

**Juvenile Justice Advisory Team Meeting**  
**May 6, 2014, Riverside Hotel (4:30-8:30)**

**Introductions**

The group decided that holding the meeting after the Magistrate Conference is not feasible. Director Harrigfeld suggested meeting in conjunction with the Interstate Compact Council. Judge Ingram will check with Director Harrigfeld for dates.

Mark Ingram, Magistrate Judge, 5<sup>th</sup> District  
Marcy Chadwell, IDJC  
Steve Calhoun, Magistrate Judge, 2<sup>nd</sup> District  
Bryan Murray, Magistrate Judge, 6<sup>th</sup> District  
Ralph Savage, Magistrate Judge, 7<sup>th</sup> District  
Barry Watson, Magistrate Judge, 1<sup>st</sup> District  
Dayo Onanobosi, Magistrate Judge, 3<sup>rd</sup> District  
Dave Manweiler, Magistrate Judge, 4<sup>th</sup> District  
Allan Miller, IDJC  
Dan Dolan, Magistrate Judge, 5<sup>th</sup> District  
Bill Harrigfeld, Magistrate Judge, 4<sup>th</sup> District  
John Vehlow, Senior Magistrate Judge  
Mick Hodges, Magistrate Judge, 5<sup>th</sup> District  
Nancy Bishop, Deputy Attorney General, IDJC  
Sharon Harrigfeld, Director, IDJC  
Ryan Boyer, Magistrate Judge, 7<sup>th</sup> District  
Patti Tobias, Administrative Director, ISC  
Deena Layne, Reporter, ISC  
Michael Mehall, ISC  
Taunya Jones, ISC

**Report from IDJC- Director Harrigfeld, Marcy Chadwell, Alan Miller, Nancy Bishop**

**Current Status and Trends**

*National Standards for the Prison Rape Elimination Act (PREA)*

The Governor has until May 15, 2014 to determine whether or not the State will be in compliance with the standards. On the adult side, they will not be in compliance.

Canyon County was the first juvenile detention center to come into compliance. St. Anthony was the third juvenile detention center to be audited. St. Anthony was audited in March, 2014. IDJC has their corrective action plan and they are comfortable with where it is going.

*IDJC's population as of May 6, 2014 is 318*

IDJC is in arrears by about \$200,000. Director Harrigfeld explained that the kids are more difficult and they have to wrap more services around them. She explained that

they may have to started “pushing back on some of the kids” upon their release. As a result, the courts may see more petitions for IJR 16 expansions.

### Jeff D lawsuit

Director Harrigfeld reported that the parties are working on a settlement agreement which may result in a change in the assessment tool. She explained that IDJC has used the Child and Adolescent Functional Assessment Scale (CAFAS) for years as a tool in their evaluations. The movement now is toward using the Child and Adolescent Needs and Strengths (CANS) assessment which focuses on the mental health of the kids as opposed to their functioning. Director Harrigfeld believes this is a better tool for kids. There will need to be training in the CANS. Child Protection is also moving towards using the CANS and there may be a possibility for training opportunities for both agencies.

### **OPE Report- (See Highlights handout of the OPE Report)**

Director Harrigfeld explained the reason for the OPE report, i.e., Annie E. Casey Foundation misreported census information. The OPE report validated the correct numbers for Idaho. The report was shared with the Annie E. Casey Foundation. IDJC will work with the Census Bureau in the future to make sure they are receiving accurate information and they will provide an annual report to the Legislature.

The OPE Report made recommendations in the following areas. Director Harrigfeld highlighted IDJC’s work/plans in each of the areas.

### Idaho Juvenile Rule 19

In the event the court wishes to amend the rule, IDJC would like to be involved in the rule making process. Members discussed the commitment criteria. Discussion of the criteria included:

Judge Manweiler suggested that the criteria should not be modified “just tighten up some of the elements.”

Judge Ingram suggested that the criteria should be more of an evaluation of overall risk. He explained that the criteria should be more focused on the risk of the kid in the community or the community's risk. Look to the functioning of the kid in the community, i.e., rural v. populated.

Judge Savage suggested that maybe there needs to be an assessment of the risk.

Judge Calhoun suggested that the criteria include a family component, i.e., kid’s functioning in the family, family structure.

Judge Vehlow expressed that for years, he has worried about the criteria of "exhaustion of community based resources" He explained his concern that this requirement may result in a disproportionate number of kids committed in rural areas due to a lack of resources. He gave the example of Ada and Lewis counties.

Exhaustion of community based resources may look different in Ada county vs. Lewis county.

Judge Murray discussed the use of the MDT process. He explained that his District's screening teams consist of a School District Representative, Juvenile Probation, IDHW- Children's Mental Health, Prosecutor, Public Defender, Child Protection worker and treatment partners. The group looks at ways to serve the kids in the community recognizing that they will eventually come back after a commitment. "Better to keep kids in the community." He explained that the use the CANS in their Rule 19 screenings and he is excited to hear about the movement of IDJC from using CAFAS to the CANS. "It works..." The CANS focus more on trauma.

Judge Onanubosi expressed that commitment should be the last option regardless of whether the parents or the community are tired of dealing with them or when the Probation Office is recommending it.

The members agreed that a smaller working group should convene to review and possibly amend the Rule 19 commitment criteria. Members volunteered and suggestions were made as to who would serve on the working group.

The working group will be: Judge Ingram, Judge Murray, Judge Savage and Judge Manweiler. The group will also include community partners such as H& W, IDJC, Juvenile Probation, Prosecutors and Public Defenders which will be determined at a later date.

