

Use of Risk and Needs Assessment Information at Sentencing: 7th Judicial District, Idaho

**CENTER FOR SENTENCING INITIATIVES
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This report was produced by the National Center for State Courts' Center for Sentencing Initiatives (CSI). CSI conducts research, provides information and tools, offers education and technical assistance, facilitates cross-state learning and collaboration, and works closely with the Conference of Chief Justices and the Conference of State Court Administrators to implement their resolution In Support of Sentencing Practices that Promote Public Safety and Reduce Recidivism. To learn more about CSI, visit www.ncsc.org/csi

I. About this Report

In August 2011, the Conference of Chief Justices and the Conference of State Court Administrators adopted a resolution recommending that “offender risk and needs assessment information be available to inform judicial decisions regarding effective management and reduction of the risk of offender recidivism.”¹ The resolution noted that supervision and treatment decisions informed by valid and reliable offender risk and needs assessment (RNA) information is a critical component of effective strategies to reduce recidivism.

This report is one in a series describing the experiences of individual jurisdictions using RNA information to inform sentencing decisions. These profile reports are not intended to be a comprehensive study of all stakeholder views in a jurisdiction regarding the use of the assessment information. Rather, they offer a current picture of how some stakeholders are incorporating the

¹ Conference of Chief Justices and Conference of State Court Administrators. (2011). *Resolution 7 In Support of the Guiding Principles on Using Risk and Needs Assessment Information in the Sentencing Process*. Williamsburg, VA: National Center for State Courts (available <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/08032011-Support-Guiding-Principles-Using-Risk-Needs-Assessment-Information-Sentencing-Process.ashx>). CCJ and COSCA include the highest ranking judicial officer and court administrator from every state and U. S. Territory. The resolution endorsed a set of guiding principles developed by a National Working Group. For a description of the guiding principles, see Casey, P., Warren, R. K., & Elek, J. (2011). *Using Offender Risk Assessment Information at Sentencing: Guidance for Courts from a National Working Group*. Williamsburg, VA: National Center for State Courts (available <http://www.ncsc.org/sitecore/content/microsites/csi/home/Topics/~media/Microsites/Files/CSI/RNA%20Guide%20Final.ashx>).

ACKNOWLEDGMENTS

The staff of the Center for Sentencing Initiatives at the National Center for State Courts gratefully acknowledges the 7th Judicial District criminal justice stakeholders who took time to participate in our interviews and share their experiences for this report.²

We also extend our appreciation to The Pew Charitable Trusts for its support of this effort. For information about Pew's public safety performance project, please visit www.pewtrusts.org/publicsafety.

information into their sentencing practices. The reports identify the population of offenders for which RNA information is obtained and the assessment instruments used in the jurisdiction, describe the assessment report provided to the court, discuss how the assessment information is used, and report on any outcomes typically tracked by the jurisdiction. When available, the report also provides an example of the assessment information provided to the court. In addition to these individual jurisdictional profiles, a forthcoming report will identify common practices and lessons learned across jurisdictions using RNA information at sentencing.

II. Offenders Assessed

In Idaho's 7th Judicial District, the court orders a presentence investigation (PSI) for all felony cases in which the defendant has pled or been found guilty. Although rare, a PSI may also be ordered for adult

² District 7 is comprised of Bingham, Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton counties. In addition to a judge, probation officer, prosecutor, and public defender, a trial court administrator from this jurisdiction participated in interviews.

misdemeanor cases at the discretion of the court. PSIs are conducted by the probation department and include an offender risk and needs assessment (RNA). RNA information is not provided to inform plea negotiations.

III. Assessment Process

Idaho uses the Level of Service Inventory-Revised (LSI-R) instrument to assess risk factors for recidivism and inform supervision resource decisions for those on probation or parole.³ The LSI-R consists of 54 questions grouped into 10 domains and is administered through a structured interview with the offender. Originally adopted for use with specialty drug and mental health courts in the state, the Department of Correction expanded the use of the LSI-R assessment in 2002 to all felony offenders statewide.⁴ Representatives from the 7th Judicial District indicated that the LSI-R has been validated for use with the statewide adult probation population.

