

Evaluation Report 14-01
February 2014

Confinement of Juvenile Offenders

Office of Performance Evaluations
Idaho Legislature



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From the Director

February 7, 2014



Members
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Idaho Legislature

This report provides policymakers insight into how the juvenile justice system functions in Idaho and identifies possibilities to improve and strengthen the Juvenile Corrections Act. After clarifying for legislators that Idaho's juvenile confinement rate has not grown but has instead decreased, we explain how and why juvenile offenders are committed to state custody and the efforts made to avoid commitment.

In this report, we direct a set of recommendations to the juvenile justice system and ask policymakers to consider the following suggestions:

- Specify circumstances or factors that should be included as criteria for commitment of juvenile offenders to state custody
- Clarify in statute how juvenile offenders released from state custody should receive supervised probation
- Prioritize which types of cases should be eligible for diversion out of the system
- Direct efforts toward prevention and early intervention

Responses from the Governor, the Department of Juvenile Corrections, and the Supreme Court are in the back of the report. We thank the department, the courts, and countless juvenile justice stakeholders across the state for their cooperation and assistance.

Sincerely,

A handwritten signature in blue ink that reads "Rakesh Mohan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rakesh Mohan

Executive Summary

Confinement of Juvenile Offenders



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Title 20, Chapter 5 of Idaho's Juvenile Corrections Act refers to a model called the Balanced Approach. This approach, the foundation of Idaho's juvenile justice system, is characterized by equal attention to offender accountability, competency development, and community protection. The goal of the Juvenile Corrections Act is to apply the Balanced Approach to every decision made about a juvenile.

This goal complements commonly held views that have helped shape the state's juvenile justice system. Among those views is the premise that youth involvement in the system is socially and economically costly. Hence, youth are best served by addressing needs and risk factors before behavior escalates to a level that necessitates involvement in the system. In the event that youth become involved, the focus then becomes how to limit their contact with the system.

Major Findings and Conclusions

This study grew out of concern that Idaho may confine too many juvenile offenders. If true, this not only would have potentially adverse effects on youth and their families, but also would incur costs for the state. At least part of the concern expressed by policymakers was spurred by an Annie E. Casey Foundation report, which concluded that Idaho's trend of youth confinement has grown dramatically while the national trend has decreased dramatically.

Recent national reports on juvenile confinement rates contain incorrect information about Idaho.

We found that the data used to draw such a conclusion about the state's youth confinement rate was erroneous, primarily because in the past Idaho underreported the number of youth in confinement whereas more recently it has not. As a result, the Casey report incorrectly concludes that Idaho's confinement rate grew 80 percent from 1997 to 2010.

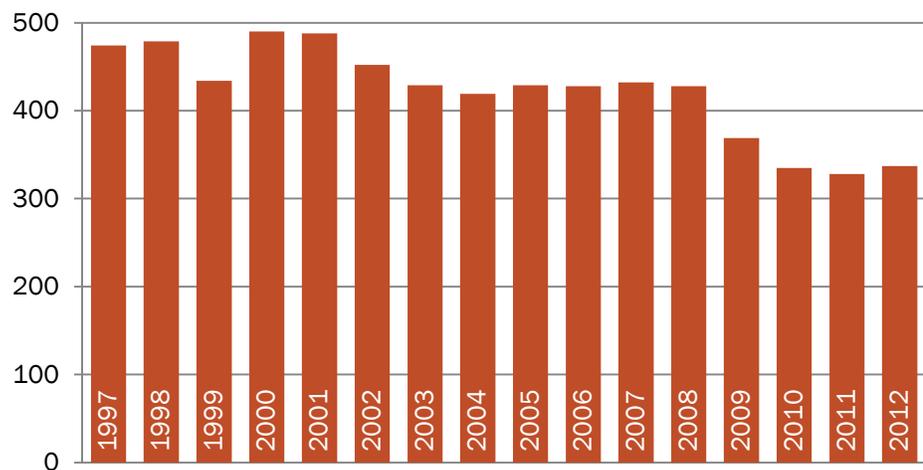
**Needs and risks
are best addressed
in the least
restrictive
environment.**

Confinement rates for youth should reflect the goals of the juvenile justice system and outcomes supported in national literature.

Even though the corrected numbers show a decline instead of an increase, legislative concern about youth in confinement is not misplaced. The concern remains valid not only because the goals of Idaho’s juvenile justice system call for a balanced approach that focuses on appropriate placement and treatment of youth, but also because a large body of peer-reviewed research shows that diversion of youth into community programs produces better outcomes and reduces costs over the long term.

The number of juvenile offenders confined in a long-term, secure setting in Idaho has decreased.

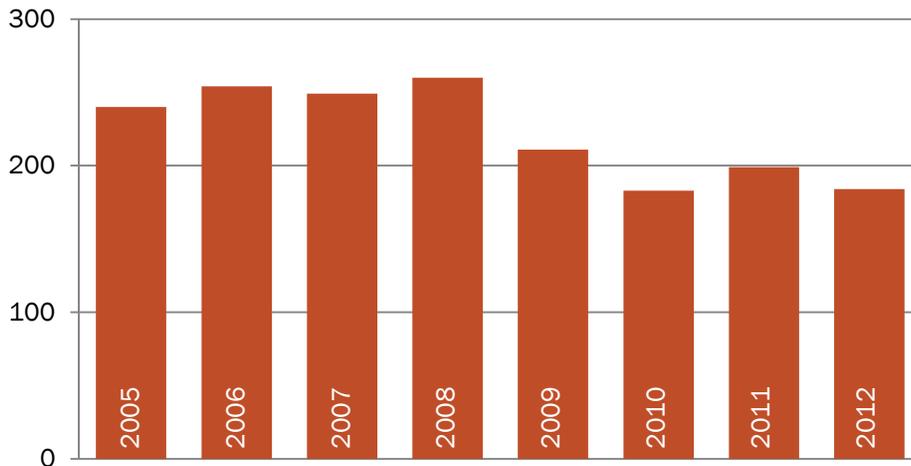
In 1997, the average daily count of juvenile offenders committed to state custody and therefore confined in a long-term, secure setting was 474. In 2012, this figure was 337.



Juvenile offenders are not committed to state custody as a result of a decision made by the Department of Juvenile Corrections. Instead, juvenile offenders must meet certain criteria outlined in Supreme Court Juvenile Rule 19. A lack of appropriate, community-based programming is only one of several factors that a judge considers as part of Rule 19.

The number of juvenile offenders detained locally has decreased.

Historical data on the average daily count of juvenile offenders for each year since 1997 is not available. However, detention data that is available shows that the average daily count of juveniles detained in the state’s county-operated detention centers has decreased from a high of 260 detained offenders in 2008 to 184 offenders in 2012.



Stakeholders have expressed concerns about how juvenile offenders reintegrate into the community after release from state custody.

Stakeholders we interviewed from around the state, including officials from the Department of Juvenile Corrections, pointed to the need to improve how juvenile offenders reintegrate into the community upon their release from state custody. Responding to this concern, the Department of Juvenile Corrections applied for and was awarded a federal grant to develop a re-entry plan for juvenile offenders.

In addition to the need to focus on re-entry planning, stakeholders also shared with us a related issue about the ambiguity and confusion that exists in Idaho Code regarding supervision for juvenile offenders released from state custody. We found that stakeholders interpret differently the terms within which probation is a required component of aftercare—an issue that policymakers could clarify.

The Department of Juvenile Corrections received a federal re-entry planning grant to develop reintegration programming and facilities.

Diverting youth out of the juvenile justice system makes sense and is appropriate under the right set of circumstances.

Counties have different approaches and resources for managing and treating juvenile offenders in the community and for preventing commitment to state custody.

A fundamental goal of Idaho's juvenile justice system is to address youth risks and needs by providing services in the community when appropriate. Juvenile justice professionals widely accept that community-based programs are the best way to ensure the community's safety and avoid or limit the costly impacts of committing a juvenile offender to state custody.

Not surprisingly, we found that communities have varying levels and types of resources available to them. They also vary in their approach of using those resources, so not all youth receive the same treatment for the same offense. But at the same time, every case presents certain aggravating or mitigating factors that warrant individualized treatment.

Idaho Code § 20-511 allows for cases to be referred directly to a community-based diversion program rather than filed as a petition with the court. Statewide, about 11 percent of cases are diverted and 89 percent are petitioned.

We found that counties throughout the state have implemented diversion programs of their own design, and that eligibility for these diversion programs varies. The amount of discretion we saw among counties and the inconsistency with which youth are diverted in Idaho's juvenile justice system raises questions about whether enough of the appropriate diversions take place.

National literature is replete with information about successful prevention and early intervention programs.

At least two nationally recognized resources, the federal Office of Juvenile Justice and Delinquency Prevention and the Washington State Institute for Public Policy maintain inventories of evidence-based, research-based, and promising programs. The Washington State Institute for Public Policy most recently updated its inventory in June 2013. Given the wealth of evidence available, we conclude that Idaho should focus on prevention and early intervention, thereby allowing the juvenile justice system to focus on high-risk offenders who pose a risk to public safety.

Recommendations and Policy Considerations

The issues presented throughout this report are complex and solutions are not easy. Fortunately, juvenile justice stakeholders we interviewed in local communities have a strong sense of what is acceptable to community members, how to set up partnerships, and how to leverage collaboration among those partners. On our site visits around the state, we found that levels of coordination, collaboration, and creativity are generally high and professionals working with juvenile offenders are committed to those youth.

Taking into account our analysis of the Juvenile Corrections Act, data available on the juvenile justice system, and our stakeholder outreach, we have outlined recommendations for the juvenile justice system and considerations for policymakers.

Juvenile Justice System Recommendations

Although the Department of Juvenile Corrections and the courts readily shared data with us, some information is not easily accessible. The types of data not easily accessible include the average daily custody of juvenile offenders in detention, the reasons for commitment to state custody, and detailed information on diversions and informal adjustments.

As a result, we direct recommendations to the juvenile justice system that largely center on data. We understand increased data reporting will require increased data collection and analysis from the entities that make up the juvenile justice system but believe these recommendations will serve the system well and help clarify the types of offenders in the juvenile justice system.

Develop quality control measures for data submission to the Census of Juveniles in Residential Placement

Improve the collection, tracking, and reporting of detention data

Share with policymakers the outcomes of the newly awarded reintegration planning grant

Provide additional information about which commitment criteria juvenile offenders meet

Provide additional information about which types of cases are diverted out of the system

An understanding of who enters the juvenile justice system and where they come from is critical to effectively alleviate risks, address needs, and target resources.

Policymakers can help ensure that the system confines the types of offenders that policymakers intended, thereby furthering the goals of accountability, competency development, and community protection.

Policy Considerations

Although our findings and conclusions were informed by our interviews with stakeholders in eastern, northern, and southwestern Idaho, the views offered by this cross section may not fully represent the views of all stakeholders. The stakeholder opinions we gathered, however, help point to areas of the Juvenile Corrections Act that policymakers can clarify and to ways to improve how youth move through the juvenile justice system.

Specify circumstances or factors that should be included as commitment criteria

Clarify how juvenile offenders released from state custody should receive supervised probation

Prioritize which types of cases should be eligible for diversion

These considerations are specific to the juvenile justice system, but the long-term success of Idaho's juvenile justice policy approach will require a statewide, multisystem response to children. To markedly improve the juvenile confinement rate and decrease the number of youth involved in the juvenile justice system, the effort will require more than focusing on a single agency or a single segment of the overall system. The most effective strategy will need to focus on meeting the needs and addressing the risk and protective factors of at-risk children and their families.

To the degree that systemic prevention and early intervention is a policy priority in Idaho, policymakers can direct efforts toward prevention and early intervention by considering the following options:

Reinvest in prevention and early intervention efforts within Idaho's schools

Clarify the Department of Health and Welfare's role in prevention and early intervention

Support implementation of best practices identified in national literature

Acknowledgements

We appreciate the cooperation and assistance we received from the Department of Juvenile Corrections, the Supreme Court, and the juvenile justice professionals we met with throughout the state.

Maureen Brewer and Tony Grange of the Office of Performance Evaluations conducted this study. Margaret Campbell copy edited and desktop published the report.

Robert Thomas of Robert C. Thomas & Associates and Brad Foltman, former administrator of DFM, conducted the quality control review.

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Introduction

Legislative Interest

In a request submitted to the Joint Legislative Oversight Committee, the requestors expressed concerns about the juvenile confinement rate and questioned whether youth classified as low or moderate risk should be confined to a long-term secure facility given the social and economic costs of this type of placement. The requestors asked that we study programs that could be introduced or expanded to reduce Idaho's juvenile confinement rate. Their study request is in appendix A.

Evaluation Approach

After the Oversight Committee approved the request, we conducted background research to develop and inform our scope. We found that national literature is replete with studies and information on what works best with at-risk, high-need children and juvenile offenders. As a result, model program guides and inventories of best practices already exist. Therefore, we determined that a full explanation of how and why juvenile offenders end up in long-term secure confinement (i.e., committed to state custody) would benefit policymakers more than a summary or repeat of the available literature on community-based programs. Our scope is in appendix B, and the methodology for our study is in appendix C.

Given the approach we have taken in our scope, this report does the following:

- Explains the roles and responsibilities of the Department of Juvenile Corrections, the courts, and the counties

- Addresses the findings and conclusions drawn in the Casey Foundation report

- Clarifies how many juvenile offenders are confined in Idaho and breaks those numbers down between offenders committed to state custody and offenders detained in a county-operated detention center

- Compares select areas of Idaho's juvenile justice system with those in other states

- Discusses the availability of resources in local communities to alleviate risks and meet needs

- Outlines options available to treat juvenile offenders in Idaho besides commitment to state custody in a long-term secure facility

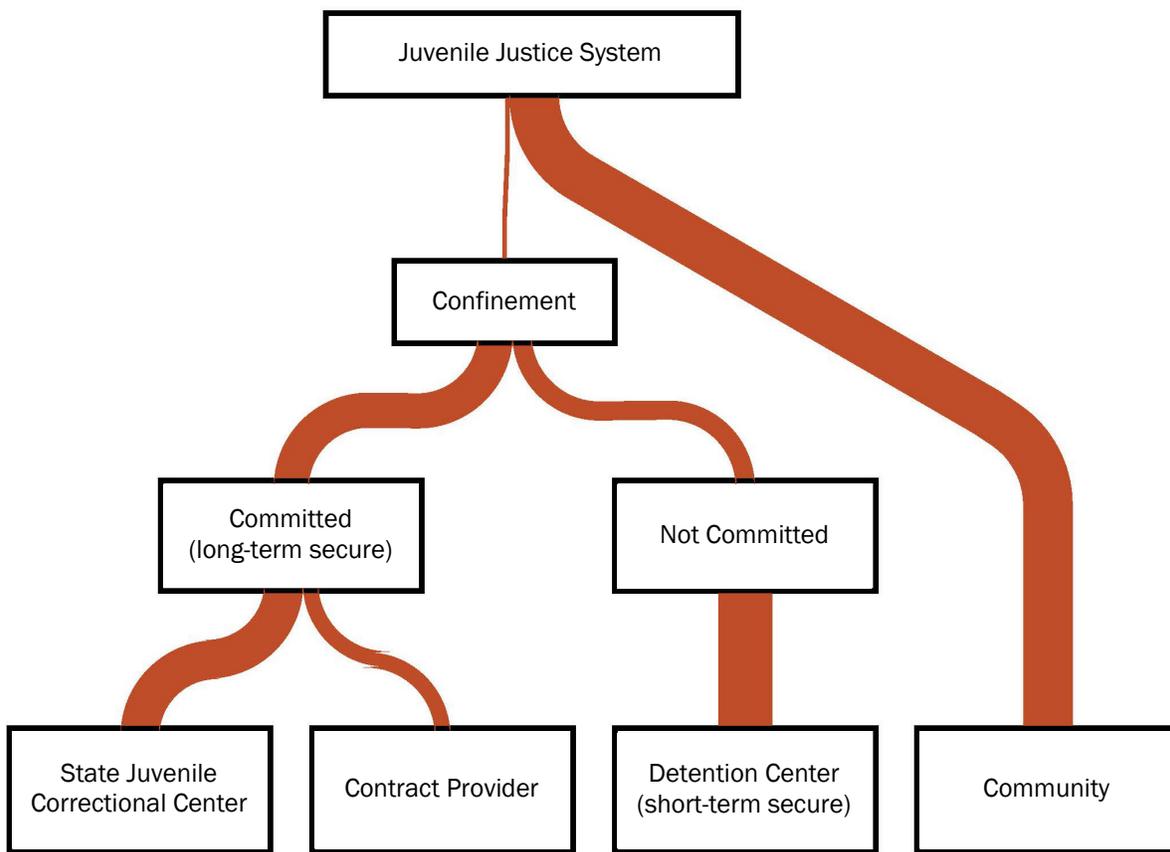
- Provides an overview of the types of resources available on effective community-based programming

- Offers recommendations for the juvenile justice system and considerations for policymakers

Exhibit 1 shows the different locations of offenders in the juvenile justice system. Juvenile offenders can be confined through either commitment to state

custody or local detention, or juvenile offenders can reside in the community, usually under certain probationary terms.

