SUBJECT: JUVENILES COMMITTED BY A DISTRICT COURT

CATEGORY: LEGAL SERVICES

Policy

There are two types of commitments to the Idaho Department of Juvenile Corrections (IDJC)—those under the Juvenile Corrections Act from the juvenile magistrate courts and those on a blended sentence under the retained jurisdiction of the district courts. Juveniles committed to the IDJC from the district court have committed offenses that the legislature and courts have deemed more serious than those committed by juveniles adjudicated in magistrate court. The juvenile has been waived to the adult court due to those offenses (Sections 20-508, 20-509, and 19-2601A, Idaho Code). The juvenile has been sentenced to a blended sentence whereby the district court imposes a prison sentence and suspends that sentence, retains jurisdiction and orders the juvenile to complete programming at the IDJC. Upon completion of programming, the juvenile may be ordered to remain in IDJC custody, may be released to felony probation, may be ordered to complete a Rider program, or may serve time in prison.

The purpose of this policy is to define procedures that further the goals of the balanced and restorative justice model while recognizing the inherent differences between these types of commitments. This includes IDJC staff having a basic understanding of the circumstances surrounding blended sentences, specifically dual custody with and involvement of the Board of Correction (Idaho Department of Correction), the criminal procedures of the district court, and the serious nature of the committing offenses and the lengthy underlying sentences they carry.

It is therefore the policy of the IDJC that the following procedures will be followed by staff with juveniles committed by a district court.

Operating Procedures

I. Communications with the District Court

A. IDJC Legal Services (Legal Services) are the only staff approved to contact the district court, district court clerks, request pre-sentence investigation reports, or request adult parole officers.

B. Any incoming communication from the district court or the district court clerks is referred to Legal Services.

C. All legal documents to be filed with a district court will be done by the Legal Services. File managers file routine progress reports and notices. Questions related to filing of documents with the court are directed to Legal Services.

D. Any questions regarding a juvenile's commitment or any requests for clarification of the order, probation, or passes should be referred to Legal Services.

II. DNA Collection for Felony Offenders

Pursuant to Idaho Code §19-5506, every person sentenced by a district court on a felony charge, including a juvenile who was waived to district court, and regardless of their sentence, must submit to the Idaho State Police (ISP) a DNA sample and a right thumbprint impression.

A. Establish and document need for DNA collection

1. When the order of commitment is received, staff designated to process commitments and enter them in IJOS verifies if DNA needs to be collected.

2. The designated staff emails ISP at DNADatabase@isp.idaho.gov to verify if DNA has already been taken and recorded in CODIS or needs to be collected by the IDJC.

3. The designated staff documents and communicates whether or not DNA needs to be collected, as follows:

   a. Completes the designated section of the Coversheet for Commitment to IDJC Custody (DJC-153) form;

   b. Enters a note in IJOS, Comments;

   c. Makes an entry on the Placement Considerations for Population Management (DJC-007) form; and

   d. Notifies the facility Superintendent and, as applicable, the Youth Programs Manager or JCC–Lewiston Unit Manager.

B. Collect and document DNA sample

1. Designated facility staff checks IJOS, Comments, and, if indicated, collects a DNA sample and right thumbprint as soon as possible, but no later than ten (10) days of arrival at an IDJC facility.

   a. The DNA sample and thumbprint are collected using the sample collection kit provided by the Idaho State Police (ISP) Forensic Services strictly following the instructions provided in the collection kit. Staff also refers to training video in References, below.

   b. The entire DNA collection procedure is performed on one individual at a time, if there is more than one juvenile that requires it.

2. Designated facility staff documents in IJOS, Comments, the date and time that the DNA collection is done, the name of the staff who completed the procedure, and date the DNA sample and thumbprint were mailed to ISP for processing.

III. Pre-Sentence Investigation (PSI) Reports

A. Pursuant to Idaho Criminal Rule 32, PSI reports are confidential and are only made available to individuals with a legitimate professional interest when necessary to further a plan of rehabilitation.

B. To request a copy of the PSI, staff contacts Legal Services. The Deputy Attorney General (DAG) files a Motion asking the court for a copy. Legal Services uploads the PSI into EDMS for 30 days. After 30 days, Legal Services removes the PSI from EDMS.