Dedicated presentence investigators in the Bureau of Probation and Parole administer the LSI-R and write the PSI report. Probation officers and presentence investigators must complete an LSI-R certification and must recertify every two

³ The LSI-R is one of a family of commercially available Level of Service Inventory instruments and is offered by Multi-Health Systems, Inc. (MHS). For more information, refer to the MHS website at:

<http://www.mhs.com/product.aspx?gr=saf&prod=lsi-r&id=overview>.

⁴ In 2001, Idaho passed legislation (Idaho Statute § 19-5606) that called for the establishment of drug and mental health courts, as well as the development of guidelines for the use of screening and assessment tools for the newly established courts.

years to conduct the assessment. The presentence investigator will not override the LSI-R score in the PSI report; judges receive the original assessment results. However, when considering supervision level after sentencing, probationers with certain qualifying offenses (e.g., sex offenses, violent offenses) who score low on the LSI-R will be reclassified as moderate or high by a supervisor or district manager in accordance with statewide policies.

If a revocation hearing is scheduled, a new LSI-R may be conducted by the supervising probation officer, although this is not currently required by the court and occurs infrequently in practice. Some judges have recently started requesting updated LSI-Rs when considering petitions for early discharge from probation.

In addition to the LSI-R, presentence investigators also administer the Global Appraisal of Individual Needs-Initial (GAIN-I) as a screening tool for mental health and substance abuse on every felony offender.⁵ The GAIN-I is a standardized biopsychosocial tool used for diagnosis, placement, and treatment planning.⁶ If the GAIN-I reveals need for further assessment, the Department of Health and Welfare conducts a comprehensive clinical assessment for inclusion in the PSI report.

Standard operating procedure for those convicted of a felony sex offense calls for additional screening with two specialized

⁵ See Idaho Statute § 19-2524 for more information on the consideration of behavioral health needs of offenders.

⁶ The GAIN has developed into a family of instruments with multiple measures used to inform and track treatment practices. More information is available at: <http://www.gaincc.org/about-gain>

sex offender risk assessments, the Static -99 and Stable-2007. PSI reports include results from these assessments. Sex offenders are supervised by a dedicated probation unit when placed in community supervision.⁷

IV. Assessment Report

Idaho recently changed the format of the standard PSI report and is in the process of pilot testing the new format in the 7th District. Stakeholders indicated that defendant assessment information was not easily found or referenced in the old PSI report, which focused primarily on criminal history information and embedded offender risk assessment information in a lengthy narrative without providing actual scores. The new PSI report more clearly identifies the defendant's LSI-R risk scores and levels overall and separately by subscale. In addition, unlike the old PSI report which required a separate order from the judge to obtain specialized assessment information for a defendant, the new report includes mental health and substance abuse assessment information in every case for which a PSI is conducted (see example in Appendix A).

The new PSI report also provides judges with information about the range of sentences ordered in similar cases across the state. A separate section outlines sentences used by other judges for similar offense types by defendants of a similar age and criminal history. This information is

⁷ The Idaho Department of Corrections has specific policies on the management and supervision of sex offenders outlined in Standard Operating Procedure 701.04.02.006. More information is available at: <http://www.idoc.idaho.gov/content/policy/535>

provided in lieu of sentencing guidelines, which are not used in Idaho.

At the end of the report, presentence investigators provide sentencing recommendations based on all the information in the report – e.g., the offender’s criminal history, face-to-face interview with the offender, prior treatments, as well as the RNA information. The investigator may recommend an unspecified period of incarceration, retained jurisdiction, or probation. The report may also include recommendations for conditions of probation—based on considerations of the availability and appropriateness of treatment options to address the offender’s needs—should the judge determine probation to be the appropriate sentence.

In 2012, 4,741 presentence investigation reports were provided to the courts statewide.⁸

V. Use of Assessment Information

General reception. When first introduced in the 7th District for use with the general adult felony population, the local defense bar expressed some concern that LSI-R information would be used incorrectly, resulting in more or longer prison sentences for defendants than might occur following business-as-usual sentencing practices. Over the years, using the LSI-R and other assessment tools in problem-solving courts and through other hands-on experience, the culture of the district evolved to accept and expect RNA information as part of the

sentencing process. Stakeholders seem to generally agree that having information on the defendant’s risk and needs enables the criminal justice system to divert offenders from prison who can be appropriately managed in the community and to craft conditions of probation that better address offender risk factors for recidivism.

