



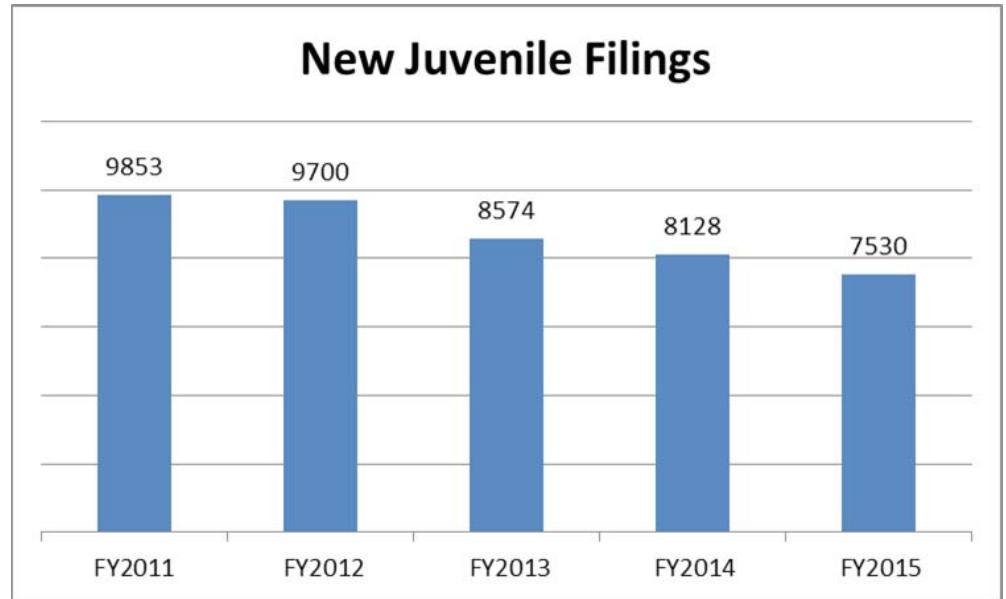
Juvenile Justice in Idaho

Working to Change the Lives of Youthful Offenders

Report to the Governor
C.L. "Butch" Otter
and the
2nd Regular Session of the
63rd Idaho Legislature



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New Juvenile Filings Continue Their Downward Trend

ALIGNING JUVENILE PROBATION SYSTEMS WITH “WHAT WORKS” RESEARCH

In May of 2004, a team from Idaho attended a national summit to identify priorities for juvenile justice system improvement. One of these priorities was to conduct a systematic review of juvenile probation in two Idaho jurisdictions with technical assistance from the RFK National Resource Center for Juvenile Justice. This project was initiated in Jefferson and Twin Falls Counties in August.

The probation review will provide an in-depth look at how well existing probation practices align with current research regarding what works in juvenile corrections to reduce recidivism and maintain public safety. Key components of the review will include an examination of how juvenile justice systems collect and use data to guide decision making, and development of a template for Idaho juvenile justice stakeholders to conduct similar reviews in other counties. A subcommittee of the Idaho Criminal Justice Commission has been established to guide this project and local governance boards have been created to ensure the values and needs of Idaho are incorporated into this process.

JUVENILE RECORDS: BALANCING INTERESTS TO IMPROVE OUTCOMES

Juvenile offenders are treated differently from adults in the justice system due to their developmental stage and lack of consistent capacity for adult decision making. The Juvenile Corrections Act (JCA), found in Idaho Code, Title 20, Chapter 5, establishes principles for a balanced approach to protect communities, hold juvenile offenders accountable and to build competencies to assist juveniles in becoming contributing members in the community.

However, a recent national survey conducted by the Juvenile Law Center¹ gave a negative rating to Idaho's system of retention and dissemination of juvenile records. Having juvenile court records readily available to the public is seen as a potential barrier to the future success of juvenile offenders who have been rehabilitated and are working towards becoming contributing members of their communities. The Juvenile Justice Advisory Team (JJAT), consisting of magistrate judges from each judicial district in Idaho, is working with the Idaho Supreme Court's Rule 32 Committee (committee on access to court records) to review and consider statutory and rule changes to better achieve the legislative intent of the JCA.

REVIEW OF IDAHO JUVENILE RULE 19 AND DECISIONS TO COMMIT JUVENILES

The Office of Performance Evaluation's (OPE) report on the confinement of juvenile offenders² recommended a review of Idaho Juvenile Rule 19, which establishes criteria and processes for commitment of juveniles to the custody of the Idaho Department of Juvenile Corrections. Idaho magistrate judges commit juveniles to the custody of the state infrequently and typically as a last resort for high-risk juvenile offenders who pose a substantial threat to public safety and need competency development in a secure setting. The JJAT has identified potential improvements to Idaho Juvenile Rule 19 to better consider the risk a juvenile offender poses in the community, developed draft revisions to the rule and is now working on refinements based on public comment solicited on the draft.

IDAHO CODE §20-520 AMENDED TO CLARIFY PROBATION SUPERVISION FOLLOWING RELEASE FROM STATE CUSTODY

The OPE report also asked policy makers to consider clarifying how juvenile offenders released from state custody should receive supervised probation. The JJAT proposed that when a court sentences a juvenile to the custody of the Department of Juvenile Corrections, it may provide that the juvenile will be on probation following release from custody of the Department up to three years or until the juvenile's twenty-first birthday, whichever occurs first. The court would hold a hearing within 30 days after the juvenile's release from custody to determine the terms and conditions of the probation. This would allow continuing supervision and rehabilitation of juveniles as they transition back to the community. House Bill 61, which made these proposed changes to Idaho Code §20-520, passed both houses of the legislature unanimously and was signed by the governor as law, effective July 1, 2015.

CONCLUSION

Idaho courts continue to embrace the balanced approach of community protection, accountability and competency development established by the Idaho Legislature's enactment of the Juvenile Corrections Act in 1995 and look forward to ongoing improvement of the juvenile justice system in Idaho.

¹ <http://juvenilerecords.jlc.org/juvenilerecords/documents/publications/scorecard.pdf>

² <https://legislature.idaho.gov/ope/publications/reports/r1401.pdf>

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