C. PSI reports received by anyone other than Legal Services are forwarded to the DAG immediately.

D. Individuals identified by the IDJC who are permitted to access a PSI report for a district court-committed juvenile are limited to that juvenile's Juvenile Services Coordinator (JSC), the Clinician responsible for writing the Observation and Assessment Evaluation report (DJC-250), and Legal Services.

1. Any unauthorized access to a juvenile's PSI report by any individual not listed above, or release of the report to any other person or agency, is grounds for discipline, up to and including termination, and may also be deemed contempt of court and subject to appropriate sanctions.

2. After completion of all job tasks requiring use of the PSI report (generally the writing of the initial DJC-250 report), the PSI report is returned to Legal Services.

3. Printing a copy or making a photocopy of a PSI report is discouraged. If it is necessary to do so in order to complete a job task, strict confidentiality is ensured and all copies of the report are sent to Legal Services when no longer needed.

E. All questions regarding access, distribution, retention, or disposal of PSI reports are directed to Legal Services.

IV. Passes and Appointments

A. At the time of commitment, the DAG reviews the commitment order to determine if court approval is required for a juvenile to have access to the community under staff supervision.

a. The DAG completes the designated section of the DJC-153 form to document findings.

b. If the juvenile is permitted access to the community (for passes, medical care, etc.) with staff supervision, the box for 'Yes' will be marked and the DAG's name will be at the bottom of the page.

B. Staff-Supervised Pass or Appointment

When planning a staff-supervised pass or appointment in the community, staff refers to the DJC-153 form to determine whether it is necessary to seek approval from the committing judge. If the DAG has indicated on the DJC-153 form that the juvenile is permitted to access the community with staff supervision, without seeking approval from the court, it is not necessary to notify Legal Services when a pass or appointment is going to occur.

C. Parent/Guardian-Supervised

1. All community passes supervised by a parent/legal guardian must have prior approval from the committing judge.
2. A hearing to request approval of a parent/guardian supervised pass is generally necessary and requires the JSC to complete an affidavit.

V. Community Placement

A. Placement of a juvenile in a community-based reintegration or transition program is not permitted without prior approval of the district court.

B. A hearing is required to request approval of a community placement and an affidavit will be required.

C. The JSC or Rehabilitation Specialist prepares the affidavit using an approved template and submits it to Legal Services for review.

VI. Release from custody

A. Juveniles committed by the district court remain under the retained jurisdiction of the court and, therefore, IDJC cannot release without the approval of the committing judge. A motion to terminate custody is filed with the court when the treatment team is contemplating a release from custody.

B. A hearing to request release is necessary and an affidavit is required.

C. The JSC or Rehabilitation Specialist prepares the affidavit using an approved template and routes it to Legal Services for review.

D. Legal Services prepares the motion to terminate custody.

VII. Addendums to the PSI

An addendum to the PSI (APSI) is filed with the motion to terminate custody.

A. The JSC, in collaboration with PTS, completes the APSI document in addition to the affidavit. The APSI document and affidavit are submitted to Legal Services.

B. The DAG finalizes the APSI and submits the APSI and finalized affidavit to the court with the motion to terminate custody.

VII. Court Hearings

A. Staff should understand that the district court may not schedule a hearing when a request for a hearing is made. Legal Services must be contacted as soon as it is anticipated that a pass, community placement, or release for a juvenile committed by a district court may occur. Legal Services notifies the treatment team of the hearing date once it is set by the court.

B. A member of the juvenile's treatment team is required to write an affidavit supporting the request. The affidavit and requested supporting documents are submitted to Legal Services as soon as possible for approval and filing with the district court.

C. The juvenile's JSC and other individuals identified by Legal Services should expect to attend court hearings with the juvenile.

VIII. Custody Review Board

Juveniles committed by the district court are under the retained jurisdiction of the court and are not within the purview of the Custody Review Board.

Reference:	*Glossary of Terms and Acronyms* *Sections 20-508, 20-509, and 19-2601A, Idaho Code* *Idaho Criminal Rule 32* *Legal Templates Library* *ISP DNA collection training video*
Desk Manuals:	*None*
Related Policies:	*Parent or Guardian Supervised Community Pass (650)* *Activities in the Community (652)* *Juvenile Sex Offender Registration (902)*
Related Forms:	*Coversheet for Commitment to IDJC Custody (DJC-153)* *Placement Considerations for Population Management (DJC-007)* *Addendum to the Presentence Investigation (DJC-178)*