Practical use of RNA information among stakeholders. In the 7th Judicial District, five district judges use LSI-R results in PSI reports to inform decision-making about the conditions of probation, if they decide to grant probation. They view the tool as a way to help them meet their statutory requirement to consider probation as a first option when sentencing. The degree to which RNA information is used in practice, however, varies from judge to judge.

When considering probation conditions, judges typically rule in accordance with the recommendations of probation. Exceptions may occur in cases for which a plea agreement has been reached. The subsequent PSI report may reveal additional information about the case or offender that may not have been previously available to the attorneys. In these cases, the judge may decide whether to deviate from the sentencing-related provisions of the plea agreement, which in most cases are non-binding, or reject the plea agreement in those rare instances in which the sentencing-related provisions are binding.

No dedicated LSI-R training has been provided to the defense bar or prosecutors. Many of these stakeholders are involved with problem-solving courts and their familiarity with the LSI-R has come from problem-solving court training or hands-on experience.

⁸ For more information, see the Idaho Department of Correction Annual Report at http://www.idoc.idaho.gov/content/document/annual_report_fy12.

VI. Outcomes Tracked

Idaho has faced prison population growth over the past six years, with the felony inmate population growing 6.8% in fiscal year 2012. A July 2013 statewide [study](#) of all offenders completing sentences between January 2008 and January 2011 found an overall recidivism rate (defined by the Research Unit of the Idaho Department of Correction as a return to prison within three years of release into the community) of 35%.⁹ In addition to efforts to use RNA information to divert low-level offenders and offenders who can be effectively managed in the community from prison, several other focused methods have been introduced in Idaho to manage the rising adult offender population, such as the use of

alternative sanctions for managing probation violations and an expansion of specialty problem-solving courts.

The Corrections Integrated System houses outcome data statewide. This information is not currently tracked by district nor by offender risk level. However, stakeholders shared that efforts to collect more and better quality data on recidivism by risk level are underway as Idaho works to implement a new statewide case management system. In a [2012 Performance Measure Report](#), the Idaho Department of Correction introduced a new performance measure to gauge the effectiveness of community treatment programs on reducing offender risk levels, paving the way for future evaluation work in this area.¹⁰

⁹ The report is available at http://www.idoc.idaho.gov/content/document/annual_report_fy12.

¹⁰ The report is available at http://www.idoc.idaho.gov/content/document/fy12_performance_measures.

PRESENTENCE REPORT

THE STATE OF IDAHO

Plaintiff

vs

Defendant

Date of Report: 08/13/2013
Judicial District: JUDICIAL DISTRICT 4
Judge: OWEN, PATRICK H.
Defense: GATEWOOD, SCOTT 336-1145 BOISE
Prosecutor: MEDEMA, JONATHAN
Sentence Date: 08/21/2013

Offender #: [REDACTED] **Investigation #:** [REDACTED]

PRESENT CRIME INFORMATION: - Multiple court cases and/or offenses, see page two for details

DOCKET NO: CRFE13-4640 **COUNTY:** ADA

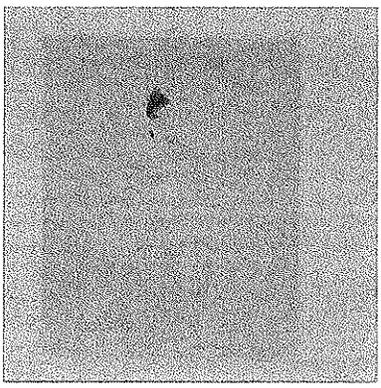
TYPE: FELONY **NUMBER OF COUNTS:** 1

CRIME: BURGLARY

PLEA AGREEMENT: Plea agreement per Order for Presentence Investigation (PSI): Count II amended to misdemeanor Assault, dismiss Count III (Use of Deadly Weapon); 10-year (3+7) prison term with the Court retaining jurisdiction (Rider); no contact with victim; mental health evaluation pursuant to Idaho Code 19-2524.