Exhibit 1
Confinement Can Occur Under the Jurisdiction of the Department of Juvenile Corrections or Through the County-Operated Detention Centers



Source: 2012 data from the Department of Juvenile Corrections, the county probation offices, and the detention centers.

Note: The width of the lines are proportional to the percentage of juvenile offenders. For example, most offenders are served in the community and are not confined. Also, the width of the lines below each box represents a combined 100 percent of juveniles in that category.

Key Terms

Adjudication: a judicial decision of whether the charges are true or not true.

Confinement: secure housing for juvenile offenders who have been committed to state custody or detained in a county-operated detention center.

Commitment: the transfer of legal custody to the state for confinement in a long-term secure facility, most often in one of the state's three juvenile correctional centers.

Detention: secure housing for juvenile offenders in a county-operated regional detention center, usually for a short-term secure hold. The amount of time a

juvenile spends in detention varies and largely depends on whether the juvenile has been adjudicated for an offense.

Detention center: one of 12 county-operated detention centers for short-term secure holds. Detention centers are also used for longer-term holds, usually as part of a court sanction.

Juvenile correctional center: one of three long-term secure facilities for juvenile offenders committed to state custody.

Petition: the formal document charging a juvenile with an offense.

Juvenile Justice and the Balanced Approach



Title 20, Chapter 5 of Idaho Code outlines the Juvenile Corrections Act of 1995. The Department of Juvenile Corrections, the judiciary, and the counties work together to implement the act.

The Balanced Approach promotes offender accountability, competency development, and community protection.

In Idaho, as in other states, the juvenile justice system functions differently from the adult correctional system. This separation between the two systems recognizes that the reasoning and judgment skills of youth, their perception of risk, and their ability to control their behavior are not the same as for adults.

Research demonstrates that youth are amenable to interventions crafted to meet their specific risks and needs. The Balanced Approach focuses on the capacity of juvenile offenders to take responsibility for their actions and repair the harm caused to victims and communities—a strategy referred to as restorative justice.

The responsibility of juvenile justice professionals is to provide juvenile offenders with individualized treatment, change their thinking processes, and help them restore any damage to their communities that resulted from their actions. Further, Idaho Code § 20-501 discusses the Legislature’s intention that a juvenile offender’s parents participate in their child’s treatment and § 20-522 outlines the type of jurisdiction the court has over parents whose children are involved in the juvenile justice system. Therefore, juvenile justice professionals also work as closely as possible with the families of juvenile offenders.

The juvenile justice system in Idaho is a network of partnerships.

Stakeholders describe the juvenile justice system as a network of partnerships, and many we interviewed commented positively on the strength of these partnerships. Juvenile justice professionals within Idaho's 44 counties, the courts, and the Department of Juvenile Corrections work together to perform separate but interrelated functions:

Counties: Nearly all juvenile justice cases (usually about 95 percent at any one time) are handled at the county level.¹ The counties are the point of entry for youth into the juvenile justice system and are responsible for detention, probation, and aftercare services.

Courts: Magistrate judges in each county usually impose some combination of probation, behavioral health

treatment, and programming for juvenile offenders. Because Idaho has codified the Balanced Approach, imposed sanctions should promote accountability, competency development, and community protection.

Department of Juvenile Corrections: Responsible for youth committed to state custody by the courts, the state's lead agency functions in a support capacity to other partners in the system. The department employs district liaisons in each judicial district to maintain and enhance the partnership between the state and the counties and to also maintain regular communication with the counties.

The juvenile justice system has many other partners, including professionals working for the Department of Health and Welfare, the schools, and local law enforcement.

1. The other 5 percent consist mostly of commitment cases.

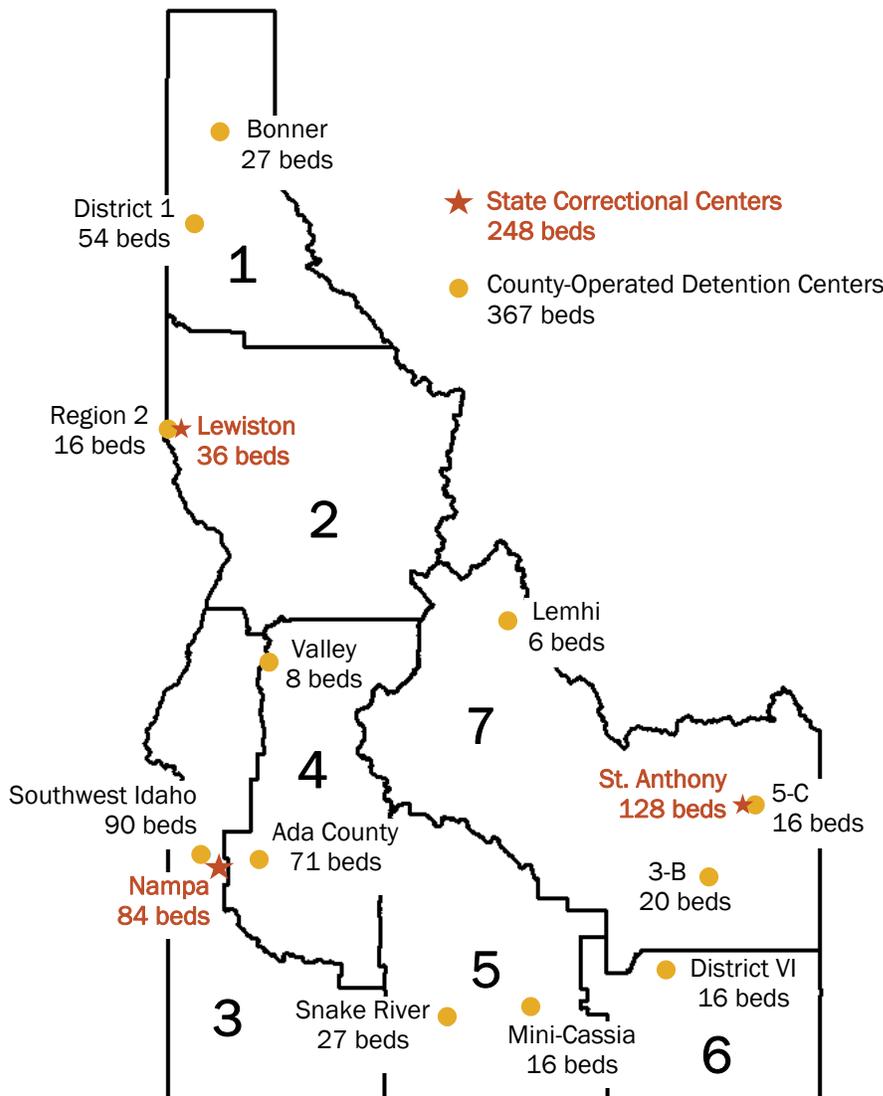
12 county-operated detention centers and 3 state correctional centers serve juvenile offenders.

In Idaho's juvenile justice system, detention centers are intended for short-term secure holds before a juvenile appears in court or after a court proceeding as part of a

sanction. Correctional centers are the state's long-term secure facilities. Exhibit 2 displays the location of each detention and correctional center and its number of beds.

Exhibit 2

Correctional Centers and Detention Centers House Confined Juvenile Offenders



Source: Department of Juvenile Corrections.

The Department of Juvenile Corrections passes funds on to local communities.

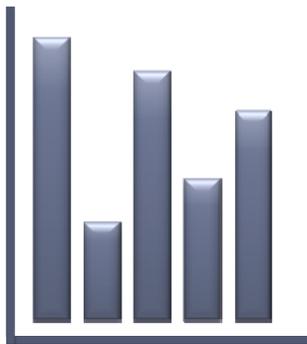
The Legislature appropriated \$48.9 million to the Department of Juvenile Corrections for fiscal year 2014. Of this amount, the department will pass approximately 58 percent to the state's juvenile correctional centers (and any contract providers the department uses) and more than 31 percent to the counties to carry out their juvenile justice duties. The remaining 11 percent of the appropriation goes to the department's administrative personnel and operating costs.

The department distributes monies from the Juvenile Corrections Act and the cigarette

and tobacco tax to the counties on a quarterly basis. Funds distributed to the counties primarily serve lower risk juveniles with the goal of avoiding commitment to state custody.

Through the Juvenile Justice Commission, the department also provides federal grant funds to counties for community-based prevention and intervention programs. Federal grant funds have decreased dramatically over the past decade, from nearly \$3 million in 2002 to approximately \$500,000 in 2013.

Confinement Data



A report published by the Annie E. Casey Foundation in February 2013 concluded that the growth of Idaho's youth confinement rate was the highest in the nation from 1997 to 2010, and that Idaho was one of only six states to experience growth instead of a decline. The report stated that while some states decreased their confinement rates by as much as 66 percent, Idaho's confinement rate increased by 80 percent.

The Casey report defined confinement as juveniles held in a residential facility as part of a sanction or awaiting court action. For Idaho, this means that confined juvenile offenders include those either (1) committed to state custody or (2) detained at one of the county-operated detention centers.

Idaho data in the Annie E. Casey Foundation report is incorrect.

The Casey report cited data from a biennial census called the Census of Juveniles in Residential Placement. According to that dataset, Idaho experienced a confinement growth rate from 1997 to 2010 that was the highest in the nation. However, we learned that the numbers were incorrect because not all facilities participated in the census in 1997 and 1999, which resulted in

Idaho underreported numbers to the census in 1997 and 1999.

underreporting. This error skewed the numbers dramatically, resulting in a reported number of youth in confinement that was much lower than the actual number.

According to the census data, 243 youth were confined (committed to state custody or detained locally) in Idaho on October 29, 1997. Even though all of the data necessary to determine Idaho’s total number of youth confined in 1997 is not available, we know that the total number was much higher than 243 for the following reasons:

- **Committed to state custody:** The Department of Juvenile Corrections’ data demonstrates that 470 juveniles were in state custody on October 29, 1997. In addition, a 1998 Idaho needs assessment, conducted by Chinn Planning, Inc., states that the average daily count of youth committed to state custody in 1997 was 474.
- **Detained locally:** The 470 youth in state custody on October 29, 1997, does not

include the number of youth detained in the detention centers.

According to department officials, Idaho’s largest juvenile correctional center did not report to the census in 1997, which heavily skewed the numbers. We obtained information on the number of Idaho facilities that participated in the census each year to verify that not all of them reported in the first few. Although the total number of facilities that house confined offenders can fluctuate, the information provided in the following table shows that in 1997 and 1999, only 10 reported—a figure less than half of those reporting since 2001.

Census Year	Reporting Facilities (#)
1997	10
1999	10
2001	22
2003	21
2006	23
2007	23
2010	22

Note: The total number of facilities can change each year primarily depending upon the number of contract providers used.

The first Census of Juveniles in Residential Placement was conducted in 1997. In our interview with the US Census Bureau, officials suggested that full participation in the first year is often not achieved, which can make the use of first year data problematic.

The average daily count of youth committed to state custody has decreased since 1997.

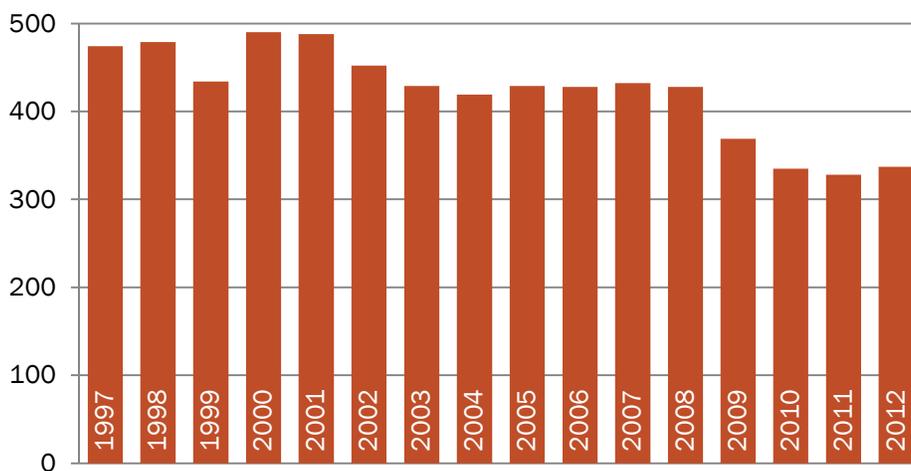
As previously mentioned, the Casey report used the Census of Juveniles in Residential Placement, a census that captures one-day snapshot data to determine the number of youth in confinement. The report converted the one-day snapshot data into a rate.

In our analysis, we used the average daily count of juvenile offenders either committed to state custody or detained at the county level to measure confinement in Idaho and assess whether the total number of youth in confinement is increasing or decreasing. This section discusses the average daily count of youth committed to state custody, and the next section will discuss the average daily count of youth in detention.

Exhibit 3 shows that in 2012 there were, on average, 142 fewer offenders in state custody than in 1997. The exhibit also shows that in 2008, the average daily count of youth committed to state custody was 428. This figure highlights the progress the state’s juvenile justice system has made over the years toward reducing the number of committed youth, especially considering that the 1998 needs assessment recommended Idaho plan for an average daily count of 730 youth committed to state custody in 2008.²

2. As part of the needs assessment, Chinn Planning, Inc. projected the number of youth committed to state custody in 10 years. The projection was based on growth in Idaho’s juvenile population and growth in risk factors that predict involvement in the juvenile justice system.

Exhibit 3
The Average Daily Count of Juvenile Offenders in State Custody Has Decreased



Source: Department of Juvenile Corrections.

The average daily count of youth detained in a detention center has decreased since 2005.

