

In the Supreme Court of the State of Idaho

IN RE: ACCESS TO JCA CASE FILES

)
)
)
ORDER

The Court, being fully informed, finds that officials of the Idaho Legislature's Office of Performance Evaluation need to examine the records in various cases brought under the Juvenile Correction Act in order to conduct a study of the degree of how the availability of community based programs influences the number of juveniles committed to the Idaho Department of Juvenile Corrections; that some of the files or records within the files in the cases the officials need to examine are classified as exempt from disclosure under Rule 32 of the Idaho Court Administrative Rules, specifically Idaho Juvenile Rule 19 screening and presentence investigation reports to the courts; and that the records to be examined are contained in numerous records from more than one county.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to the authority granted to the Chief Justice under Rule 32(c)(1) of the Idaho Court Administrative Rules, that officials of the Office of Performance Evaluation conducting a study of the degree of how the availability of community based programs influences the number of juveniles committed to the Idaho Department of Juvenile Corrections shall have access to the Idaho Juvenile Rule 19 screening report and Juvenile Court Order of Commitment or in District Court cases, the presentence investigation report and Sentencing Decree set forth in Exhibit 1 attached to this order, which is incorporated by reference herein. Clerks of the various Counties involved are authorized to copy the pertinent Juvenile Decrees of Commitment and Idaho Juvenile Rule 19 reports and Sentencing Degree and presentence investigation report and provide those to the Administrative Director of the Courts, or her designee, who will forward the materials on to the Office of Performance Evaluation.

IT IS FURTHER ORDERED that such access to records that are otherwise exempt from disclosure under ICAR 32 in the court files set forth in Exhibit 1 attached to this order is to be exercised only for the purpose of conducting the study as noted above; that such records shall not be disclosed to any persons other than the officials conducting such study; that the confidentiality of any juveniles or other individuals named in such records shall be maintained and protected and that a the Court will have the opportunity to review a preliminary report by OPE to insure a proper understanding of the court documents review has occurred and for an analysis of confidentiality pursuant to ICAR 32 and this order.

IT IS FURTHER ORDERED that the Office of Performance Evaluation shall inform the Court when the study as noted above is completed, and that the access provided by this order to files in Juvenile Correction Act cases shall terminate as of that date.

IT IS FURTHER ORDERED that the effective date of this order shall be the 18th day of Nov., 2013.

DATED this 18 day of November, 2013.

By Order of the Supreme Court

Roger S. Burdick
Roger S. Burdick,
Chief Justice

ATTEST: Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 11-18-13

STEPHEN W. KENYON Clerk

By: Kimber Grove Deputy