IDENTIFYING DATA:

DOB	[REDACTED]	SSN	[REDACTED]	SID	[REDACTED]	FBI	[REDACTED]
AGE:	26	GENDER:	MALE	WEIGHT:	140 lbs.		
HEIGHT:	5' 10"	HAIR COLOR:	BLOND OR STRAWBERRY	GLASSES/ CONTACTS:	NONE		
HAIR COLOR:	BLOND OR STRAWBERRY	COMPLEXION:	FAIR	RACE:	WHITE		
COMPLEXION:	FAIR	EYE COLOR:	HAZEL				
EYE COLOR:	HAZEL	DEXTERITY:	RIGHT				
PLACE OF BIRTH:	SALT LAKE CITY, UTAH	CITIZENSHIP:	UNITED STATES				
CITIZENSHIP:	UNITED STATES	MARITAL STATUS:	DIVORCED				
MARITAL STATUS:	DIVORCED						



PSI # [REDACTED] Offender #: [REDACTED]

PRESENTENCE REPORT

THE STATE OF IDAHO

Plaintiff

vs

Defendant

Offender #: [REDACTED]

Investigation #: [REDACTED]

Date of Report: 08/13/2013
Judicial District: JUDICIAL DISTRICT 4
Judge: OWEN, PATRICK H.
Defense: GATEWOOD, SCOTT 336-1145 BOISE
Prosecutor: MEDEMA, JONATHAN
Sentence Date: 08/21/2013

PRESENT CRIME INFORMATION:

DOCKET NO: CRFE13-4640 **COUNTY:** ADA
TYPE: FELONY **NUMBER OF COUNTS:** 1
CRIME: BURGLARY
CO-DEFENDANTS: NONE
PLEA AGREEMENT: Plea agreement per Order for Presentence Investigation (PSI): Count II amended to misdemeanor Assault, dismiss Count III (Use of Deadly Weapon); 10-year (3+7) prison term with the Court retaining jurisdiction (Rider); no contact with victim; mental health evaluation pursuant to Idaho Code 19-2524.

DOCKET NO: CRFE13-4640 **COUNTY:** ADA
TYPE: MISDEMEANOR **NUMBER OF COUNTS:** 1
CRIME: ASSAULT (MSD)
CO-DEFENDANTS: NONE

IDENTIFYING DATA:

DOB: 05/27/1987 **SSN:** [REDACTED] **SID:** [REDACTED] **FBI:** [REDACTED]
AGE: 26 **GENDER:** MALE
HEIGHT: 5' 10" **WEIGHT:** 140 lbs.
HAIR COLOR: BLOND OR STRAWBERRY
COMPLEXION: FAIR
EYE COLOR: HAZEL **GLASSES/ CONTACTS:** NONE
DEXTERITY: RIGHT **RACE:** WHITE
PLACE OF BIRTH: SALT LAKE CITY, UTAH
CITIZENSHIP: UNITED STATES
MARITAL STATUS: DIVORCED

ALIASES: [REDACTED]

ALIAS DOB:

ALIAS SSN:

PSI #: [REDACTED] **Offender #:** [REDACTED]

SCARS/MARKS/TATTOOS:

TYPE: TATTOO BACK
DESCRIPTION: AIRBORNE RANGER PARACHUTE

TYPE: TATTOO R ARM UPPER
DESCRIPTION: DAUGHTER'S NAME

TYPE: TATTOO R ARM
DESCRIPTION: ARMY CROSS

TYPE: TATTOO L ARM
DESCRIPTION: "HEARTAGRAM"

OFFICIAL VERSION:

Law enforcement reports are attached for the Court's full review. Briefly, they indicate that on 4/5/13 this defendant entered the Boise State University (BSU) bookstore with the intent to steal books. When he attempted to leave the store with books, store employees [REDACTED] and [REDACTED] confronted him. The defendant reportedly handed back the books to [REDACTED] then turned and pulled out a knife, and pointed the blade at [REDACTED] before leaving the store on foot. Boise Police caught up with him pretty quickly and apprehended him.

VICTIM'S STATEMENT:

I left several messages for [REDACTED] at the number the State provided for her, and at the BSU bookstore, but as of this writing she had not communicated with me. If she provides any comments she wants the Court to consider, I shall forward them to the Court and counsel.

RESTITUTION AND/OR ABILITY TO PAY FINE:

As of this writing, I had not received a restitution account history in this case.