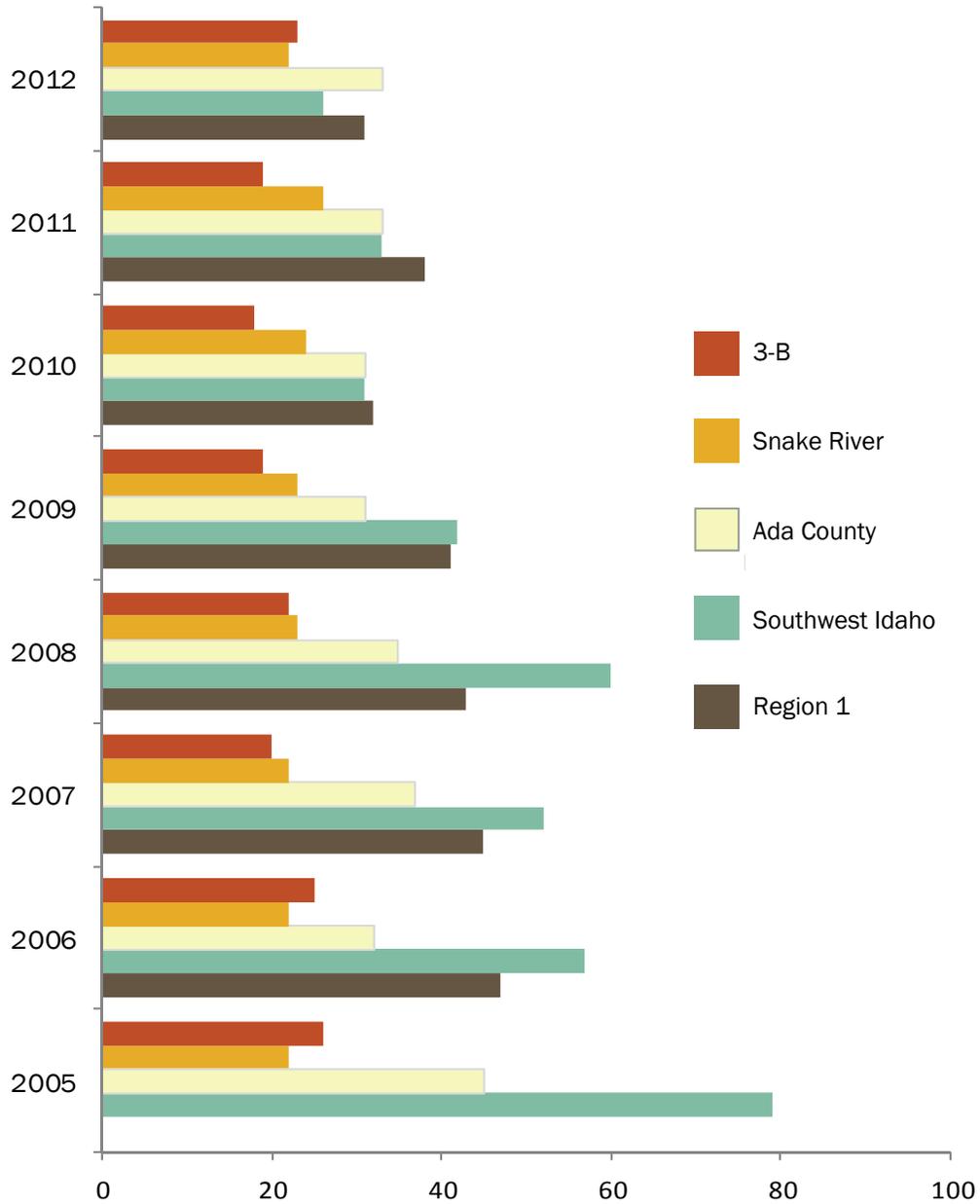
Like the average daily count of juvenile offenders committed to state custody, the data available on the average daily count of juvenile offenders in detention indicates there are fewer youth in detention now than in past years. Exhibit 4 on the next page shows the average daily counts for the five detention centers that have historically averaged more than 15 juveniles detained per day. The largest detention centers have seen decreases over the past several years, resulting in statewide totals of approximately 251 in 2005–2008 and 189 in 2010–2012.

The data available on juvenile offenders in detention at the county level is not as robust or complete as the data the Department of

Juvenile Corrections has on juvenile offenders committed to state custody. Limitations in IT systems make collecting, tracking, and reporting detention and other types of data from the counties more difficult.

For example, five counties in the state do not use the juvenile offender data system managed by the Department of Juvenile Corrections, and not every county fully uploads data to the system. However, the counties turn in some types of information to the Department of Juvenile Corrections through submission of an annual form. Department staff compile the information into statewide and district charts, and that information is shared with the juvenile justice system partners.

Exhibit 4
 The Average Daily Count of the State's Five Largest Detention Centers
 Has Decreased



Source: Data from each detention center as analyzed by the Department of Juvenile Corrections.

Commitment to State Custody



The requestors for this study pointed to concerns about the number of juvenile offenders confined in a long-term, secure setting. To address these concerns, we focused on the number of youth committed to state custody rather than the number of youth in short-term detention at county-operated detention centers.

Juvenile Rule 19 of the Idaho Supreme Court Rules outlines the standards by which the courts can commit juvenile offenders to the Department of Juvenile Corrections.

In 1995 the Idaho Supreme Court adopted the standards upon which courts may commit juvenile offenders to confinement in a long-term, secure facility. Juvenile Rule 19 outlines these standards and is included as appendix D. The following list is a summary of Idaho's commitment criteria:

1. No juvenile under the age of 12 can be committed to state custody unless there are extraordinary circumstances, and no juvenile under the age of 10 can be committed under any circumstances.
2. Before committing a juvenile to state custody, the court must put on record which criteria the juvenile meets. First, the juvenile must be adjudicated for an offense that would constitute a felony or misdemeanor if committed by an adult. Then, if the offense was a felony, two or more of the following circumstances must be present for the offender to be eligible for commitment; alternatively, if the offense was a misdemeanor, three or more of the following circumstances must be present:
 - The offense is violent or sexual or, for felony offenses, involves the manufacture, sale, or delivery of a controlled substance
 - The offense did or reasonably could have resulted in serious bodily injury or death
 - The offense demonstrates the juvenile exhibited such wanton and reckless disregard for the property rights of others that release would be a substantial risk to the community
 - Other than the current charges, the juvenile has been adjudicated or convicted of two or more felonies or three or more misdemeanors within the past 12 months and is presently or has been on probation or committed to the Department of Juvenile Corrections within the past 12 months
 - A community-based program is not available or not appropriate
 - The juvenile failed in a less secure out-of-home placement
 - The juvenile failed to comply with a home detention order

In our interviews, stakeholders shared their opinions about the Rule 19 criteria judges use to make decisions about commitment to state custody. Some stakeholders said the criteria work very well, some stakeholders expressed their desire to see revisions, such as adding a probation violation to the list, and some stakeholders said the criteria lack definitions and judges exercise too much discretion in applying the criteria.

No juvenile can be committed to state custody unless a screening team has evaluated alternatives to commitment.

Rule 19 was amended in 2009 to include a screening team component. The screening team must include representatives from the county juvenile probation office, the Department of Juvenile Corrections, and the Department of Health and Welfare. Additionally, the team may include others the court deems appropriate, such as the prosecuting attorney, the defense attorney, school officials, and other appropriate individuals (e.g., the juvenile's parents).

The purpose of the screen is to evaluate the juvenile's risks and needs and assess what community-based programs or alternatives, if any, can address the identified risks and needs. Rule 19 requires the screening team to use a strengths-based approach that focuses on the strengths of the juvenile and his or her family and evaluates the abilities, barriers, and commitment to participation in identified community-based programs.

Typically, the county probation officer prepares a written report to the court summarizing the findings and

recommendations of the team. If there is no consensus, the report must outline the different opinions about risks, needs, and recommendations.

Ultimately, whether a juvenile offender is committed to state custody is always a discretionary decision made by the judge who must consider the legal boundaries of the case and use a reasoned approach. If a juvenile offender meets Rule 19 criteria, the judge makes a determination about commitment after considering elements such as (1) the facts and circumstances, (2) the recommendation of a multidisciplinary team that screened the case, (3) the arguments made by the prosecutor and public defender, (4) victim impact statements, and (4) the testimony provided by other parties, such as parents or teachers.

If a juvenile offender is committed to state custody, Idaho Code § 20-504A(a) assigns custody, care, and jurisdiction of the juvenile offender to the Department of Juvenile Corrections.

The number of juvenile offenders committed to state custody has trended downward since 2000.

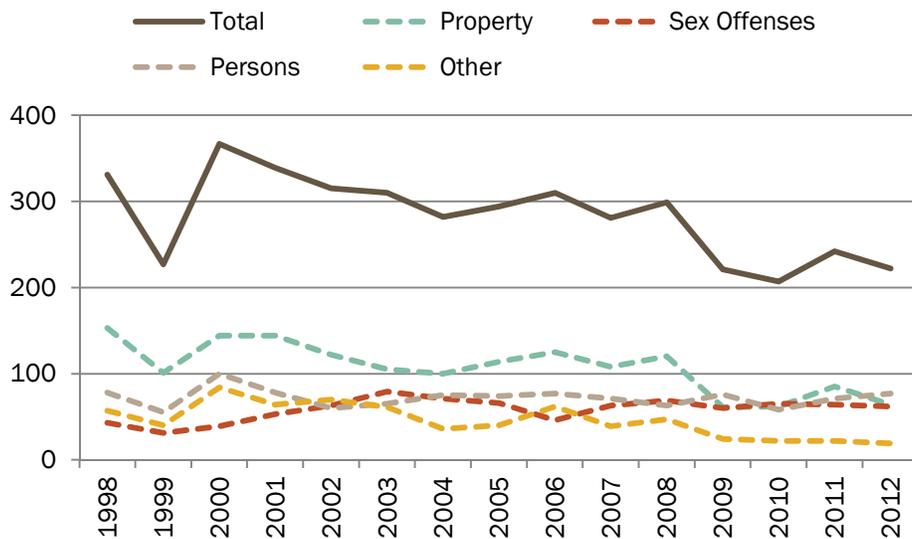
Exhibit 5 shows that the number of offenders committed to state custody has varied over time, but there has been a downward trend from a peak of 367 in 2000 to a low of 207 in 2010.

Exhibit 6 on the next page displays the number of arrests and commitments for

each offense category in 2012. Although 65 percent of arrests were for offenses categorized as other (generally nonviolent offenses), the exhibit shows that most commitments (91 percent) were for property offenses, sexual offenses, and offenses against persons.

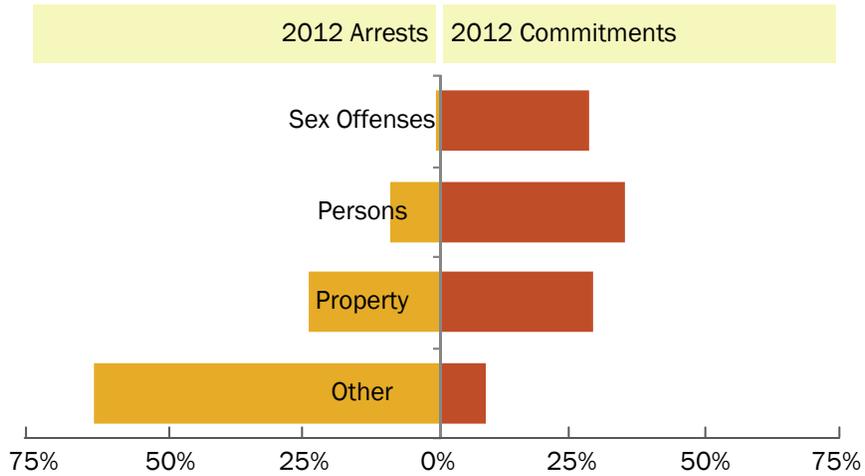
Exhibit 5

The Number of Juvenile Offenders Committed to State Custody Has Decreased Since 2000



Source: Department of Juvenile Corrections.

Exhibit 6
Sex Offenses and Offenses Against Persons Make Up 11% of Arrests and 63% of Commitments



Source: Arrest data is from the Idaho State Police and commitment data is from the Department of Juvenile Corrections.

Note: Other offenses are generally nonviolent offenses such as status offenses, which are those that would not be illegal if committed by an adult (e.g., curfew violations).

Some juvenile offenders are committed for misdemeanor offenses.

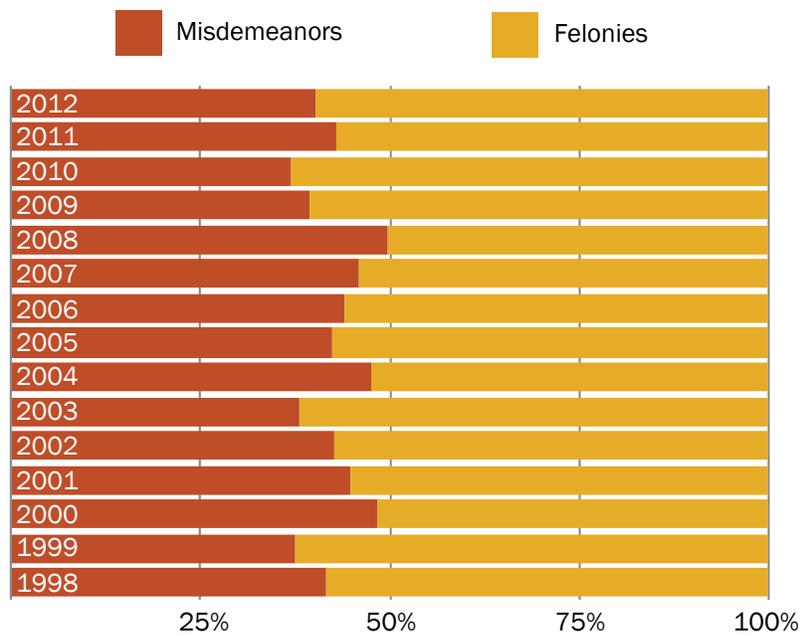
As previously discussed, Juvenile Rule 19 allows for juvenile offenders to be committed for misdemeanor offenses. Exhibit 7 shows that since 1998, the committing offense for 43 percent of offenders, on average, has been a misdemeanor.

Several times in our interviews, stakeholders told us about the importance of considering all of the circumstances surrounding the case. The committing offense (felony or misdemeanor) does not tell the entire story. Although some commitments may appear

unwarranted given the committing offense, other elements of the case may warrant a deeper look.

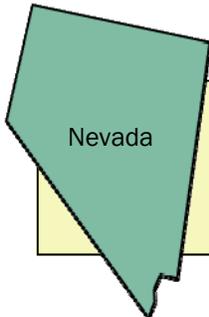
We examined the commitment criteria for select states to see whether they allow commitment for misdemeanors and to see how their commitment criteria aligns with Idaho's. We briefly summarize our findings in exhibit 8. Overall, we found that although commitment criteria vary across the states we researched, those states try to limit commitment as a last resort for repeat, violent offenders who pose a threat to public safety.

Exhibit 7
About 43% of Committing Offenses Are Misdemeanors



Source: Department of Juvenile Corrections.

Exhibit 8
Commitment Criteria in Neighboring States



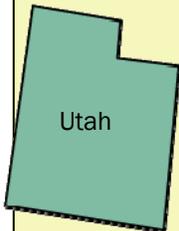
A juvenile offender 12 years old or older may be committed for an act involving the use of a firearm or the use or threatened use of force or violence.

Each committed juvenile offender must be screened for mental health or substance abuse needs.



Based on factors such as amenability to reform and rehabilitation, a court decides whether commitment of a juvenile offender 12 years old or older can provide adequate security.

The court considers relevant facts and circumstances outlined in statute such as the gravity of the loss, damage, or injury; whether the juvenile was aggressive, violent, or the offense was premeditated; the immediate and future protection of the victim; the juvenile's court record; and other factors like the juvenile's educational status and disposition.

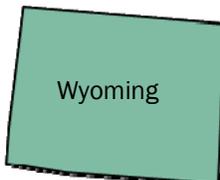


Sentencing guidelines published and developed by the Utah Sentencing Commission consider the severity of the offense, Utah penal statutes, delinquency history and risk, judicial discretion, and the continuum of sanctions. The sentencing guidelines include a criminal history assessment, a disposition assessment, and a list of aggravating or mitigating factors.

Generally juvenile court probation recommends the sentence to the court and provides the recommendation to the judge, prosecutor, and juvenile offender.



