perce County Deputy Prosecutor handling juvenile court thus she is very familiar with juvenile cases.

¹ In previous years, a combined count of new filings and probation violations and other post-judgment motions have been reported. We began reported new filings only in FY2013.



Smaller communities depend upon their local county magistrate judge to handle juvenile cases and meet the leadership role. Trial court administrators and the administrative district judges work with the local magistrate judges to fulfill their leadership role noted in the Juvenile Correction Act on juvenile probation services and detention center budgets and hiring issues. This relationship between local judges, county commissioners and the Idaho Department of Juvenile Corrections results in good collaboration to develop resources to address the criminal risks and needs of juvenile offenders.

Judges Ensure Juvenile Substance Use Disorder (SUD) and Mental Health Needs Are Addressed

A good example of the continuing efforts of the partnership between the Courts, Counties and State to meet juvenile offenders' needs is the recently formed Juvenile Offender Substance Use Disorder System led by the Idaho Department of Juvenile Corrections. Judges supported this effort by giving their comments on the system as it was developing. Currently, judges report little if any need to resort to court orders requiring SUD treatment under Idaho Code Section 20-520(i). In this new system juveniles are being appropriately assessed for SUD treatment and engaging in SUD treatment without judicial intervention. Judges continue to work with the Idaho Department of Health and Welfare to address the mental health and development disability needs of juvenile offenders.

Judges Work to Implement Public Defender Representation of Juveniles

This past year the legislature passed HB 149 which substantially changed the legal representation requirements of juvenile offenders. The new legislation provides juveniles cannot waive their right to be represented by counsel if the juvenile offender meets one of the following criteria: under fourteen, charged with a felony, charged with crimes of a sexual nature, facing commitment to the Idaho Department of Juvenile Corrections, facing a waiver to the adult criminal justice system or a challenge of their competency to proceed.

Additionally, the legislature added provisions regarding a juvenile offender's ability to waive counsel if the charge pending against them is not in the above categories. The new law now requires a waiver of counsel be made in writing, on the record and a finding by the judge that the juvenile was informed of his right to counsel and the dangers and disadvantages of self-representation. The judge must find as well that the waiver is intelligently made after consideration of the totality of the circumstances including, but not limited to: (a) the age, maturity, intelligence, education, competency and comprehension of the juvenile; (b) the presence of the juvenile's parents or guardian; (c) the seriousness of the offense; (d) the collateral consequences of adjudication of the offense; (e) whether the interests of the juvenile and his parents or guardian conflict, and (f) whether the best interest of the juvenile does not require the appointment of counsel. The Juvenile Justice Advisory Team (JJAT), composed of at least one judge from each district who handles juvenile justice cases, worked with Administrative Office of the Courts to develop necessary forms and guidelines for all of Idaho's judges who handle juvenile cases to implement the new law. The JJAT looks forward to working with the Legislature's Public Defense Reform Committee to inform that committee about the issues of public defense representation in juvenile justice cases.

The Court Continues to support Evidence Based Intervention Programs with Millennium Funds

Millennium Funded intervention programs continue to provide options for diverting youthful offenders into programs that will address their behavior without using valuable resources in the formal juvenile justice system while also preventing juvenile records. Underage tobacco and drinking cases are frequently diverted into Millennium Funded programs in counties where such programs exist. This past April, a statewide training was offered to train juvenile practitioners on best practices for processing these cases and to highlight current programs across the state that effectively addresses these cases. Judge Ronald Bogle, from North Carolina, a recognized national expert on underage drinking cases, was the keynote speaker at the training and also presented to the magistrate judges at the Magistrate Judges Conference. The Millennium Funds allocated by the legislature funded youth courts and status offense intervention programs developed in four judicial districts and 13 counties. These Millennium Funded programs served 1,164 youth and their families. In addition, volunteers contributed 3,620 hours to help with these programs.



