



National Consortium on Racial and Ethnic Fairness in the Courts

Idaho Report

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Judicial Recruitment Efforts

The Idaho Supreme Court has become proactive in judicial recruitment developing ongoing strategies for the effective recruitment of highly qualified applicants for appellate, district, and magistrate judgeships. The goal is to attract and advance the most talented individuals with diverse backgrounds and experience, regardless of their sex, race, religion, age, or any other dimension of diversity.

Of special concern is the continued scarcity of people of color on the bench. Accordingly, specially targeted strategies have been employed to address the concerns raised by women, more experienced practitioners, and other under-represented groups to increase confidence in judicial selection procedures and the number of judicial applications from these groups. Recruitment workshops have been implemented statewide. Additionally, judicial selection surveys have been developed for candidates to provide feedback about the selection process.

Improving the Public Defender System

In 2010, the Idaho Criminal Justice Commission asked the National Legal Aid and Defender's Association (NLADA) to complete an evaluation of Idaho's public defense system. Following the completion of the report, the Commission appointed the Public Defense Subcommittee to address improvements in the public defense system for indigent defendants and the adoption of consistent procedures throughout the state of Idaho. Ensuring the right to counsel is best achieved through the involvement and cooperation of a wide range of persons who are familiar with the criminal justice process and who make the important decisions regarding funding of the judicial system, including judges, prosecutors, defense counsel, state legislators, and county officials. The Public Defense Subcommittee of the Idaho Criminal Justice Commission has brought together such individuals to develop new and effective approaches to the provision of indigent defense services.

Three significant bills recommended by the Public Defense Subcommittee were enacted by the Idaho Legislature in 2013. HB 147 ensures that counsel will be provided for all indigent defendants charged with a crime for which the statutory penalty includes the possibility of incarceration. HB 148 expands the use of guardians ad litem and attorneys for children and guardians ad litem in child protection cases. And HB 149 extends to juvenile proceedings many of the same provisions that safeguard the right to counsel in adult criminal proceedings. It also provides that juveniles who are under the age of 14, who are charged with sex offenses or felonies, or who face possible commitment to the custody of the Department of Juvenile Corrections or waiver into the adult criminal system cannot waive the right to counsel.

The 2013 legislative session also saw the passage of House Concurrent Resolution 26, which created the Public Defense Reform Interim Committee. The resolution recognized the work and recommendations of the Public Defense Subcommittee and created an interim committee "to undertake and complete a study of potential approaches to public defense reform." The approaches to be examined were to include, but not be limited to, the creation of a statewide public defense commission and requirements that counties operate offices of public defenders and join a statewide association of public defense attorneys.

Based on the recommendations of the Interim Committee, the 2014 Idaho Legislature enacted HB 542, which made several significant changes to Idaho's public defense system. This legislation creates a State Public Defense Commission.

The Idaho Supreme Court joins the efforts of the Idaho Criminal Justice Commission, the Public Defense Subcommittee, the Public Defense Reform Interim Committee, and the Idaho Legislature in their vigorous efforts to reform Idaho's public defense system and to ensure that the right to representation in criminal proceedings, guaranteed by the Sixth Amendment and article I, section 13 of the Idaho Constitution, is a living reality.

Public Financing of Idaho Legal Aid Services

Since December 2006, the Idaho Supreme Court has supported the concept of public financing of Idaho Legal Aid Services (ILAS) to better allow ILAS to provide legal representation in specified state court case types, and to provide meaningful access to the state courts, particularly in these economically challenging times. Representatives from the Bar, the courts, the counties, and ILAS met in 2011 to develop a proposal that will provide public financing of ILAS to assist that organization in its efforts. The Court continues to urge this targeted approach to meet the legal needs of low-income Idahoans. The Court is also willing to act as a "pass through" of these funds as contemplated by the proposal.

Language Access Services Committee

The Supreme Court in 2013 appointed a standing Committee on Language Access Services. Members were familiarized with federal and state legislation and guidelines mandating the right to an interpreter. The Committee received an update regarding the National Summit on Language Access in the Courts held in 2012 and reviewed the proposed action plan developed by the Idaho team. The Committee has undertaken assessing the provision of language access statewide, reviewing proposed amendments to court rules and statutes as well as developing a statewide Language Access Plan.

Justice Reinvestment Initiative

In 2013, the CSG Justice Center began working with state leaders in Idaho to employ a data-driven, "justice reinvestment" approach to develop a statewide policy framework that would decrease spending on corrections and reinvest savings in strategies to reduce recidivism and increase public safety. CSG Justice Center experts analyzed Idaho's criminal justice data and interviewed stakeholders across the criminal justice system to identify three challenges facing the state:

1. The state's supervision and diversion programs are not reducing recidivism.
2. The majority of the prison population comprises people whose community supervision was revoked, people sentenced to a Rider, and people convicted of a nonviolent crime who are eligible for parole but have not yet been released.
3. Idaho lacks a system to track outcomes, measure quality, and assure reliability of recidivism-reduction strategies, so policymakers are unsure whether their investments are yielding intended outcomes.

State policymakers developed a justice reinvestment policy framework to address these challenges. The framework would

1. Strengthen supervision practices and programs designed to reduce recidivism;
2. Tailor sanctions for supervision violations, provide recidivism outcomes at sentencing, and structure parole to make more productive use of prison space; and
3. Assess, track, and ensure impact of recidivism-reduction strategies.

As a package, the policy framework has the potential to generate significant savings in Idaho and estimates a 15-percent reduction in recidivism.