Following a juvenile sentencing grid, a determinate sentence is used to categorize the current offense and the number of prior adjudications and to determine the period of confinement or local sanctions.



Progressive sanction guidelines as outlined in Wyoming's Juvenile Justice Act are used for juvenile offenders 12 years old and older. The sanction levels correspond to the type of offense and the sentence for that type of offense if committed by an adult. Statute then outlines the possible sanctions for each level.

Exhibit 8 (continued)
Commitment Criteria in States Named in the Study Request

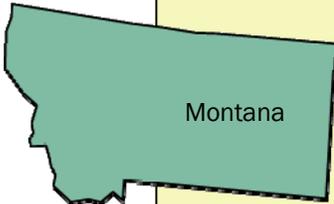


When diversion or an informal adjustment has not been used, the court can commit juvenile offenders for an indeterminate period.



A juvenile offender can be committed after the following criteria are considered: nature and circumstance of the crime, the criminal history, the character and condition of the juvenile, a court finding that commitment is necessary for public protection because the juvenile is likely to commit another crime, the juvenile needs treatment that can only be effectively provided through commitment, and a lesser sentence that depreciates the seriousness of the juvenile's conduct.

Statute outlines other factors that merit additional judicial consideration such as whether the juvenile caused or threatened serious harm or is likely to positively respond to probation.



Before commitment, a youth placement committee convenes to recommend alternatives.

A juvenile offender cannot be committed for a misdemeanor unless the juvenile has committed four or more misdemeanors in the past 12 months, has been evaluated by a mental health professional who recommends commitment, and has been found by a youth court to be a danger to the public if not committed.

A juvenile suffering from a mental disorder cannot be committed.



A juvenile offender must be 14 years old or older and cannot be committed unless all levels of probation supervision and options for community-based services have been exhausted and placement is a matter of immediate and urgent necessity for the protection of the juvenile or the community.



A juvenile offender who is serious, violent, or chronic and refuses to obey a court's orders can be committed until his or her 17th birthday. No minors under the age of 11 should be committed unless there is no other suitable facility.

18 months is the average length of custody for juvenile offenders committed to state custody.

Length of custody is primarily driven by the service implementation plan and how well the offender progresses toward his or her treatment goals and objectives.

Juvenile offenders committed to the Department of Juvenile Corrections receive an indeterminate sentence and remain in state custody until they have finished treatment. Before placement in a state correctional center or contract facility, juveniles enter a period of observation and assessment for approximately 30 days. The purpose of observation and assessment is to develop a service plan that defines the juvenile's risks and needs, outlines the juvenile's strengths and goals, and makes recommendations for family and reintegration services.

A service implementation plan expands upon the service plan by describing the interventions and objectives to address the service plan goals, including how those goals achieve accountability, competency development, and community protection.

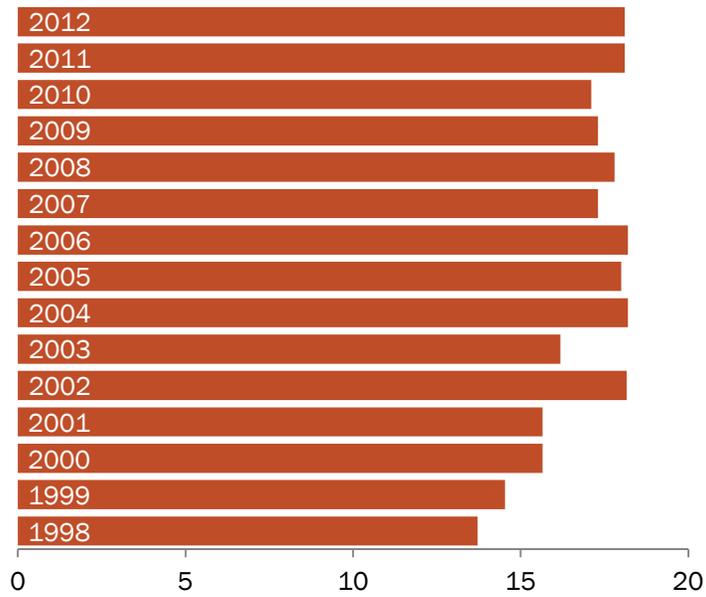
Adjustments to the service implementation plan are made as the juvenile offender achieves his or her goals, as new needs are identified, and as plans for reintegration are finalized. Monthly meetings are held to review the progress made on the treatment goals and objectives outlined in the service implementation plan.

As objectives are met and goals are achieved, the juvenile takes steps toward reintegration. Department officials told us that although one offender may successfully complete the most intense level of programming available in eight or nine months, another offender may take a year or longer to successfully complete a less intense level.

Exhibit 9 on the next page shows that the average length of custody is longer in recent years than it was in 1998. Department officials told us they believe the longer length of custody indicates the type of offender in state custody. Increasingly, juvenile offenders committed to state custody have heavier needs than those committed in prior years. We discuss these needs (and associated risks) in the next section of the report.

Exhibit 9

Since 2004, the Average Length of Custody for Juvenile Offenders in State Custody Has Been 18 Months



Source: Department of Juvenile Corrections.

Stakeholders said reintegration of juvenile offenders is an area of the juvenile justice system that should be improved.

Idaho Code § 20-501 specifies that the Legislature intended aftercare to be a part of the juvenile justice system. Because juvenile offenders committed to state custody not only are high-risk youth, but also have high needs, reintegration planning is essential. After the Department of Juvenile Corrections addresses an offender's risk, that juvenile may very well have ongoing needs to address in the community after his or her release from state custody. Therefore, each juvenile offender committed to state custody has a reintegration plan that outlines the supports and services needed in the community for the juvenile to succeed after release.

Juvenile offenders may be released to their home, a residential or nonresidential community-based program, an approved independent living situation, or another appropriate residence. The Department of Juvenile Corrections' Re-entry Program provides funds to local communities to help fill any gaps in services for juvenile offenders who reintegrate into the community from state custody. The department has distributed \$295,523 to counties to serve 249 offenders since fiscal year 2009.

Despite this program and the funds it provides, stakeholders we interviewed, including officials from the Department of Juvenile Corrections, said reintegration planning can be fraught with difficulties, such as locating a provider that offers the needed services or finding a healthy living arrangement. Very often, juveniles return to the same environment where they originally got into trouble.

The department generally concurs with opinions that local stakeholders shared with us about reintegration and recently applied for and received a \$26,000 federal grant. The purpose of the grant is to create a juvenile re-entry plan that will outline how the state will develop reintegration programming and facilities. The grant goals are three-fold: develop an inventory of evidence-based research and other states' successes, identify and connect existing resources, and create a strategic plan to maximize the success of juveniles released from state custody. The grant runs through September 2014, and the Office of Juvenile Justice and Delinquency Prevention, an arm of the US Department of Justice, will provide technical assistance.

Statute is unclear about how probation fits into aftercare.

Probation officers are responsible for supervising juvenile offenders' activities and helping juveniles and their families access services. Probation officers enforce a juvenile offender's court-ordered conditions. The juvenile justice system's overall goal is for a county probation officer to monitor a juvenile's case throughout its entirety so that when a juvenile is released from state custody, resources have already been identified that will serve and support the juvenile and his or her family.

Although probation upon release is common practice, some stakeholders we interviewed mentioned ambiguities in statute or differences in how statute is interpreted and a lack of sufficient post-release probation options. Sections of Idaho Code that pertain to sentencing and release from state custody are unclear about the terms within which probation is a release requirement. Idaho Code § 20-520 states that probation cannot exceed three years (except for sex offenders) and § 20-533 states that juveniles released from state custody will have to meet certain probationary terms.

Additionally, rules of the Supreme Court that apply to probation have also caused some confusion among stakeholders:

- Juvenile Rules 10a and 10b outline the terms within which probation can be transferred to another county. Some stakeholders expressed issues with how well these two rules are working.
- Juvenile Rule 17 states that if probation is part of the juvenile offender's sentence, the judge must order probation at the time the juvenile is committed to state custody.

Stakeholders we spoke with interpret statute and rule differently, demonstrating the lack of clarity about whether statute and rule mean the probationary period should run concurrently to the juvenile offender's period of commitment or whether the probationary period should start after his or her release. Because statute does not specify when the probationary period starts, stakeholders do not agree about whether probation is a release requirement.

Risks and Needs



This section discusses how juvenile offenders' risks and needs are addressed. Earlier in the report, we mentioned that approximately 95 percent of juvenile offenders are managed in the community under some degree of supervised probation by county juvenile probation officers. Those juvenile offenders who meet Rule 19 criteria and cannot be safely supervised in the community may be committed to state custody.

All counties do not have the same level and type of resources to alleviate risks, address needs, and keep juvenile offenders in the community.

The resources that counties have to manage juvenile offenders in the community and prevent commitment to state custody vary across the state. A few counties, such as Ada, Bonner, and Canyon, have large, highly developed juvenile probation systems that employ 20 or more juvenile probation officers. On the other hand, two counties contract with another county to provide juvenile probation services, and 30 counties employ 5 or fewer juvenile probation officers.

Probation Officers (#)	Counties (#)
0-1	7
2-5	25
6-20	9
20+	3

Through our interviews, site visits, and an information request about the types of programming offered under the umbrella of juvenile probation services in each county, we confirmed that some communities have more resources than others to alleviate risks and address needs. Resources refer primarily to community-based programming, and more resources can mean either a broader array of program offerings or greater access to the resources (i.e., a slot available at the time the resource is needed). Appendix E outlines the programs and services available for juvenile offenders in each of Idaho’s 44 counties.

Stakeholders across the state shared with us several important concepts about risk. These

concepts complicate the ability of communities to match an offender with the appropriate level of services:

1. As much as possible, high-risk youth should not comingle with low-risk youth.
2. Low-risk youth need to meet the court’s conditions and get out of the system without an unnecessarily long probation period.
3. Regardless of the risk of re-offense, finding an appropriate placement in the community can be challenging for reasons such as a victim living in the same home as the offender.
4. Because of the egregious nature of the offense or another aggravating factor, sometimes communities are unwilling to work with a juvenile offender in a community setting—even if a risk assessment says the juvenile poses minimal risk.

To support efforts to keep juvenile offenders in the community, the Department of Juvenile Corrections provides funds through the Community Incentive Program for juvenile offenders at risk of commitment to state custody and for whom necessary resources are not available. Since fiscal year 2008, the department has distributed \$580,167 to counties to serve 371 juvenile offenders. As discussed previously, a screening team evaluates the case for its commitment merit if a community cannot alleviate risks and address needs in the community.

Of the 30 cases we reviewed, 24 cited that a community-based program is not available or not appropriate.

We cannot quantify for the entire system how often judges cite a lack of appropriate community-based programming as a criterion for commitment. Although Rule 19 requires the courts to put on record which of the criteria the juvenile offender meets, the juvenile justice system does not currently compile or track that information to identify trends. Sometimes the Rule 19 screen report or the commitment order provides this information, but not consistently.

The juvenile justice system does not collect and analyze trends to describe which criteria the courts cite to commit juvenile offenders.

19 criteria were met and, of those, 24 recorded that a “community-based program

To better understand the entirety of some of the 100 cases we initially analyzed, we reviewed the Rule 19 screen reports and commitment orders for a random sample of 30 offenders. Of the 30 cases we reviewed, 27 had documented which Rule

is not available or not appropriate” as a criterion for commitment. What this criterion does not distinguish between, however, is whether a community-based program was not available or whether a community-based program was available but not appropriate.

We found that for those 24 cases that cited the community-based criterion, the issue was whether community-based programming was still appropriate, and not necessarily whether it was available. The case files showed that the screening team and judge determined community-based options were no longer appropriate because all of these juveniles had been provided programming and treatment opportunities in the community and had not succeeded.

We found the issue was whether community-based programming was still appropriate, not whether it was available.

The Department of Juvenile Corrections uses an assessment tool to place offenders committed to state custody into the appropriate level of services.

Regardless of why juvenile offenders are committed, the department must decide where to place them once they are in state custody. To do so, the department developed a tool, called the Initial Custody Level Assessment (ICLA), to assess each juvenile's risks, needs, and factors that may affect their response to treatment. The assessment measures static risk factors, such as the severity of the committing offense, and projected risk factors, such as behavioral problems.

The ICLA is a post-commitment assessment and has no bearing on whether a juvenile offender should be committed.

The Department of Juvenile Corrections uses the ICLA during its observation and assessment process to make placement decisions after the court has committed the juvenile to state custody. In other words, the court has already decided that the juvenile met the Rule 19 criteria and deemed commitment necessary to ensure accountability, competency development, and community protection. Therefore, results of the ICLA are not used to evaluate the merit of a decision made to commit a juvenile offender. Instead, judges consider the entirety of the juvenile's case—a process that takes place in court.

The levels of care and custody are designed to provide services at the lowest appropriate level of care possible.

The output of the ICLA is a total score, ranked from 5 to 1, that suggests a level of custody and care. After the score is determined, each juvenile's treatment team makes a recommendation for assignment to a particular housing unit or program, and the department's clinical supervisors make the final approval.

Level 5 is maximum risk, and placement is at a county jail. Only limited services are available for level 5 placements, and no community activities are allowed. The primary purpose of a level 5 facility is to teach and reinforce safe behavior controls.

Level 4 is high risk, and placement is generally in one of the three state correctional centers—a locked, therapeutic setting. These juveniles receive educational, vocational, and treatment services to address their risks and needs and may also qualify for supervised community activities and home visits.

Level 3 is moderate risk, and placement generally occurs with a contract provider. Level 3 facilities are located in the community and may be unlocked but are still secured by staff. Juveniles in a level 3 placement receive educational, vocational, and treatment services, and reintegration is a top priority. Additionally, these juveniles may qualify for supervised services and activities in the community and home visits.

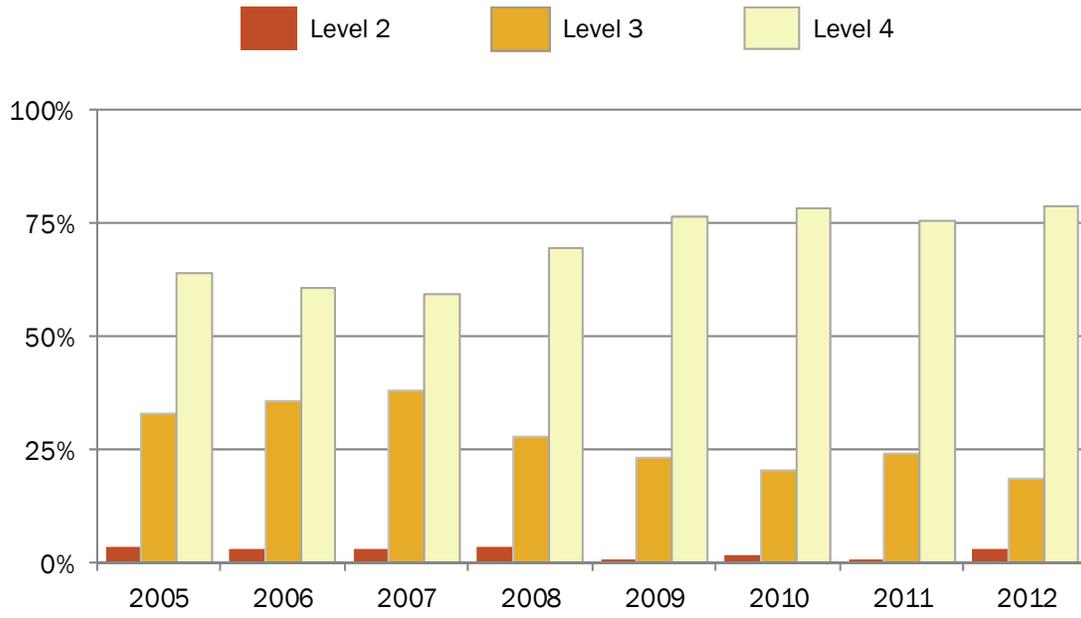
Level 2 is low risk, and placement is in a community or independent living facility. The main focus of a level 2 placement is to facilitate and monitor reintegration activities. At this point, the remaining risks and needs are addressed to finalize reintegration into the community. These juveniles are supposed to have opportunities to practice new and improved skills in a community setting although they may still reside in a contract facility.

