



Snapshot of Pretrial Justice Reform: Idaho

Pretrial Justice Brief 4*
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Background and Initial Work

Idaho's work on pretrial justice is an outgrowth of statewide and local efforts to address criminal justice issues through evidence-based practices. As the state's Criminal Justice Commission¹ continued exploring the use of evidence-based practices, the Supreme Court identified pretrial justice as a priority and the state court administrator encouraged criminal justice policy makers to consider the issues and recommendations set out in the Conference of State Court Administrators' policy paper on pretrial release.² Currently, 18 of Idaho's 44 counties have pretrial services, but their programs vary significantly based on population size, resources available, and use of a pretrial risk assessment tool. Several of these counties have recognized the need for improving pretrial processes.³

Two key events helped propel Idaho's growing interest in pretrial justice into more concerted action:

- In June 2014, a team comprised of an Idaho Magistrate Judge, the Supreme Court's Statewide Alternatives Sentencing Manager, a county prosecutor chief of staff, a county public defender supervisor, a pretrial services manager, and a county commissioner attended the National Center

for State Courts' Pretrial Justice Policy Forum in Washington, DC where they had an opportunity to hear from experts about various pretrial issues and develop an action plan to promote pretrial justice across the state.⁴

- In July 2014, following the Pretrial Justice Policy Forum, the Idaho Criminal Justice Commission established the Idaho Pretrial Justice Planning Committee. Its mission is to "evaluate pretrial justice in Idaho and identify principles and solutions for pretrial processes." The Committee's charge includes examining current pretrial justice services in Idaho and establishing statewide priorities. The Committee has representation from a broad range of stakeholders, including judges, prosecutors, the State Appellate Public Defender's Office, the Attorney General's office, sheriffs, probation officials, victim advocates, county commissioners and Idaho Supreme Court staff.

Recent Activities

During its initial meeting, held in September 2014, Idaho's Pretrial Justice Planning Committee established the following areas to explore: preventive detention, representation at arraignment, pretrial monitoring, citations in lieu of arrest, and the use of a validated

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pretrial risk assessment tool. The Committee has committed itself to quarterly, day-long meetings to work on these priorities and expand educational opportunities to all stakeholders in Idaho's criminal justice system on pretrial matters related to the Committee's vision statement: "A criminal justice system where every pretrial incarceration decision considers evidence and data to improve community safety and provides people the opportunity to succeed". During its first year, the Committee's primary focus has been on learning from and educating its members about current business practices in their work related to pretrial processes, as well as listening to stakeholders' issues and concerns. Examples of these efforts include the following activities:

- The Committee has hosted "Speakouts" to explore specific issues, such as prosecution case screening before the defendant's first appearance and victims' concerns about the criminal justice system and pretrial release.
- Several of the counties with established pretrial services have described their programs to the Committee, and the Committee visited one unit to observe its case management practices.
- Idaho's Attorney General gave a compelling presentation on preventive detention to the Committee.
- Timothy Murray, Director Emeritus, Pretrial Justice Institute, and Gary Raney, former Ada County, Idaho, Sheriff and current Chair of the Pretrial Justice Institute's Board of Directors, addressed pretrial justice issues at the annual conferences of Idaho's District Court judges and Magistrate judges.
- The Committee surveyed the Magistrate Judges attending their annual conference

to learn about their issues, concerns and needs related to pretrial decision making and other processes. The survey revealed that 50 percent of the respondents indicated the desire for a pretrial risk assessment tool.

Moving Forward

Idaho's Pretrial Justice Planning Committee is committed to proceeding in a methodical manner that reflects the values of Idaho with consideration to all stakeholders. In its first year, the Committee has laid the groundwork for system improvements to enhance pretrial justice over the next few years. In keeping with this incremental approach, the Committee expects to be making specific recommendations in collaboration with other Idaho initiatives as its work unfolds that will promote pretrial justice in Idaho.

Next steps for Idaho's pretrial justice initiative include several immediate and longer-term activities:

- The Pretrial Justice Planning Committee anticipates continued education and a more in-depth analysis of preventive detention that includes addressing key stakeholders in Idaho. The committee will further explore the availability of preventive detention for defendants who pose a high risk to community safety and no set of conditions of release are likely to mitigate the risk. The Committee has made a presentation on preventive detention to the Executive Board of the Prosecuting Attorneys Association and will meet with the Attorney General in the fall. The Committee also will hear from national experts on preventive detention and pretrial risk assessments in a webinar at its October 2015 meeting.
- The Committee will continue to address its priority of implementing a validated

pretrial risk assessment tool. Ada County, Idaho's largest county, has been conducting a three-year study, tracking 25,000 cases, to validate the Proxy Risk Triage Screener for pretrial cases. The committee has been coordinating with the Ada County Sheriff's Office and sharing information about the pilot with stakeholders.

- The Idaho Supreme Court is in the process of implementing a new case management system that incorporates a pretrial services module. The Statewide Alternatives Sentencing Manager is leading the effort to examine case management business practices that can be built into the pretrial module, including collection of data on risk assessment, release conditions, and monitoring and supervision. The module will be constructed with collaboration of Idaho pretrial subject matter experts. Ultimately, the pretrial module will help facilitate the establishment of pretrial services statewide.
- To address victims' issues in pretrial processes, the Committee will collaborate with the Family Justice Centers in Boise and Nampa to build a statewide network of Justice Center professionals in Idaho. The Family Justice Center model,⁵ which has been implemented in a range of jurisdictions across the country, can help communities in vast rural areas more effectively address the needs of victims of crime. The collaboration expects to promote the Family Justice Center model by developing a curriculum, toolkits, training and other implementation resources.

¹ The Idaho Criminal Justice Commission, created by a 2005 Governor's Executive Order, has 25 members from the three branches of government and the community.

² For the policy paper, see Conference of State Court Administrators. (2012). *2012-2013 Policy Paper: Evidence-Based Pretrial Release*. Williamsburg, VA: National Center for State Courts (available at <http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/Evidence%20Based%20Pre-Trial%20Release%20-Final.ashx>).

The policy paper was endorsed by the Conference of Chief Justices in 2013. See Conference of Chief Justices. (2013). *Resolution 3: Endorsing the Conference of State Court Administrators Policy Paper on Evidence-Based Pretrial Release*. Williamsburg, VA: National Center for State Courts (available at <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/01302013-pretrial-release-Endorsing-COSCA-Paper-EvidenceBased-Pretrial-Release.ashx>).

³ For example, Ada County, Idaho is one of 20 jurisdictions selected to participate in the Challenge Network established under the MacArthur Foundation Safety and Justice Challenge. Information about the Safety and Justice Challenge is available at <http://www.safetyandjusticechallenge.org/>.

⁴ Information about the Pretrial Justice Policy Forum, including the workshop agenda, speaker presentations, and other resources, is available on the Pretrial Justice Center for Courts' website at <http://www.ncsc.org/Microsites/PJCC/Home/Workshop-Information.aspx>.

⁵ Information about Family Justice Centers is available at <http://www.familyjusticecenter.org/>.