DEFENDANT'S VERSION:

Typed Verbatim from the Presentence Investigation Questionnaire:

"I went into the Boise State bookstore with the intend (sic) to steal text books. When I got there I walked around the store looking at text books to steal. I pick up (sic) four text books and headed out the other side of the store. I was half way out the store with them when I was confronted by a employe (sic) there. She asked me if I paid for these and I told her yes and she asked if I had a receipt (sic). At that point she told me that I needed to come with her and that the police would be called. At that time I pulled out a knife and pointed towards her and said 'Do you really wanna do that.' I realized what I had done, I put the knife away and ran away from the bookstore."

PSI #: [REDACTED] Offender #: [REDACTED]

When asked how he feels now about having committed the crime, [REDACTED] wrote (typed verbatim) "I feel really disappointed (sic) in myself. I would never ment (sic) to hurt anyone."

PRIOR RECORD:

CRIME: MINOR IN POSSESSION OF TOBACCO
DATE: 01/06/2005 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRMD05-739
DISPO DATE: 05/24/2005 JUVENILE: N
DISPOSITION: FINE AND COSTS \$90.50
VERIFIED: ISTARs

CRIME: I: POSSESSION OF CONTROLLED SUBSTANCE II: DRUG PARAPHERNALIA
POSSESSION III: CARRYING CONCEALED WEAPON IV: FREQUENTING A PLACE
WHERE CONTROLLED SUBSTANCES ARE USED ;
DATE: 03/02/2005 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: JV05-455
DISPO DATE: 07/07/2005 JUVENILE: Y
DISPOSITION: I-III: TRUE DISPOSITION; PROBATION IV: DISMISSED
VERIFIED: ISTARs

CRIME: RUNAWAY
DATE: 06/08/2005 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: JV05-1374
DISPO DATE: 07/07/2005 JUVENILE: Y
DISPOSITION: TRUE DISPOSITION; PROBATION
VERIFIED: ISTARs

CRIME: I: PETIT THEFT II: PROBATION VIOLATION
DATE: 11/03/2009 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRMD09-21146
DISPO DATE: 12/28/2009 JUVENILE: N
DISPOSITION: I: FINE AND COSTS \$361.50 [STILL DUE]; 1 YEAR UNSUPERVISED PROBATION II:
DISMISSED
VERIFIED: ISTARs

CRIME: I: BURGLARY (F) II: PETIT THEFT III-IV: PROBATION VIOLATIONS

PSI # [REDACTED] Offender #: [REDACTED]

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DATE: 11/12/2010 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRFE10-19611
DISPO DATE: 12/06/2010 JUVENILE: N
DISPOSITION: I: DISMISSED II: FINE AND COSTS \$811.50 [STILL DUE] III: GUILTY IV: PENDING
VERIFIED: ISTARS

CRIME: I: PETIT THEFT II: PROBATION VIOLATION
DATE: 09/11/2012 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRMD12-14176
DISPO DATE: 12/10/2012 JUVENILE: N
DISPOSITION: I: FINE AND COSTS \$402.50 [STILL DUE]; JAIL; 1 YEAR PROBATION II: GUILTY
VERIFIED: ISTARS

CRIME: I: PETIT THEFT II: PROBATION VIOLATION
DATE: 01/10/2013 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRMD13-787
DISPO DATE: 03/01/2013 JUVENILE: N
DISPOSITION: I: JAIL; 1 YEAR PROBATION II: PENDING, WARRANT ISSUED 4/30
VERIFIED: ISTARS

CRIME: I: PUBLIC INTOXICATION II: RESISTING ARREST
DATE: 02/17/2013 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRME13-2427
DISPO DATE: 04/09/2013 JUVENILE: N
DISPOSITION: JAIL, BOTH COUNTS
VERIFIED: ISTARS

CRIME: PETIT THEFT
DATE: 03/13/2013 TYPE: MISDEMEANOR
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRMD13-5771
DISPO DATE: 06/03/2013 JUVENILE: N
DISPOSITION: FINE AND COSTS \$152.50 [STILL DUE]; JAIL; 18 MONTHS UNSUPERVISED
PROBATION
VERIFIED: ISTARS

CRIME: I: BURGLARY II: ASSAULT - AMENDED FROM AGGRAVATED ASSAULT (F) III:
ENHANCEMENT-USE OF A DEADLY WEAPON IN COMMISSION OF A FELONY

PSI #: [REDACTED] Offender #: [REDACTED]

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DATE: 04/05/2013 TYPE: FELONY
DEPARTMENT: BOISE POLICE STATE: ID
COURT CASE #: CRFE13-4640
DISPO DATE: 08/16/2013 JUVENILE: N
DISPOSITION: I-II: INSTANT OFFENSES III: TO BE DISMISSED
VERIFIED: ISTARs

PRIOR RECORD COMMENTS:

In addition to the above record, the defendant had one (1) Valley and two (2) Cassia County traffic infraction convictions, and Idaho Department of Transportation records showed his driver's license (ZE318815J) expired in 2008.