Level 1 is minimum risk, and these juveniles reside with a family member or guardian. Services provided are nonresidential and target a specific area of need.

Exhibit 10 shows that most offenders (about 77 percent since 2009) received a level 4 (or high risk) score. The percentage of level 3 (or moderate risk) scores has been about 21 percent since 2009.

From 2007 to 2009, the percentage of level 4 scores increased by about 15 percentage points, and the percentage of level 3 scores decreased by about 15 percentage points. Since 2005, the percentage of level 2 scores has been about 2 percent.

Exhibit 10
Most Committed Juvenile Offenders Received a 4 on Their Initial Custody Level Assessment



Source: Department of Juvenile Corrections.

Note: The percentages of levels 1 and 5 were too low to show up on the graph.

Juvenile offenders typically have high needs, such as mental health or substance use issues.

As part of the data request we made to the Department of Juvenile Corrections, we asked about the child welfare history of offenders committed to state custody. Although each juvenile’s case file (and social history) captures this type of information, the Department of Juvenile Corrections does not have ready access to child welfare data. The Department of Health and Welfare stores child welfare data, but Health and Welfare’s and Juvenile Corrections’ data systems do not have the capability to automate data sharing.

Instead, Health and Welfare staff put together the information presented below in

exhibit 11 at the request of Juvenile Corrections’ staff. The exhibit illustrates that most frequently, juveniles committed to state custody from January to May 2012 showed up in Health and Welfare’s child protection and children’s mental health systems.

Further, exhibit 12 documents the percentage of juvenile offenders committed to state custody who had a mental health issue, a serious emotional disturbance, a substance use problem, a co-occurring disorder, or an individualized education program (IEP). The exhibit shows the high percentage of offenders with substance use and mental health issues.

Exhibit 11

Many Committed Juvenile Offenders Have Also Received Child Protection and Mental Health Services

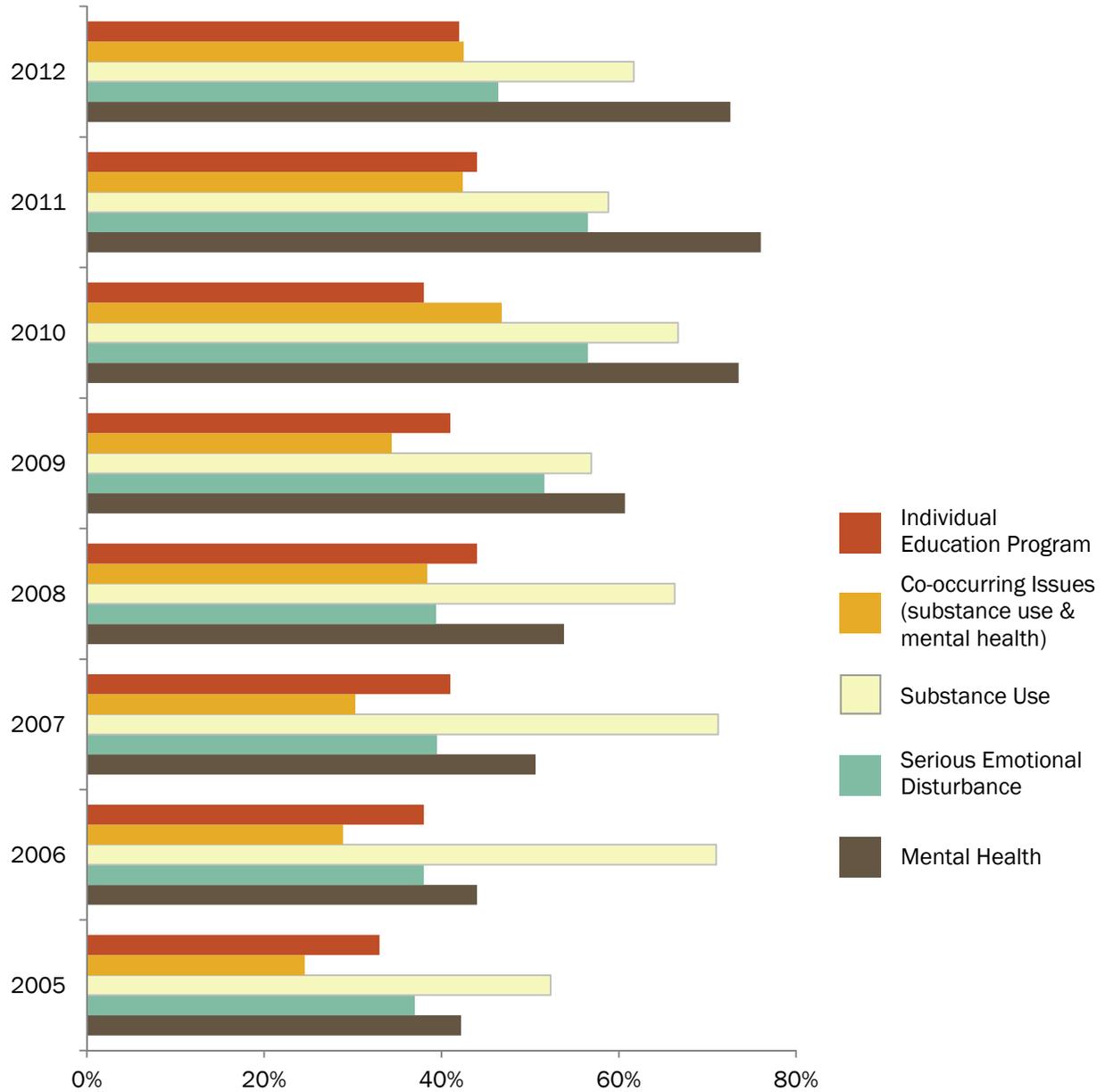


Source: Data from the Department of Health and Welfare and the Idaho Supreme Court as reported to the Department of Juvenile Corrections.

Note: Idaho has nine juvenile problem-solving courts: eight drug courts and one mental health court. Juvenile offenders who participate in problem-solving courts have a behavioral health diagnosis.

Exhibit 12

A Majority of Committed Juvenile Offenders Have Mental Health or Substance Use Issues



Source: Department of Juvenile Corrections.

Note: Data for substance use, serious emotional disturbance, and mental health issues were taken from the Initial Custody Level Assessment. Data for the individual education program comes from school records.

Diversion



Diversion is an attempt to hold juveniles accountable but redirect them out of the system by not pressing formal charges. The juvenile and his or her parents enter into a contract with the county probation department to use community resources, community service, voluntary restitution, or any other available service or program as an alternative to filing a petition with the court.

About 11% of cases are diverted out of court in lieu of filing a petition.

When a juvenile is referred to the prosecutor’s office, Idaho Code § 20-511 grants the prosecuting attorney discretion to divert him or her to informal county

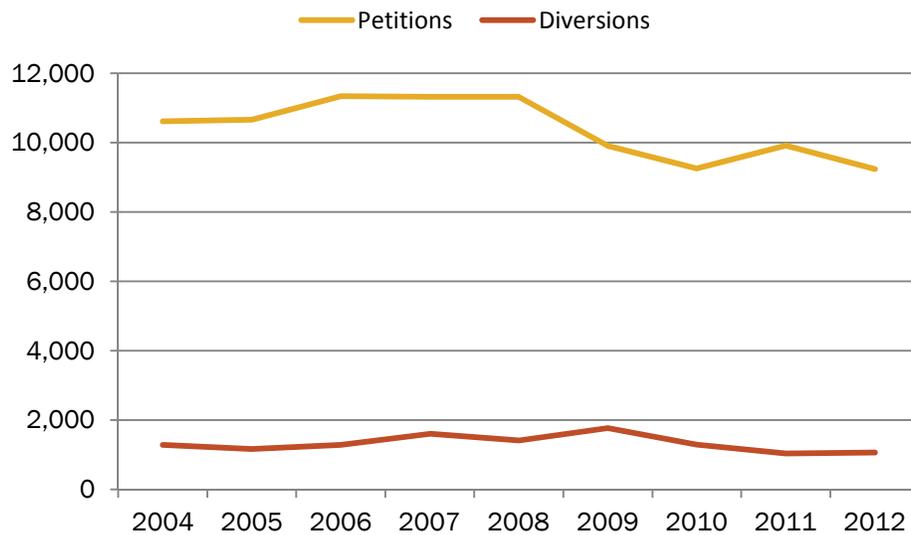
Statute grants the prosecutor authority to divert a case or file a petition.

probation or a community-based program or service in lieu of filing a petition. If the prosecutor does not divert the case, a petition is filed with the

court. A petition is the formal accusation charging the juvenile with an offense and is the point at which the court becomes involved.

Exhibit 13 shows how few cases are diverted compared with how many petitions are filed. Of the total number of cases (diversions plus petitions), 11 percent of cases, on average, have been diverted since 2004.

Exhibit 13
Many More Cases Are Petitioned Than Diverted



Source: Petition data is from the Idaho Supreme Court. Counties provided diversion data to the Department of Juvenile Corrections.

The types of cases diverted are inconsistent across the state.

In Idaho, the types of cases that are diverted out of court are inconsistent across the state, and who decides which cases are diverted varies. Some counties have specified the types of cases eligible for diversion, and others have not. In some counties, the prosecutor alone makes the decision to divert a case, and in other counties, a team makes a joint decision. Each county we spoke with had a system of diversion that differed from any other county we interviewed.

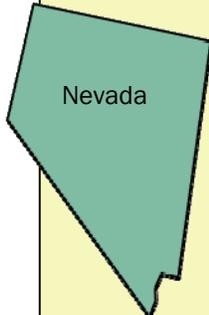
Idaho does not have a common set of diversion guidelines that counties follow.

Unlike Idaho, most states we examined have a set of diversion guidelines. In our sample of states, the person or persons who

have the authority to divert a case vary. Exhibit 14 outlines some of the guidelines other states follow and who can authorize or recommend diversion.

Adopting statewide diversion guidelines could help ensure that counties divert the types of juveniles policymakers want diverted from the system. Additionally, statewide guidelines could be one way to ensure that juvenile offenders who commit the same type of offense are treated in the same manner. However, one of the hallmarks of Idaho's juvenile justice system is treating every case in a highly individualized manner. Although two cases seemingly share the same set of facts, other aggravating or mitigating factors may be present that warrant different outcomes.

Exhibit 14
Diversion in Neighboring States



Nevada

A juvenile probation officer makes the recommendation about whether to file a petition, but the county prosecutor makes the final determination.

The district attorney must give written approval to divert if the offense is a felony or gross misdemeanor.

Nonviolent, first-time offenders are eligible to complete an alternative program.

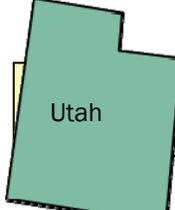
The court cannot adjudicate first-time offenders to be in need of supervision unless it finds reasonable efforts were made in the community to correct the behavior in question.



Oregon

A county juvenile probation department can refer a juvenile to an authorized diversion program if the juvenile is eligible. The probation department must consult with the victim under certain circumstances to determine eligibility.

Unless authorized by a district attorney, juveniles that commit a felony sex offense or an offense involving a firearm or destructive device and juveniles referred for a second or subsequent time are not eligible for diversion.



Utah

Diversion programs are appropriate for juveniles who have admitted the offense and have a minor delinquent history or no history and have not been adjudicated.



Washington

Misdemeanors and gross misdemeanors or violations are eligible for diversion if the alleged offense is the first offense.

The prosecutor files a petition if an alleged offender committed a certain type of felony; is accused of a felony and has a history of any felony, two gross misdemeanors, or at least two misdemeanors; has previously been committed to state custody; has been referred for prosecution; has three or more diversion agreements in his or her history; was armed with a firearm when the offense was committed.



Wyoming

The district attorney decides whether judicial action should be taken.

Exhibit 14 (continued)
Diversion in States Named in the Study Request



An intake officer, the judge, or others can make an informal adjustment.

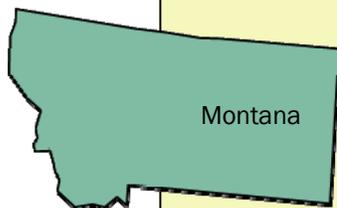
The intake officer conducts a preliminary investigation to determine whether an informal adjustment is suitable.

Informal adjustment efforts cannot continue for longer than three months without judicial review.



After a preliminary investigation, an informal adjustment is a voluntary arrangement between a juvenile community corrections officer and the juvenile. The informal adjustment must provide “sufficient basis” for the officer to not request that the prosecutor file a petition.

Juveniles who admit to misdemeanors or low-level felonies are eligible for a deferred disposition.



A juvenile probation officer can decide that no further action is required and refer the juvenile to services.

A consent adjustment for a felony requires approval by the youth court judge.

A consent adjustment without a petition cannot be used for the second or subsequent offense if (1) the juvenile has admitted or has been adjudicated for a prior felony offense or (2) the offense is a felony or misdemeanor committed within the past three years, unless the probation officer gets written approval from the county attorney and youth court judge.



The county attorney determines eligibility based on guidelines that include the juvenile’s age; the nature of the offense and role in the offense; the number and nature of previous offenses; the level of risk posed to the community; and the recommendations of the referring agency, victim, or advocates for the juvenile.



The court, police, or probation office can divert juveniles.

Juveniles who commit minor offenses, have no prior record, and are younger may be directly referred to a diversion program at the arraignment or before a petition is filed.

The petitioner must identify why diversion was not an appropriate option.

An informal adjustment of a case means that sanctions can occur without a formal court process.

On the next page, exhibit 15 shows the number of charges adjudicated from 2006 to 2012 and the result of the adjudication.³ If a petition is filed and the juvenile admits the charges, the case may proceed to a sentencing hearing or an informal adjustment, although some courts do informal adjustments as part of the sentencing process. An informal adjustment provides the court discretion to resolve or dismiss a case at any point during the court proceedings.

Statute does not limit informal adjustments by the nature of the charge. The court has the discretion to order an informal adjustment of the case if it feels the circumstances are just and appropriate. However, because a petition was filed, if a judge informally adjusts the case, a record exists even if the charges are eventually dismissed.