#### Reintegration Plan

IDJC will keep the members apprised of work and progress in this area. Juvenile Summit in July, 2014. Judge Ingram will represent the Judiciary at the Summit.

#### Probation During Term of Commitment-Challenges for IDJC

Director Harrigfeld explained that IDJC has done as much as they can until IJR 17c is changed. IDJC currently uses trackers in Districts 3 and 4. They are working on contracts in Districts 1, 2, 5 and 7. See Highlights of Report 14-01 for more detail of this recommendation.

The group agreed that this area needs work. Task was assigned to the same work group looking at I.J.R. 19. JJAT members to provide comments on the issue to Judge Ingram in the next two weeks.

#### Diversion

In the future, Judge Ingram would like to have a larger discussion about what distinguishes Informal Adjustments from Diversions.

### **Millennium Fund Transition to IDJC Administration- Allan Miller**

Allan Miller explained that IDJC is working on a process that is a "hand-off of a baton" to stakeholders. He explained that they may be able to enlist BSU to help in the process. Existing programs do not need to apply for the project.

For those who were interested, Allen provided a video "From the Crossroad to the High Road" and the handout "Idaho Youth Speak- Celebrating Diversity".

### **Blended Sentence Committee/ Juvenile Sex Offender Task Force- Nancy Bishop**

Nancy Bishop updated the group regarding work by the Juvenile Sex Offender Task Force and the Blended Sentence Committee. The Juvenile Sex Offender Task Force has put together a draft to change the Juvenile Sex Offender Registry. Under the proposed changes, the requirement to register would be based upon an assessment of risk conducted by Psychosexual Evaluators certified by the Sex Offender Management Board. The Task Force is meeting again on June 12, 2014.

From the Blended Sentence Committee, Nancy provided the members with a draft of a new section to Idaho Code, §19-2601A. Nancy asked that the members to review the draft and send their comments to Judge Ingram within the next few weeks. She explained that the Committee has already approved the draft but comments from JJAT members are valued. The deadline for IDJC to send their legislative ideas to the Governor's office is in August, 2014 so prompt responses are appreciated.

### **Odyssey Conversion- Michael Mehall**

Michael Mehall, Court Operations Manager for the Judiciary, provided timelines for the Odyssey conversion. The deadline for testing the program is in October 2014. Michael will need standard business practices for juvenile cases. Questions that still need answers include: What will be visible in the portal? How will they need to configure the system for Odyssey? How are case transfers handled under IJR 10? How are things like truancy tracked by the court? How are Diversions and Informal Adjustments handled?

Judge Murray will provide Michael with the form that they use in Bannock County to dismiss charges following Informal Adjustments.

### **Case Flow Management Templates- Taunya Jones**

Taunya Jones explained the process for implementing Case Flow Management Plans. The Statewide plan provides a broad outlook and a centralized location for rules and best practices. The Advancing Justice committee has completed a final draft of the Statewide plan. The plan will go to Administrative conference in July, 2014 for approval.

The next step is to develop districtwide plans dependent on case type. Juvenile Justice will need a separate plan from the Statewide Case Flow Management Plan.

The first part in the process is to develop a statewide Juvenile Justice template. The second part is to bring the districts together to develop the district plans using the statewide template.

Taunya requested a workgroup made up of JJAT members as well as a Prosecutor, Public Defender, and a Juvenile Probation officer to develop the statewide Juvenile Justice template this summer. Volunteers were solicited and **Judges Boyer, Dolan and Ingram** agreed to serve on the workgroup. Judge Onanubosi has a public defender in mind from his district and agreed to forward the name to Taunya after he checks with him. Director Harrigfeld recommended Barry Black, Twin Falls County Prosecutor.

### **Diversion/ Informal Adjustments/ Conditional Dismissals**

The group discussed concerns regarding Informal Adjustments, Diversions, and Conditional Dismissals, i.e. I.C. §§ 20-510 and 20-511. Members agreed that the JJAT should work toward statewide consistency. A smaller workgroup will convene to work on the issues. Volunteers were solicited and **Judges Vehlow, Murray, Savage and Ingram** agreed to serve on the workgroup.

### **Juvenile Drug Courts- Recent Study by Dr. Latessa**

The group was provided with a copy of a report co-authored by Dr. Edward Latessa, Juvenile Drug Courts and Recidivism: Results from a Multisite Outcome and Process. The group briefly discussed the findings of the report regarding juvenile drug courts. Judge Ingram invited the participants to attend a session of the ICADD conference on Wednesday, May 14, 2014, in Boise, Idaho, where Dr. Latessa will present his findings.

### **JCA Fees**

The group briefly discussed fee waivers.

### **2014 Legislative Changes**

Deena Layne presented Senate Bill 1353 which adds a new provision to I.C. § 20-511 that allows dismissal of a juvenile case following an Informal Adjustment and adds a new section, I.C. § 20-520A, that allows a juvenile court to dismiss a case upon successful completion of a juvenile drug court. The group discussed the changes and the need for a statewide process for dismissals. The participants agreed to send their current practices to Judge Ingram and Judge Ingram will forward the information to Michael Mehall with recommendations for a uniform business practice.

### **Discussion of Transfers- Rule 10**

The group discussed issues regarding transfers under I.J.R. 10. Participants suggested that using a standard form for the transfers would be helpful. Michael Mehall pointed out that I.J.R. 10(a) and 10(b) provide form orders.

Participants also discussed problems with receiving the transfer and the file but not being able to locate the juvenile. A suggestion was made that the sending county should inquire into the juvenile's address before transferring the case.

Meeting Adjourned.