I sought comments from the defendant's misdemeanor probation officer, [REDACTED], who was out of the office and unavailable. Another staff member provided the defendant's case notes, which indicated the defendant last appeared for an office appointment on 11/27/12. The defendant missed scheduled meetings on 1/7/13 and 1/10/13, and failed to appear for a probation violation hearing on 4/30/13, just prior to his committing the instant offense.

FAMILY HISTORY:

NAME:	[REDACTED]	RELATIONSHIP:	FATHER
ADDRESS:	[REDACTED]	AGE:	NOT REPORTED
NAME:	[REDACTED]	RELATIONSHIP:	MOTHER
ADDRESS:	[REDACTED]	AGE:	46
NAME:	[REDACTED]	RELATIONSHIP:	STEP-FATHER
ADDRESS:	[REDACTED]	AGE:	NOT REPORTED
NAME:	[REDACTED]	RELATIONSHIP:	STEP-BROTHER
ADDRESS:	[REDACTED]	AGE:	21
NAME:	[REDACTED]	RELATIONSHIP:	STEP-BROTHER
ADDRESS:	[REDACTED]	AGE:	16
NAME:	[REDACTED]	RELATIONSHIP:	HALF BROTHER
ADDRESS:	[REDACTED]	AGE:	7
NAME:	[REDACTED]	RELATIONSHIP:	SISTER

PSI #: [REDACTED] Offender #: [REDACTED]

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ADDRESS: NONE
SEOUL KOREA, REPUBLIC OF

AGE: 22

NAME: [REDACTED]

RELATIONSHIP: STEP-SISTER

ADDRESS: NONE
SEOUL KOREA, REPUBLIC OF

AGE: 18

SIGNIFICANT FAMILY INFORMATION COMMENTS:

Asked to provide a written statement regarding his/ childhood up to the point of leaving home, the defendant submitted the following, typed verbatim from the presentence questionnaire form:

"When I was 8 my parents divorced (sic) and I would never see my real dad again. When that happened I held a lot of anger towards my mom, because I did not understand. Then my mom met a man named [REDACTED] I didn't care for him he was very abusive towards my mom and my sister and me. At age 12 he meslotted (sic) me when my mom was at work. I was embarrrsed (sic). A little after that my mom divorced (sic) [REDACTED] Then she met a man named [REDACTED] He seemed nice she was married to him till I was 17. At age 16 that's when I met my first wife and I stared to go down hill. My mom and I were fighting a lot. Finally I moved out at age 16 with [REDACTED] we stayed with her sister.then we moved to Burely (sic). Down there we split up and I moved back to my parents. I only stayed there for a bit till I moved out again. That time I had met a girl who is now the mother of my child. After a couple months go by and we are caught smoking weed. The courts made me return home. During the time that I am home I am on house arrest and [REDACTED] and I got into a fist fight because he didn't believe me on something. After that I spent two weeks in dention (sic) till I turned 18."

The defendant reported he has no knowledge of his birth father's whereabouts. His mother lives in South Korea, but communicated with detectives early on in this case, as did one of her friends, [REDACTED] Their letters were included in the State's Discovery, and are appended.

As to the abuse the defendant suffered from his first stepfather, the defendant said the man was never prosecuted because he (defendant) "waited too long to tell."

INTERESTS AND ACTIVITIES:

Verbatim from the questionnaire form:

"watching my daughter. Reading. Working on cars, playing guitar."

The defendant listed no organizations he belongs to and denied any gang affiliation.

RESIDENCE HISTORY: NONE

RESIDENCE HISTORY COMMENTS:

As of his presentence interview, the defendant was incarcerated in the Ada County Jail. As of this writing, he had

PSI # [REDACTED] Offender #: [REDACTED]

been the subject of the attached jail topic reports. His post-incarceration plan was "to try to get into the Ship housing program. Or stay at the Mission till I can get a place."