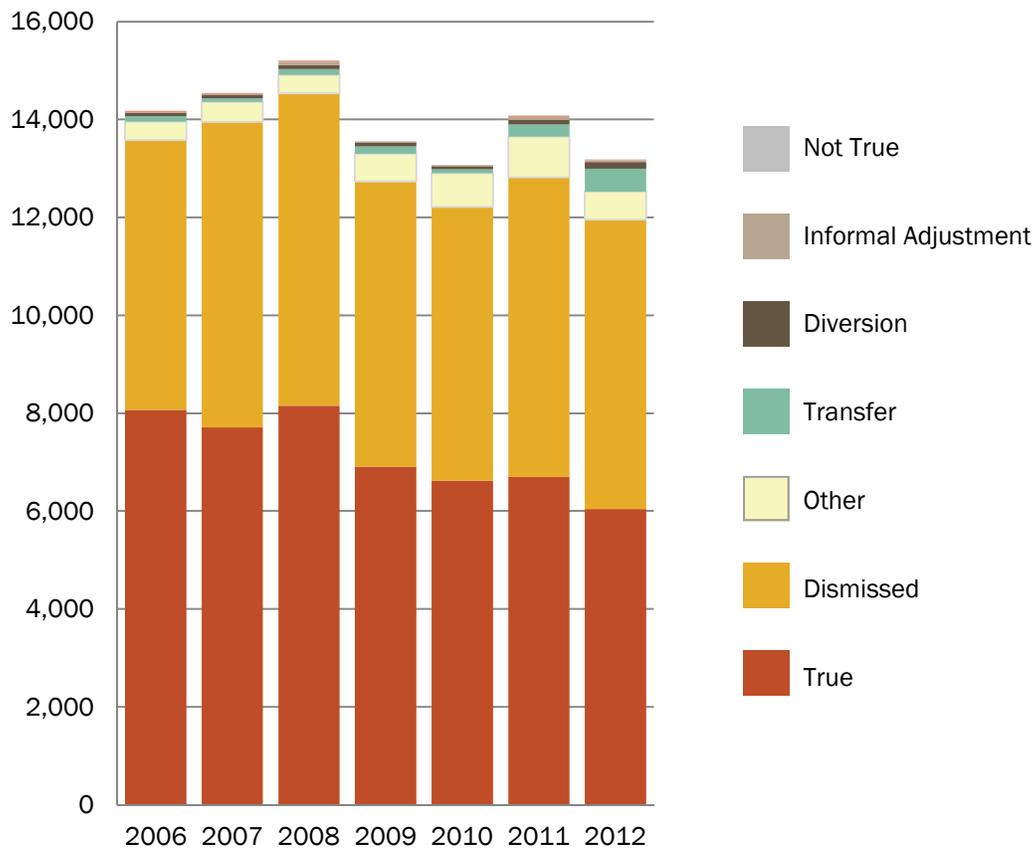
The exhibit shows few informal adjustments since 2006. However, many informal adjustments ultimately result in a dismissal, thereby appearing in the dismissed or other categories. Because of how the data is currently tracked, we were unable to quantify how many dismissed charges were the result of an informal adjustment. Just as the number of diverted cases is an indicator of the extent to which the prosecutor (and counties) try to keep juvenile offenders from entering the system, the number of informal adjustments is an important indicator of the extent to which the courts and the counties try to keep juvenile offenders from further involvement in the system.

Like prosecutors' opinions, judges' opinions vary about what kind of case warrants an informal adjustment.

3. A petition can contain more than one charge, so there are fewer cases than adjudicated charges.

Exhibit 15

About an Equal Number of Adjudications Are Found True or Dismissed



Source: Idaho Supreme Court.

Note: A petition can contain more than one charge, so there are fewer petitions than adjudicated charges.

Targeting Efforts



Developing an understanding of where to focus community resources and which type of programs have well-documented, positive outcomes is critical to keeping communities safe and ensuring successful rehabilitation of troubled youth. Fortunately, this work has been done and is outlined in national literature.

National literature has identified “what works.”

Evidence about what works or the effectiveness of one program or another to address youth risks and needs already exists in national literature. At least two resources have documented national literature and developed inventories of best practice or model programs.

The federal Office of Juvenile Justice and Delinquency Prevention maintains a model programs guide on its website. The guide contains summary information about delinquency prevention and intervention programs. Users can find a program that meets their need by searching the database using criteria such as certain risk or protective factors, special populations, program type, and target setting.

Likewise, the Washington State Institute for Public Policy maintains an inventory of prevention and intervention services for youth that include evidence-based, research-based, and promising practices. The

inventory was last updated in June 2013 and includes categories for child welfare, juvenile justice, general prevention, substance abuse, and mental health. The following programs are currently deemed both evidence based and cost beneficial:⁴

Child welfare: Intensive Family Preservation Services, Parent-Child Interaction Therapy, and Nurse Family Partnership

Juvenile justice: Drug Courts, Multisystemic Therapy, Multisystemic Therapy for Sex Offenders, and Victim Offender Mediation⁵

General prevention: Communities That Care and Good Behavior Game

Substance abuse: Life Skills Training, Multisystemic Therapy for Substance-Abusing Juvenile Offenders, and Project Towards No Drug Abuse

Current Definitions

An **evidence-based program or practice** has had multiple random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

A **research-based program or practice** has had some research demonstrating effectiveness but does not yet meet the standard of an evidence-based program or practice.

A **promising practice** presents potential for becoming a research-based program or practice.

4. The inventory uses two definitions for evidence-based programs: a current definition and a suggested definition. We used the current definition, but the inventory also lists programs that are evidence based under the suggested definition.

5. Idaho has eight juvenile drug courts and one mental health court, called problem-solving courts. The target population for problem-solving courts is moderate- to high-risk youth who also have a behavioral health diagnosis. According to Supreme Court staff, without the existence of a problem-solving court, these youth would likely be committed to state custody. Typically, treatment is intensive outpatient. Nearly 400 juveniles participated in problem-solving courts in fiscal years 2012 and 2013; 74 have graduated.

Mental health: Parent-Child Interaction Therapy for Children with Disruptive Behavior, Cognitive Behavioral Therapy-Based Models for Child Trauma, and Eye Movement Desensitization and Reprocessing for Childhood Trauma

Results First is a Pew-MacArthur initiative that works to implement a cost-benefit analysis approach to help states invest in policies and programs that are proven to work. This initiative is currently underway in Idaho with a goal to assess whether the community-based programs and services available in counties throughout the state align with those already deemed effective by

the Washington State Institute for Public Policy. Idaho and four other states (Iowa, Mississippi, Oregon, and Rhode Island) are currently working on implementation of the juvenile justice component; Connecticut and Massachusetts have partially completed it; and New Mexico and Vermont have completed it. More information should be available to policymakers and stakeholders on the status of Results First in spring 2014.

Idaho is one of nine states involved with the juvenile justice portion of Results First.

Recommendations offered by previously completed research on Idaho's juvenile justice system are still relevant.

Various juvenile justice professionals and stakeholders have completed a considerable amount of research on Idaho's juvenile justice system. Two efforts in particular are bookends for the types of research completed over the past fifteen years: the 1998 statewide needs assessment and a series of recent evaluations on the clinical services program operating in Idaho's 12 county-operated detention centers.

The 1998 needs assessment and the 2013 edition of the evaluation of the clinical services program both made recommendations aimed at systemic improvement. Each set of recommendations included components directed toward intervening with at-risk youth as early as possible, whether that be reaching them before they appear at the door of the juvenile

justice system or limiting their contact once they are in the door. For example, the 2013 evaluation of the detention centers' clinical services program made the following recommendations, among others:

- Implement a mechanism to early identify and treat youth at risk for mental health or substance abuse problems
- Implement a mechanism to treat juveniles with mental health or substance abuse problems after their first brush with the law
- Invest in systemic family, community, and health services intervention (to include educational and vocational opportunities)

The juvenile justice system should not be relied upon to manage low-risk youth who need prevention and early intervention services.

National literature and juvenile justice stakeholders in Idaho agree that involvement in the juvenile justice system is socially and economically costly. They widely understand that juveniles are best served by prevention and early intervention efforts that address needs and risk factors before behavior escalates to a level that necessitates involvement in the system.

Because the juvenile justice system is socially and economically costly, it should be reserved for high-risk youth.

Therefore, a worthwhile policy goal for Idaho would be to work toward a statewide approach that (1) allows the juvenile justice system to focus its resources on the state's highest risk youth and (2) invests in prevention and early intervention efforts in

other systems such as the health and welfare and school systems.

Juvenile Justice Involvement

In our interviews, juvenile justice stakeholders expressed that the system addresses risk very well, but it does not address as well the needs of some youth who may fit better in the health and welfare system. For example, in the sample of cases we reviewed, many of the youth had traumatic childhood histories.

Case Histories

One judge shared with us that of the 11 offenders from his county currently committed to state custody:

- None have a stable father
- 9 do not have a stable mother
- 9 have unaddressed child protection issues
- 9 have mental health issues

Even after reducing risks, juveniles may have ongoing needs (e.g., symptoms of mental illness) that the community will have to continue to manage and treat. The Department of Juvenile Corrections provides funding through two programs to address mental health and substance use needs:

- The Mental Health Program goal is to provide mental health services to juvenile offenders who are on formal probation and have been diagnosed with a mental illness.
- The Substance Use Disorders Program provides community-based treatment for youth involved in the juvenile justice system.

Health and Welfare Strategies

Rather than focus solely on prevention, Health and Welfare first focuses on individuals that voluntarily come forward and meet eligibility criteria—for example, a diagnosed serious emotional disturbance. As one Health and Welfare official told us, those that access the department’s mental health services may not get the level of care they want, but Health and Welfare does not say no if they are eligible for services.

One program Health and Welfare has invested in over the past four years is called Parenting with Love and Limits—a program rated by the Office of Juvenile Justice and Delinquency Prevention model programs guide as promising. The program focuses on familial relationships and interactions between parents and kids with behavioral problems. According to Health and Welfare, an added advantage to the program is transition back to the parent when the family completes the program.

School-Based Prevention and Intervention

We outline two examples of state efforts to provide prevention and early intervention programming in Idaho’s schools:

1. In fiscal years 2000–2010, the Department of Education received \$4–7 million each year for substance use funding; funds that the department

distributed to school districts for Safe and Drug Free Schools’ efforts. What used to be dedicated dollars for such efforts are now discretionary dollars. According to Department of Education staff, districts can now use these funds to either fund Safe and Drug Free School efforts or pay operating expenses. Previously, efforts focused on truancy, suspension, and expulsion because those factors are major indicators of dropout and delinquent behavior.

2. In 2007 the Legislature enacted a three-year pilot program called the Teen Early Intervention Mental Health and Substance Abuse Specialist Program. The intent of the program was for the Department of Health and Welfare to employ early-intervention specialists in school districts to work with at-risk teens and their families. However, funding for teen early intervention specialists was never appropriated.

Our 2012 report on workforce issues affecting public school teachers discussed the effect that a loss of support staff is having on teachers. In our survey of superintendents, principals, and teachers, nearly half of respondents indicated that a loss of support staff has caused a significant change in teacher duties. Not only teachers, but also their district and school administrators, commented on the daily demands of teachers to meet the social, emotional, and health needs of their students in addition to their academic needs.

Recommendations for the Juvenile Justice System



The recommendations in this section are for the juvenile justice system, specifically the Department of Juvenile Corrections, the courts, and the counties. Three of the recommendations involve additional data tracking and analysis to achieve better understanding of the types of juvenile offenders flowing into and out of the system.

Develop quality control measures for data submission to the census.

As our analysis of the Casey Foundation report showed, Idaho facilities underreported to the Census of Juveniles in Residential Placement in 1997 and 1999. Because each facility reports to the census separately, underreporting or misreporting data is still a risk. To ensure that the data Idaho provides to the census is complete, the Department of Juvenile Corrections and its system partners should develop controls for submission.

For example, as the state's lead agency, the Department of Juvenile Corrections could serve as the entity through which all detention centers and private providers vet their submissions. If that approach is not feasible, the department could reach out to census staff each year of the survey and make sure the census' list of facilities is complete.

Improve the collection, tracking, and reporting of detention data.

Some detention data, such as the total number of bookings, is readily available. Although the Department of Juvenile Corrections responded promptly to our request for data on the average daily count and average length of stay in custody for each of the detention centers, some data was missing or deemed unreliable by department staff. To clearly understand detention trends, we recommend that the Department of Juvenile Corrections work with the counties to better track information about

detained juveniles, specifically the average daily count of juveniles in detention and their average length of stay.

To help add context to the average length of stay, other useful information to track would include data on the type of stay, such as pre-adjudicated offenders, post-adjudicated offenders, and offenders participating in certain types of programming such as a residential treatment program or a day treatment program.

Share with policymakers the outcomes of the newly awarded reintegration planning grant.

Given the general concurrence that reintegration is an area of the juvenile justice system that needs more improvement than other areas, we

recommend that the Department of Juvenile Corrections keep policymakers apprised of planning efforts and any outcomes associated with the re-entry planning grant.

Provide additional information about which commitment criteria were used to commit juvenile offenders.

The juvenile justice system should better document whether community-based resources are unavailable or inappropriate. Specifically, we recommend that the courts, with assistance as needed and as appropriate from the Department of Juvenile Corrections and the counties, track commitment criteria information. An annual commitment report could quantify which of

the Rule 19 criteria were used to commit juvenile offenders to state custody. Such a report should distinguish whether the issue is a lack of community-based programming (i.e., a gap in services) or whether community-based programming is no longer appropriate. This information will help the state identify needs and target resources accordingly.

Provide additional information about which types of cases were diverted out of the system.

Given the Legislature's interest in ensuring that youth are not confined unnecessarily, we recommend additional reporting to better understand which types of cases are diverted in lieu of filing a formal petition with the court. Specifically, we recommend that the Department of Juvenile Corrections, the courts, and the counties work together to

track additional diversion information. An annual diversion report could identify for policymakers not only how many cases were diverted, but also which types. The report could also identify how many petitions were filed for first-time nonviolent offenses and how many cases judges informally adjusted after a petition was filed.

Considerations for Policymakers



The considerations in this section are intended for policymakers. Although these considerations are immediately actionable, policymakers may want to hold off on certain policy changes (e.g., changes to the commitment and diversion policies) until after the juvenile justice system provides additional information.

Specify circumstances or factors that should be included as commitment criteria.

In light of the varying stakeholder views about the criteria outlined in Supreme Court Juvenile Rule 19, policymakers may consider offering their insight about which circumstances or factors should be included as criteria for committing juvenile offenders to state custody. If there are circumstances

or factors policymakers believe magistrate judges should consider, especially if those circumstances or factors differ from the criteria already outlined in Rule 19, then the Legislature should consider either specifying those in statute or discussing them with the judiciary.

Clarify how juvenile offenders released from state custody should receive supervised probation.

The Legislature should consider clarifying policymakers' expectations for aftercare in statute. The clarification could specify the following:

- Whether a juvenile offender's probationary period imposed at sentencing runs consecutive or concurrent to commitment
- Whether the time spent in state custody counts against the three-year probation limit outlined in Idaho Code § 20-520
- Whether new probationary terms can be added at the juvenile offender's release hearing
- Whether a juvenile offender's probation officer should monitor or supervise the case while the juvenile is in state custody

Prioritize which types of cases should be eligible for diversion.

To ensure that the juvenile justice system takes into account certain factors when deciding whether to divert a case out of court, the Legislature may consider setting priorities in statute. The Legislature may consider the following options:

- Automate diversion for cases that meet specified criteria. Policymakers could make an allowance for exceptions to the criteria if certain aggravating or mitigating factors are present.
- Formalize a list of factors that should guide the decision about whether to divert a case. Factors policymakers could consider include, for example, the juvenile's age, whether the act was a first time offense (or whether the juvenile has any diversion history), and whether the act was nonviolent.
- Broaden who has the authority to divert a case but require court approval to divert certain types of cases.

Direct state efforts toward prevention and early intervention.

National literature clearly supports prevention and early intervention for at-risk children and their families. We offer policymakers the following options to help establish a system-wide, evidence-based response to children:

- Reinvest in prevention and early intervention efforts within Idaho's schools. Investment could come in the form of state-supported, early childhood education; dedicated Safe and Drug Free School dollars; or reinstated community resource workers, social workers, clinicians, and other types of support staff.
- Clarify the role of the Department of Health and Welfare. The department provides multiple services, from crisis intervention to service navigation. By clarifying whether policymakers intend the department to be a last resort and the final safety net for families and children, or whether the department is the state's prevention and early intervention arm, policymakers can better target resources to the appropriate segment of the system.
- Support implementation of best practices, such as the inventory maintained by the Washington State Institute for Public Policy that identifies evidence-based and cost-beneficial programs.

