



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



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# Problem-Solving Courts and Sentencing Alternatives

## *Effective Solutions to Reduce Recidivism in the Community*

All three branches of government have demonstrated a commitment to ensuring that evidence-based practices are utilized when sentencing and supervising offenders in the community. Idaho judges understand the critical need to ensure public safety. In the execution of their duties, judges need a full range of sentencing alternatives to address long-term solutions to repeated criminal behavior. From problem-solving courts for high-risk and high-need offenders, to felony offenders with substance abuse and/or mental health issues, and the availability of substance abuse treatment for misdemeanor offenders, Idaho strives to address the complex issues to reduce recidivism.

### **PROBLEM-SOLVING COURTS TODAY**

Since the first two drug courts began in Idaho in 1998, problem-solving courts have expanded to a total of 68 courts dealing with offenders at high risk of recidivism and who have significant behavioral health treatment needs. These offenders are at risk of incarceration in a prison system that is becoming increasingly overcrowded and costly. Problem-solving courts offer an important sentencing option for Idaho courts. There are now:

- 27 Felony Drug Courts
- 11 Adult Mental Health Courts
- 2 Juvenile Mental Health Court
- 6 Misdemeanor / DUI Courts
- 6 DUI Courts
- 6 Juvenile Drug Courts
- 4 Veterans' Treatment Courts
- 3 Child Protection Drug Courts
- 1 Misdemeanor Mental Health Court
- 1 Young Adult Drug Court
- 1 Domestic Violence Drug Court

Partnerships with executive branch agencies including the Department of Health and Welfare Division of Behavioral Health, Office of Highway Safety and Division of Veterans Services have expanded funding options for treatment for persons in problem-solving courts. These effective partnerships have led to positive outcomes:

- Idaho adult felony drug participants had a combined recidivism and program failure rate that was 12% lower than those of felony offenders that were on retained jurisdiction, and 15% lower than probationers.
- For juveniles that participated in a juvenile drug court, the odds of recidivating were 20% lower than for juvenile probationers!
- The establishment of Veterans Court Standards and Guidelines for Effectiveness and Evaluation — the first in the nation — for the four veterans treatment courts.

### **FELONY SENTENCING COMMITTEE**

The Felony Sentencing Committee has provided crucial judicial leadership throughout the implementation of the Justice Reinvestment Act [SB1357]. The Committee has been involved with the review of recommendations from working groups focused on the restructure of discretionary jail, early discharge from supervision, development of a Limited Supervision Unit within the Idaho Department of Correction, and design of a supervision matrix with emphasis on incentives and sanctions for those on supervision.

In addition, the Committee has sought to improve information provided to judges at sentencing. The Committee has given ongoing feedback on the process to obtain critical mental health and substance abuse evaluations at the time of sentencing. The Committee also provided guidance to the Judiciary using outcome data on sentencing practices and recidivism rates while promoting improved community based alternatives to address gaps in delivered services.

## **PRETRIAL JUSTICE: JUSTICE BEGINS AT THE BEGINNING**

Following a Pretrial Justice Policy Forum in Washington, D.C., the Idaho Criminal Justice Commission established a statewide subcommittee on Pretrial Justice in July 2014. The subcommittee is tasked with developing consistent, evidence-based pretrial practices to enhance the Idaho criminal justice system. This charge includes examining current pretrial justice services in Idaho and establishing statewide priorities. The subcommittee is committed to proceed in a deliberate, methodical, and thoughtful manner that reflects the values of Idaho with consideration to all stakeholders. The committee, chaired by Judge James Cawthon, has representation from a broad range of stakeholders including prosecution, defense, the attorney general's office, sheriffs, probation, victim advocates, county commissioners and Idaho Supreme Court staff. The Committee meets quarterly to continue work on the priorities and expand educational opportunities to all facets of the criminal justice system in Idaho on pretrial matters.

## **MISDEMEANOR SENTENCING ADVISORY TEAM: JUDICIAL LEADERSHIP TO ENHANCE SENTENCING ALTERNATIVES**

The Misdemeanor Sentencing Advisory Team (MSAT) consists of magistrate judges from each judicial district who work together to enhance sentencing options for misdemeanor offenders, particularly through increasing the professionalism and capabilities of adult misdemeanor probation services statewide. The MSAT approved Pretrial Justice as a priority to support the construction of a framework for the pretrial process and to provide guidance to jurisdictions on the use of a validated risk assessment.

In addition, the Team coordinates with The Education Department of the Idaho Supreme Court to identify training opportunities to support the needs of magistrate judges. The 2015 Idaho Magistrate Judicial Conference provided an opportunity for the team to survey magistrate judges on three separate topics that included Pretrial Justice, Sentencing, and Misdemeanor Probation in Idaho. The results will assist in strategic planning and direction for MSAT.

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