

# FELONY SENTENCING COMMITTEE UPDATE



Report to  
Governor C.L. "Butch" Otter  
and the 2nd Regular Session of  
the 61st Idaho Legislature

IDAHO JUDICIARY

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## Felony Sentencing Committee works towards expanding evidence-based and cost-effective options for district judges

In May of 2008, The Felony Sentencing Committee was appointed by The Supreme Court to address the following objectives for Idaho District Courts:

- Consider development of a system for collection from and distribution to district judges of data on the sentences that district judges are imposing and factors relevant to the sentence imposed;
- Collect and analyze data on who is sentenced to prison, how that decision is made, how long individuals are imprisoned, who is paroled, and the implications of all of these;
- Review sentencing policies and practices including sentencing mechanics, appellate review, ranges and information by charge, rates of incarceration, prison population, and sentencing commissions;
- Review relevant research on evidence-based correctional practices, sentencing policies and sentencing alternatives including diversion and community-based programs, considering what works in reducing recidivism and national policy initiatives to reduce recidivism;
- Improve the timeliness and quality of information available to judges at sentencing, including information from the Department of Correction as to availability of programming as well as other sentencing information;
- Develop sentencing curriculum materials and forms, in coordination with the Judicial Education Committee, for new judges and all district court judges annually there-after; and
- From time to time, act as a liaison to the Department of Correction relating to pre-sentence investigations, probation supervision, sentencing alternatives and other sentencing matters of interest to all district judges.

A district judge from each judicial district, a Supreme Court justice, a Court of Appeals judge, Supreme Court legal counsel, felony sentencing alternatives specialist, and the Administrative Director of the Courts began this important work immediately.

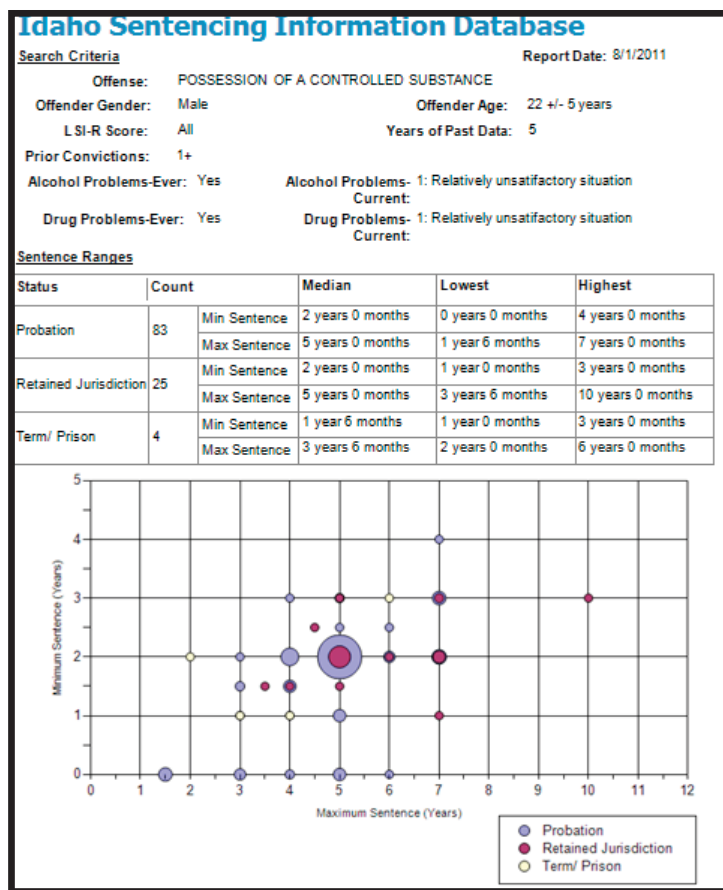
## Pre-Sentence Investigation Report Revised

Strengthening information provided to district judges on offenders prior to sentencing was identified as the greatest need for the Committee to undertake. Working closely with the Idaho Department of Correction (IDOC), the judges focused on enhancing the presentencing investigation report by reducing the narrative, providing more detail from the Level of Service Inventory-Revised (the LSI-R is an evidence based assessment tool that takes into account the offender's characteristics and scores them for correctional programming) identifying the strengths of the offender as well as the major risk concerns of the offender. Additionally, recommendations will be incorporated into the report based on the offender's risks and needs. IDOC reports that the Pre-Sentence Investigation Report-Revised module will be fully implemented statewide in FY2012.

## Idaho Sentencing Information Database Established

The Felony Sentencing Committee recommended and the Supreme Court approved the creation of a web-based information database. The Idaho Sentencing Information Database (ISID) (<http://sentencing.isc.idaho.gov/>) is comprised of aggregate level IDOC data identifying offender characteristics (name and date of birth data elements have been removed).

The website provides information based on selected variables such as: charge, age, gender, prior criminal history, and sentence length. Upon completion of a Pre-Sentence Investigation, the investigator will attach a report of the statewide sentences for an offender with similar characteristics to that of the current offender. Idaho district judges will utilize this report, along with the information presented in the Pre-Sentence Report, to sentence offenders pursuant to Idaho Code 19-2516. An example of a report from the ISID is shown to the right.



### Standardized Conditions of Probation Developed

Work has begun standardizing the conditions of probation for all felony offenders. A set of standard conditions of probation have been identified to increase coordination and communication with IDOC on what is expected of offenders while they are on probation in the community, as well as to achieve a higher level of statewide consistency. After receiving feedback from the Criminal Rules Advisory Committee, district judges, and national experts from the National Center for State Courts, the Committee will approve the conditions for statewide use in FY2012.

### Crucial Judicial Feedback Provided

The Felony Sentencing Committee has provided feedback on policies, protocols, and proposed orders on behalf of district judges throughout the state. The Department of Health and Welfare (IDHW) and IDOC were able to benefit from judicial insight on a variety of matters, including a proposed change to orders for substance use disorder and mental health assessment and treatment under 19-2524 and the newly implemented Trio of Retained Jurisdiction Options through IDOC.

Under 19-2524, a judge may order an offender to obtain a substance use disorder and/or a mental health assessment, in addition to ordering treatment if necessary, IDHW and IDOC have been working to improve the quality and timeliness of the evaluations, and have proposed improvements.

In addition, during FY2011, district judges worked closely with IDOC on new options for offenders on retained jurisdiction (wherein a judge may enter a judgment of conviction and impose sentence but retain their jurisdiction for up to 365 days while the offender completes IDOC programming). Previously, an offender would be sentenced up to 180 days with limited options; now, a judge may recommend one of the three retained jurisdiction options:

1. 90 day substance abuse treatment facility known as the Correctional Alternative Placement Program (CAPP);
2. 180 days of treatment and education for a Traditional Rider; or
3. 270 days in the Therapeutic Community Rider.



## The Commitment of the Idaho Judiciary

As the Third Branch of Government, the Idaho Judiciary is committed to providing access to justice through the timely, fair, and impartial resolution of cases.

*The Idaho Courts stand for:*  
 Integrity  
 Fairness  
 Independence  
 Respect  
 Excellence  
 Innovation

*The Idaho Courts strive to:*

**Provide Timely,  
 Fair Case Resolution**

**Ensure Access to Justice**

**Promote Effective,  
 Innovative Services**

**Increase Public Trust  
 and Confidence in  
 Idaho Courts**

Approved by the  
 Supreme Court  
 October 31, 2011