Appendix A

Study Request



House of Representatives State of Idaho

To: Joint Legislative Oversight Committee
From: Representative Shirley Ringo, Representative Maxine Bell, Representative Carolyn Meline
Subject: Over-incarcerations of Juveniles
Date: March 11, 2013

This proposal requests a study of community-based prevention and re-entry programs that could be introduced or expanded and result in a reduction of confinement rates in our Juvenile Corrections System.

Study the adequacy of community-based treatment and prevention programs such as: Preventive Health Services for Children, Functional Family Therapy, Multisystemic Therapy, Prevention Programs in Schools, Mental Health programs, Problem-Solving Courts, or programs in Idaho or other states that have proven to be successful.

Study the adequacy and effectiveness of re-entry programs such as: Serious and Violent Offender Re-entry Initiatives, Therapeutic Community with Aftercare, Vocational and Work Programs, Halfway House Programs, or programs in Idaho or other states that have proven to be successful for re-entry.

Information such as this could position decision-makers to chart a path forward to consider future investment in programs that provide more community-based services for troubled youth. Strong community programs will reduce confinement rates, help families and youth, and reduce state expenditures for juvenile corrections.

Nationally, the youth incarceration rate is declining and reached a 35-year low in 2010. However, in 2010 the confinement rate in Idaho showed an increase of 80% over the rate in 1997 – a growth rate that led the nation.

The number of juveniles in long-term secure placements in Idaho from a one-day census of public facilities by the Office of Juvenile Justice and Delinquency Prevention in 1997 was 171, and in 2007, 284. This represents a 25% increase.

The confinement rate (per 100,000 juvenile population in Idaho, on a one-day census) increased by 52% from 1997 to 1999. This was the largest increase in the United States at that time.

Between 1997 and 2007, there was a 115.5% increase. During the same time period, the arrest rate of juveniles for serious violent crimes decreased by 37.6%.

Information from the Idaho Department of Juvenile Corrections on December 31, 2012, indicated that 1% of juveniles incarcerated in long-term secure placements were assessed as “low risk,” and 29% were assessed as “moderate risk.” One might question whether this 30% of the 2011 population should have required long-term secure placements.

For fiscal year 2012, the average cost/day at level 4 in-state juvenile corrections placement was \$202. Not including out of state placements, the total cost of incarcerating low and moderate-risk juveniles for one year was \$12,000,000.

Following is a review of Juvenile Corrections Budgets (2008) and Confinement Rates (2007) for states of similar size to Idaho and contiguous Montana. (Unofficial estimates of budgets from the American Correctional Association – Source: Mendel, 2011)

State	Appropriation	Confinement Rate
Idaho	\$49,829,110	217
Maine	\$30,050,047	80
Montana	\$20,497,707	154
Nebraska	\$17,245,540	187
New Hampshire	\$28,600,421	135
Hawaii	\$10,628,046	not available

Research shows being incarcerated as a juvenile has long-term negative consequences for the individual and for society. One outcome is a lack of job stability in adulthood experienced by persons who had been incarcerated as juveniles and as a result more crime.



Appendix B

Scope

Confinement Rates for Juvenile Offenders

August 2013 Project Scope

Study Request

In March 2013 the Joint Legislative Oversight Committee directed us to conduct an evaluation of community-based prevention and reentry programs that could be introduced or expanded to reduce the confinement rates of juvenile offenders in Idaho. The impetus for the request came from a February 2013 report published by the Annie E. Casey Foundation. The report concluded that Idaho led the nation in confinement growth rates, with an 80 percent increase in the confinement rate of juvenile offenders from 1997 to 2010. The Idaho Department of Juvenile Corrections and its juvenile justice system partners dispute those figures.

Our Evaluation

The state's Juvenile Corrections Act, created in 1995, calls for balanced attention to three principles: (1) offender accountability, (2) community protection, and (3) offender competency development. This balanced approach sets the foundation for juvenile justice policy in Idaho. We will conduct the following evaluative steps to understand where the juvenile justice system stands today, almost 20 years after its creation:

Step 1

Before drawing any conclusions or making any recommendations about programs and services that could be introduced or expanded to reduce the confinement rate of

juvenile offenders in Idaho, we will analyze trends for how many youth are in the system and to what degree they are involved. Part of this step will address concerns generated by the data included in the Annie E. Casey Foundation report. To the extent that fair comparisons can be made, we will analyze how the number of youth currently in the system compares with rates in other states.

Step 2

In conjunction with step 1, we will provide a comprehensive overview of Idaho's juvenile justice system. The overview will identify partners who make up the system, outline their roles and responsibilities, and explain how juvenile offenders' needs and risks are identified and addressed. A component of this overview will compare Idaho's approach to that of other states.

Step 3

We will explore the types of programs or services designed for not only those juveniles already involved in the system, but also those at risk of becoming involved. We will also investigate to what degree the availability of community-based programs influences the number of juveniles committed to state custody. This evaluation will not address the adequacy of community-based programs.

Projected completion date: January 2014

Appendix C

Methodology

This appendix briefly summarizes the methods we used to evaluate confinement of juvenile offenders within Idaho's juvenile justice system.

Policy and Data Analyses

Studied Idaho's Juvenile Corrections Act, administrative rule, and Supreme Court juvenile rules.

Analyzed data on the juvenile justice system, such as figures of commitment, detention, and arrests. For all analyses, we included data as far back as 1997 if it was available.

Reviewed national reports on juvenile confinement and conducted analyses to determine whether data used in the reports were correct.

Examined Rule 19 screening reports, commitment orders, and other background documentation. Analyzed a random sample of 30 offenders released from state custody from January 1 to June 30, 2013, to determine which types of offenders are committed to state custody and which Rule 19 criteria are cited.

Interviews and Site Visits

Interviewed juvenile justice stakeholders, such as Department of Juvenile Corrections and detention center management and staff, county probation personnel, judges, prosecutors, public defenders, and Health and Welfare staff to learn their roles, processes, and opinions.

Conducted a focus group with juvenile justice magistrates to understand their role within the juvenile justice system and to gather their perspectives on the system's strengths and weaknesses.

Visited juvenile justice stakeholders and facilities in 6 of 7 judicial districts, toured all 3 juvenile correctional centers, and 5 of 12 detention centers to gain firsthand knowledge of how the juvenile justice system works and observe any regional differences in practices. These visits included both urban and rural communities in eastern, northern, and southwestern Idaho.

National and Other States Research

Reviewed juvenile justice literature. This review included current literature published specifically on segments of Idaho's juvenile justice system, and literature available on best practices through the inventories maintained by the federal Office of Juvenile Justice and Delinquency Prevention and the Washington Institute for Public Policy.

Researched select areas of other states' juvenile justice systems, specifically other states' commitment criteria and diversion policies. Other states included those neighboring Idaho and those specifically mentioned in the study request (Maine, Montana, Nebraska, New Hampshire, and Hawaii).

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Appendix D

Idaho Juvenile Rule 19

Standards for Commitment to the Department of Juvenile Corrections (J.C.A.)

(a) A juvenile shall not be committed to the Department of Juvenile Corrections unless the county probation officer has convened a screening team as ordered by the court pursuant to I.C. Section 20-523 to evaluate alternatives to commitment. Screening teams shall not be required for suspended commitments provided a screening team is convened prior to actual commitment.

(b) A juvenile under the age of twelve (12) years shall not be committed to the Department of Juvenile Corrections unless the court finds that there are extraordinary circumstances. The court may not commit a juvenile offender under the age of ten (10) years to the custody of the Department.

(c) The screening team shall consist of representatives from the County Juvenile Probation Office, the Idaho Department of Juvenile Corrections and the Idaho Department of Health and Welfare. In addition, the screening team may consist of the prosecuting attorney, the defense attorney, local school officials, and any other persons that the court may deem appropriate including parents, custodians or guardians of the juvenile. Participants shall share relevant information concerning the juvenile offender with other screening team members. All such information shall be maintained as confidential pursuant to I.C.A.R. 32.

(d) The screening team shall evaluate:

(1) the risks to the community if the juvenile is not committed to the Idaho Department of Juvenile Corrections;

(2) the needs of the juvenile including but not limited to mental health or substance

abuse treatment; parental, guardian or custodian engagement in counseling and treatment designed to develop positive parenting skills and an understanding of the family's role in the juvenile's behavior; and

(3) what community based programs or alternatives can address the needs and risks identified. The screening team shall employ a strengths-based approach considering the juvenile's and family's strengths as well as weaknesses and include an evaluation of the juvenile's and parent's, guardian's or custodian's abilities, barriers and commitment to participation in the community based programs identified. Community based programs or alternatives to commitment to be considered shall include but are not limited to services identified in I.C. Sections 20-511A and 20-520(i) and any other services provided through the Idaho Department of Juvenile Correction's funding incentives. In any matter referred to the screening team in which a mental health assessment pursuant to I.C. Section 20-511A or comprehensive substance abuse assessment pursuant to I.C. Section 20-520(i) have been ordered, such assessment shall be expedited and completed before the screening team convenes.

(e) The county probation officer or other court designee shall prepare a written report to the court summarizing the screening team's findings and recommendations. If the screening team does not reach consensus regarding its findings or recommendations, the written report shall contain a summary of the different opinions regarding risks, needs

and recommendations. The written report shall be presented to the court and be made available to the parties at least 48 hours prior to the sentencing hearing, excluding Saturdays, Sundays, and holidays.

(f) Before commitment to the custody of the Department of Juvenile Corrections, pursuant to I.C. Section 20-520, the court must make findings on the record that the juvenile meets any of the criteria:

(1) The juvenile has been adjudicated for a crime that would be a felony if committed by an adult and two or more of the following circumstances are present:

(A) The crime is a crime of violence, or is a crime of a sexual nature, or is a crime involving the manufacture, sale or other delivery of a controlled substance;

(B) The crime either did or reasonably could have resulted in serious bodily injury or death to others;

(C) The crime demonstrates that the juvenile has exhibited such wanton and reckless disregard for the property rights of others that release of the juvenile could constitute substantial risk to the community;

(D) Other than the charges presently before the court, the juvenile has been adjudicated or convicted of two or more felonies or three or more misdemeanors within the past 12 months and is presently or has been on probation or committed to the custody of the Department of Juvenile Corrections within the past 12 months;

(E) A community-based program is not available or not appropriate;

(F) The juvenile has failed in a less secure out of home placement;

(G) The juvenile has failed to comply with the terms of a home detention order.

OR

(2) The juvenile has been adjudicated for a crime that would be a misdemeanor if committed by an adult and three or more of the following circumstances are present:

(A) Other than the charges presently before the court, the juvenile has been adjudicated or convicted of two or more felonies or three or more misdemeanors in the past 12 months and is presently or has been on probation or committed to the custody of the Idaho Department of Health & Welfare or Department of Juvenile Corrections, within the past 12 months;

(B) The crime demonstrates that the juvenile has exhibited such wanton and reckless disregard for the property rights of others that release of the juvenile could constitute a substantial risk to the community;

(C) The crime either did or could have reasonably resulted in serious bodily injury or death to others;

(D) The crime is a crime of violence, or a crime of a sexual nature;

(E) A community based program is not available or not appropriate;

(F) The juvenile has failed in a less secure out of home placement;

(G) The juvenile has failed to comply with the terms of a home detention order.

Appendix E

List of County

Programs and Services

Ada

Ada County Juvenile Court Services (ACJCS) Clinical
Boys Council
Community Service
Detention Clinician Project
Diversion
Drug Court
Electronic Monitoring
Female Offender Unit
Girls Circle
Mental Health Counseling
Restitution
School-Based Prevention Program
Sex Crimes Unit
Substance Abuse Treatment
Victim Advocacy
Weekend Detention Program
Work in Lieu of Detention (WILD)

Adams

Drug and Alcohol, Individual and Family Counseling

Bannock

Active Parenting of Teens
Community Service
Constructing a Future
Drug Court
Family Mediation
Home Detention/Electronic Monitoring
Restitution
Sex Offender Group
Shortstop
Status Offender Program
Truancy Court
Youth Court
Youth Development Center

Bear Lake

Life Skills Class

Benewah

Drug Testing
Mental Health Counseling
Probation/Community Services
Sex Offender Treatment
Substance Use Disorders (SUDS) Treatment
Vocational Assistance

Bingham

Community Service
Drug Court
Mental Health Court
Our Girls
Short Stop
Youth Court

Blaine

Diversion
Drug Testing
Home Confinement/Electronic Monitoring/GPS
Moral Reconciliation Therapy (MRT)
Probation/Community Services
Restorative Justice—mediation, conferencing

Boise

Anger Management
Cognitive Self-Change
County Accountability Network (ICAN)
Diversion
Strengthening Families
Towards No Drug (TND) Plus

Bonner

30-Day Detention
7 Habits of Highly Effective Teens
Assessments and Evaluations
Chemical Dependency Counseling
Community Service
Electronic Monitoring
Empathy Skills
Intensive Supervision Unit
Parent Project
Parenting with Love and Limits
Pawsitive Works (PAWS)
Sex Offender Treatment
Summer Adventure Camp
Teen Court
Teen Life Skills
Work in Lieu of Detention (WILD)
Work Restitution (Plant House)

Bonneville

Anger Management
Cognitive Self-Change (CSC) and Thinking for a Change (TFAC)
Drug Court
Individual Counseling
Lite Program/Day Treatment
Mental Health Court
Motivational Enhancement Therapy (MET)/Cognitive Behavioral Therapy (CBT) 5
Petit Theft
Positive Attitudes Toward Scouting
Towards No Drug (TND) Abuse
Urine Analysis Program
Voices
Wraparound
Young Adult Court
Youth Boost
Youth Court

Boundary

Drug Testing
Electronic Home Monitoring
Girls Circle/Boys Circle
Mental Health Counseling
Probation/Community Services
Study Group
Substance Use Disorders (SUDS) Treatment
Tobacco Cessation

Butte

Individual Counseling
Moral Reconciliation Therapy (MRT)/Cognitive Self-Change (CSC)/Relapse Prevention
Motivational Enhancement Therapy (MET)/Cognitive Behavioral Therapy (CBT)
Parenting with Love and Limits
Theft Prevention

Camas

Drug Testing
Home Confinement
Probation/Community Services

Canyon

7 Habits of Highly Effective Teens
Anger Management
Drug Court
Family Preservation Services
First Tee Golf
Girls Group
Intensive Thinking Errors
Love and Logic
Marijuana 101
Multifamily Group
Parent Project
Parenting with Love and Limits
Parole Aftercare Group
Pawsitive Works
Petit Theft
Sex Offender Parent Education
Shoplifting
Spanish Parent Project
Strengthening Families
Therapeutic Mentoring
Thinking Errors

Caribou

Alcohol Education
Diversion
Intensive Supervision

Clark

Drug and Alcohol
Wraparound

Clearwater/Lewis

Community Services
Substance Use Disorders (SUDS) Treatment
Tobacco Cessation

Custer

Drug and Alcohol Counseling
Probation
Wraparound

Elmore

Cognitive Self-Change
Community Service
Drug and Alcohol Treatment Ascent
Referral to Other Programs—Mental Health,
Developmental Disabilities

Franklin

Community Service
Tutoring Program

Freemont

Girls Group
Homework Club
Mental Health Court
Thinking for a Change (TFAC)

Gem

Individual Counseling
Petit Theft Class
Substance Abuse Education and Treatment
Vocational Rehabilitation Services
Youth Companion Services

Gooding

Alcohol/Tobacco Diversion Court
Diversion
Drug Testing
Home Confinement/Electronic Monitoring/GPS
Probation/Community Services
Professional Assessments
Restorative Justice—Mediation, Conferencing

Idaho

Community Service
Electronic Monitoring
Moral Reconation Therapy (MRT)
Substance Use Disorders (SUDS) Treatment
Tutoring/Mentoring

Jefferson

Alcohol/Tobacco Diversion
Drug Court
Mental Health Court
Moral Reconation Therapy (MRT)
Motivational Enhancement Therapy (MET)/
Cognitive Behavioral Therapy (CBT)
Parent Project
Towards No Drug (TND) Abuse
Wraparound

Jerome

Alcohol/Tobacco Diversion Court
Diversion
Drug Testing
Home Confinement/Electronic Monitoring/GPS
Probation/Community Services

Kootenai

Alternative to School Suspension
Anger Management
Boys Council
Diversion
Drug Testing
Electronic Home Monitoring
Equine Therapy
Fire Safety
Girls Circle
Hunter's Safety
Juvenile Detention Center Tour
Parent Project
Parenting with Love and Limits
Pawsitive Works
Project Towards No Drug (TND) Use
School-Based Probation
Shoplifting Awareness
Shoplifting Victim Impact
Substance Use Disorders (SUDS) Intensive
Outpatient Program (IOP)/Residential
Teen Tobacco Users Program
Victim Offender Mediation
Victim Panel
Violence Prevention
Work in Lieu of Detention

Latah

Attendance Court
Girls Circle
Mental Health Assessment/Treatment
Moral Reconciliation Therapy (MRT)
Parent Project
Probation/Community Services
Restitution Work
Study Table
Substance Use Disorders (SUDS) Intensive
Outpatient Program (IOP)/Residential
Victim Offender Mediation
Work Camp
Youth Accountability Board
Youth Advocacy Council

Lemhi

After-School Promise
Detention Clinician Project
Moral Reconciliation Therapy (MRT)
Prosocial Responsibility Training
Psycho Social Rehabilitation (PSR)
Strong Girls Group
Strong Kids Club
Wraparound

Lincoln

Diversion
Drug Testing
Home Confinement/Electronic Monitoring/GPS
Love and Logic Parenting Class
Probation/Community Services
Restorative Justice—mediation, conferencing
Seeds to Success (cognitive thinking)

Madison

Fatal Vision
Mental Health Court
Not on Tobacco
Stop Short of Addiction
Substance Use Disorders (SUDS)

Minidoka and Cassia

Alcohol/Tobacco Diversion Court (TND)
Diversion
Drug Court
Drug Testing
Home Confinement/Electronic Monitoring/GPS
Petit Theft Class
Probation/Community Services
Re-entry Court
Restorative Justice—Mediation, Conferencing
Strengthening Families
Work in Lieu of Detention (WILD) (supervised work
crew—gender specific)

Nez Perce

Anger Management
Boys and Girls Club Cooking
Breaking Barriers
College Interns
Community Services
Detention Clinician Project
Drug Testing
Electronic Monitoring
Family Therapy
Fatal Vision Goggles: Alcohol Prevention
Girls Circle
Minor's in Prevention
On the Edge Camp
Re-entry
Restorative Practices
Substance Use Disorders (SUDS) Treatment
Teen Women Program (TWIST)
Tobacco Education

Oneida

Community Service
Diversion

Owyhee

Anger Management
Boys Circle
Drug/Alcohol Education
Drug/Alcohol Treatment
Girls Circle
Mental Health Counseling
Petit Theft
Thinking for a Change (TFAC)

Payette

Building Solid Foundations, Thinking Errors
Community Work Program
Drug and Alcohol Class
Individual Counseling Juveniles and Families

Power

Moral Reconciliation Therapy (MRT)
Our Girls
Spanish Counseling
Tobacco Cessation Class
Tutoring/Online Virtual Academy School

Shoshone

Community Service
Drug Testing
Electronic Monitoring

Teton

Individual Counseling
Motivational Enhancement Therapy (MET)/
Cognitive Behavioral Therapy (CBT) 5
Not on Tobacco
Project Towards No Drugs (TND)
Restorative Justice
Wraparound

Twin Falls

Alcohol/Tobacco Diversion Court (Towards No Drugs)
CATS Tutoring Program
Diversion
Drug Court
Drug Testing
Expulsion School
Home Confinement/Electronic Monitoring/GPS
Lunch Buddy (mentoring)
Parent Project
Probation/Community Services
Restitution Coordination/Work, Earn, Pay
Restorative Justice—Mediation, Conferencing
Thymus and Activation Regulated Chemokine (TARC)
—Juvenile D&A
Work in Lieu of Suspension

Valley

Community Service
Diversion
Fishing with the Judge (mentoring/activity)
MYST (mentoring)
Payette Lakes Community Program (after school)
Positive Outdoor Teen Services (POTS)

Washington

Alcohol Wise
Anger Management
Community Service
Level I and II Inpatient
Marijuana 101
Parent Wise
Petit Theft
Skills Class
Smoking Cessation
Substance Abuse Treatment

Responses to the Evaluation



C.L. "BUTCH" OTTER
GOVERNOR

February 7, 2014

Mr. Rakesh Mohan
Office of Performance Evaluations
P.O. Box 83720
Boise, ID 83720-0055

RE: OPE Report – Confinement of Juvenile Offenders

Dear Rakesh,

Thank you for the opportunity to respond to the report, *Confinement of Juvenile Offenders*. The report offers a thoughtful review of Idaho's juvenile justice system and demonstrates the benefits of collaboration between juvenile justice system partners.

Idaho's juvenile justice system primarily is carried out at the county or local level as defined in the Juvenile Corrections Act of 1995. This law has guided the juvenile justice system into a mature and successful partnership between counties, courts and State agencies.

It is the Department of Juvenile Corrections' goal to further refine those relationships while holding young offenders accountable, giving them the skills to become competent adults and keeping our communities safe.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink that reads "C.L. Butch Otter".

CLO/mw

C.L. "Butch" Otter
Governor of Idaho

THE STATE OF IDAHO
SUPREME COURT



PATRICIA TOBIAS
ADMINISTRATIVE DIRECTOR OF THE COURTS

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February 7, 2014

Mr. Rakesh Mohan, Director
Office of Performance Evaluations
P.O. Box 83720
Boise ID 83720-0055

Dear Mr. Mohan:

The Idaho Supreme Court is in receipt of the Office of Performance Evaluation's report on *Confinement of Juvenile Offenders*. We appreciate the thoughtful analysis contained in this report and have been pleased to provide assistance in its development. From the perspective of the judicial branch, the report is testimony to the overall success of the juvenile justice system in Idaho since the historic adoption of the Juvenile Corrections Act (JCA) in 1995. Actual rates of confinement of juveniles and commitment of juveniles to the custody of the State have been reduced. This has occurred even as the State's population has increased by approximately a third since 1995. The underpinning of the JCA's success lies in its emphasis on the interrelated goals of accountability, competency development, and community protection—the Balanced Approach.

The gains made in reducing costly juvenile criminal behavior are the result of the hard, dedicated and cooperative work by the individuals working in the juvenile justice system. Along with our Magistrate Judges, this includes the many people working in county probation offices, detention centers, the Department of Juvenile Corrections, the Department of Health and Welfare, behavioral health service providers and citizen volunteers. We believe the report supports the conclusion that the JCA and the juvenile justice system are fundamentally sound. We agree, however, that refinements to the system could improve outcomes for juveniles, their families and communities; reduce the number of juvenile offenders who "graduate" into the adult criminal system; and ultimately result in a safer Idaho.

To that end, Magistrate Judges are committed to continue to support refinements founded on evidence-based principles of effective intervention. The Judiciary is supportive of efforts to develop and implement evidence-based community programming including the ongoing measurement of the effectiveness of those programs. We also support the recommendations contained in the report which include reinvestment in prevention and early intervention efforts within Idaho's schools; clarification of the role of the Department of Health and Welfare; and support for implementation of best practices identified in national literature.

Consistent with our support for the employment of best practices, we believe that any refinement of policy should not necessarily be focused on the type of offense a juvenile may have committed, but should, instead, be based on a careful and consistently administered assessment of that individual's risks and needs. Such assessments inform decisions about which evidence-based programs would best match and effectively address those risks and needs. We hope that future discussions with respect to both diversion and commitment policies will be guided by those principles.

Diversion programs keep appropriate juveniles from entering the system, however, access to these programs varies throughout the state. That is affected by a number of factors including differing philosophies of county prosecutors and the presence or lack of community support for such programs. Diversion programs should also employ evidence-based practices and be subject to measurement of their relative effectiveness for their target population. We would be pleased to help in an effort to refine guidelines for identifying that target population.

The JCA, we think wisely, lists commitment to state custody as a sentencing option but is silent as to the standards by which such commitment may be imposed. Those standards are currently embodied in Rule 19 of the Court's juvenile rules. Judicial decisions regarding commitment are frequently difficult, complex and contested. Rule 19 acts to guide a judge's reasoning by listing criteria that must be met prior to committing a juvenile to state custody. It does not mandate commitment for juveniles who meet those criteria. The current criteria attempt to identify the characteristics of an individual offender which indicate the possible appropriateness of commitment. Commitment to state custody is relatively infrequently imposed even when a juvenile may, in fact, meet the Rule 19 criteria. The fact that commitment numbers have dropped over time is evidence that Magistrate Judges already utilize commitment to state custody as a last resort. Nonetheless, what may be a last resort option in one jurisdiction may not be in another jurisdiction that has a more fully developed continuum of appropriate community based resources. Commitment to state custody should be reserved for high risk juvenile offenders whose presence in the community represents a substantial threat to public safety and are in need of competency development programming in a secure setting. Any revisions in commitment criteria should remain the responsibility of the Courts in consultation with the Department of Juvenile Corrections and the Idaho Association of Juvenile Justice Administrators and others. The Judiciary would be pleased to lead an effort to help refine those criteria to further clarify the characteristics of offenders who would best be served by confinement in the facilities of the Department of Juvenile Corrections.

Magistrate Judges agree that the JCA does not now clearly identify the term, if any, allowed for probation supervision following release from commitment. The JCA specifies that an adjudicated juvenile can be placed on probation for up to three years or age twenty-one whichever occurs first. Some types of offenses allow for supervision beyond that three year limit. Currently, juveniles adjudicated of a sex offense can be subject to probation supervision up to age twenty-one no matter what age they are at the time of adjudication. What is less clear is whether that probationary term runs through or is tolled during a period of commitment to state custody. Again, the Judiciary would be pleased to participate in a discussion with the various stakeholders to suggest how best to clarify the effect of commitment on the term of probation supervision.

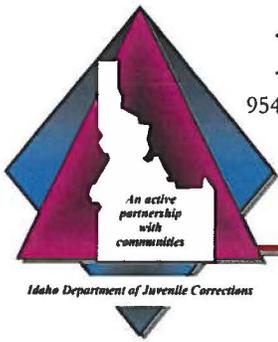
We again thank the committee and the Office of Performance Evaluation for the opportunity to participate in the development of this report and for this opportunity to comment on its findings.

Sincerely,



Patricia Tobias
Administrative Director of the Courts

PT/jrj



Idaho Department of Juvenile Corrections

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C.L. "BUTCH" OTTER
Governor

SHARON HARRIGFELD
Director

February 4, 2014

Mr. Rakesh Mohan, Director
Office of Performance Evaluations
P.O. Box 83720
Boise, ID 83720-0055

Dear Mr. Mohan:

RE: OPE Report – Confinement of Juvenile Offenders

Thank you for the opportunity to respond to the recommendations as outlined in the *Confinement of Juvenile Offenders* draft document before public release. I understand that the report will be finalized and distributed to the Joint Legislative Oversight Committee on February 12, 2014, and that the Department's responses will be included in the final report. I further understand that since the evaluation included other entities, those agencies will respond separately.

Listed below are the recommendations, as they appear in the draft report, followed by the Department response directly below each recommendation.

Recommendation: Develop Quality Control Measures for Data Submission

Department Response: The Department agrees with the recommendation in order to improve the data submitted to the Census Bureau. Working with the Census Bureau on the number of submissions from Idaho (prior to finalizing the data) will ensure consistency in reporting. Furthermore, in working more closely with the Census Bureau, Idaho will be in a better position in the future to understand and address any data gaps in the reporting. Finally, the Department has shared a list of Idaho providers with the Census Bureau to update their database.

Recommendation: Improve the Collection, Tracking, and Reporting of Detention Data

Department Response: The Department agrees with the recommendation in order to improve the consistency and quality of the county detention data available. The Department will continue to work closely with all county detention facilities to improve and ensure access to data of this critical component of the Idaho juvenile justice system.

Recommendation: Share With Policymakers the Outcomes of the Newly Awarded Reintegration Planning Grant

Department Response: The Department of Juvenile Corrections was awarded the Second Chance Re-entry Planning Grant in the amount of \$26,000 (project period October 1, 2013 to September 30, 2014). The Department agrees with the recommendation and will provide stakeholders and policymakers the final report, to include findings and recommendations, by October 31, 2014.

Recommendation: Provide Additional Information About Which Commitment Criteria Were Used to Commit Juvenile Offenders

Department Response: The Department of Juvenile Corrections looks forward to working with the courts and counties to develop quantifiable information on criteria used to commit juvenile offenders to state custody. This will assist in strategically planning for Idaho's juvenile justice continuum of care.

Recommendation: Provide Additional Information About Which Types of Cases Were Diverted out of the System

Department Response: The Department agrees with the recommendation to gather additional information to better understand which types of cases are being diverted in lieu of having a formal petition filed with the court. This will include emphasizing best practice usage of risk and needs assessment to address the juvenile's needs rather than focusing on the offense. The Department of Juvenile Corrections will continue to work with county probation and the courts to identify both number and type of cases diverted. The Department also will begin work with the courts to track petitions for first-time offenders and cases resolved through informal adjustments to aid in better understanding youth at various levels in the system. In addition, the Department will work with the Department of Health and Welfare and the State Department of Education to prevent juveniles from entering the justice system unnecessarily.

Again, thank you for the opportunity to respond. As you know, the juvenile justice system is built on partnerships at the county and state levels. All partners have worked hard to make tremendous strides to improve the juvenile justice system and we will continue to improve what we do, so the right decisions can be made at the right time.

Respectfully submitted,



Sharon Harrigfeld
Director

SH:mp

Office of Performance Evaluations Reports, 2012–Present
 Publication numbers ending with “F” are follow-up reports of previous evaluations.

Pub. #	Report Title	Date Released
12-01	Reducing Barriers to Postsecondary Education	January 2012
12-02F	Delays in Medicaid Claims Processing	January 2012
12-03	Lottery Operations and Charitable Gaming	February 2012
12-04	Establishing an Efficiency Commission	February 2012
12-05F	Coordination and Delivery of Senior Services in Idaho	February 2012
12-06F	Operational Efficiencies in Idaho’s Prison System	February 2012
12-07F	Idaho’s End-Stage Renal Disease Program	March 2012
12-08F	Idaho Transportation Department Performance Audit	March 2012
12-09F	Delays in Medicaid Claims Processing	November 2012
12-10F	Increasing Efficiencies in Idaho’s Parole Process	November 2012
13-01	Workforce Issues Affecting Public School Teachers	January 2013
13-02	Strengthening Contract Management in Idaho	January 2013
13-03	State Employee Compensation and Turnover	January 2013
13-04	Policy Differences Between Charter and Traditional Schools	March 2013
13-05F	Coordination and Delivery of Senior Services in Idaho	March 2013
13-06	Guide to Comparing Business Tax Policies	June 2013
13-07F	Lottery Operations and Charitable Gaming	June 2013
13-08F	Governance of EMS Agencies in Idaho	June 2013
13-09F	Equity in Higher Education Funding	June 2013
13-10F	Reducing Barriers to Postsecondary Education	June 2013
13-11	Assessing the Need for Taxpayer Advocacy	December 2013
13-12	The Department of Health and Welfare’s Management of Appropriated Funds	December 2013
14-01	Confinement of Juvenile Offenders	February 2014