RELATIONSHIPS:

NAME: [REDACTED] RELATIONSHIP: EX-WIFE
ADDRESS: [REDACTED] AGE: 34
[REDACTED]
NAME: [REDACTED] RELATIONSHIP: EX-GIRLFRIEND
ADDRESS: [REDACTED] AGE: NOT REPORTED
[REDACTED]

RELATIONSHIPS COMMENTS:

The defendant described his relationship with his ex-wife as "bad," describing [REDACTED] as a "two-faced" woman who "never took showers and never cleaned her house."

[REDACTED] the defendant stated, "we don't have the best relationship."

CHILDREN:

NAME: [REDACTED] RELATIONSHIP: DAUGHTER
ADDRESS: [REDACTED] AGE: 8
[REDACTED]

CHILDREN COMMENTS:

The defendant described his relationship with his daughter this way (verbatim): "I am not the best father, my ex wont let me see my daughter." The Idaho Child Support office advised that the defendant has a \$146.00 monthly obligation, and is \$9,898.62 in arrears.

EDUCATION:

GED GRANTED BY: [REDACTED]
GED: YES
VERIFY METHOD: TRANSCRIPT

LANGUAGE:

LANGUAGE:	READ:	SPEAK:	WRITE:	PRIMARY LANGUAGE:
ENGLISH	YES	YES	YES	YES

EDUCATION COMMENTS:

The defendant reported he completed through the 10th grade, and that he last attended Capital High School in May

2004. Attached please find his GED transcript, indicating he passed all subjects in 2010.

MILITARY:

SELECTIVE SERVICE: REGISTERED

MILITARY COMMENTS:

Selective Service Number:

[REDACTED]

Date of Registration

4/28/2005

EMPLOYMENT:

CURRENT EMPLOYER(S): NONE

PAST EMPLOYER(S): NONE

EMPLOYMENT CAPABILITIES/COMMENTS:

The defendant mentioned during our interview that he had short periods of employment in the past, at Taco Bell and Dairy Queen. He said "Jackson's" store was his longest employment, for about 10 months. He considers his marketable skills to be customer service, money management and leadership.

HEALTH: NONE

MEDICATIONS:

MEDICATION: LITHIUM
DESCRIPTION: PTSD
STATUS: CURRENT VERIFIED: SELF-REPORTED
FREQUENCY OF USE: 1-2 TIMES DAILY

MEDICATION: VALIUM 5MG
DESCRIPTION: ANXIETY
STATUS: CURRENT VERIFIED: SELF-REPORTED
FREQUENCY OF USE: 1-2 TIMES DAILY

MEDICATION: PROZAC 40 MG
DESCRIPTION: DEPRESSION
STATUS: CURRENT VERIFIED: SELF-REPORTED
FREQUENCY OF USE: 1-2 TIMES DAILY

PSI # [REDACTED] Offender #: [REDACTED]

PHYSICAL/MENTAL HEALTH COMMENTS:

described his physical health as "Average." He listed allergies to Ibuprofen, and "NASID, Dexycilline." He reported he has had a "full mouth [dental] extraction" and is waiting to get dental implants. As to his mental health, he has had hospitalizations in 2013 at Intermountain (records attached) and reported he has attempted suicide three (3) times; involving at least once putting a gun to his head and pulling the trigger, but the gun jammed. The defendant is open to mental health counseling at this time.

NOTE: Pursuant to signed releases, Ada County Jail medical history is attached, as well as documentation related to the defendant's stays at Intermountain Hospital in 2013.

SUBSTANCE ABUSE:

SUBSTANCE:	MARIJUANA	AGE FIRST USED:	16
FREQUENCY:	1-2 TIMES DAILY	AMOUNT:	NOT PROVIDED
ROUTE:	SMOKE	LAST USED:	est. 12/05/2004
VERIFIED:	SELF-REPORTED		

SUBSTANCE:	PRESCRIPTION	AGE FIRST USED:	24
FREQUENCY:	5 OR MORE TIMES DAILY	AMOUNT:	"10 TABLETS DAILY"
ROUTE:	ORAL	LAST USED:	04/05/2013
VERIFIED:	SELF-REPORTED		

SUBSTANCE ABUSE COMMENTS:

The defendant reported he first drank alcohol at age 16 and, as of our interview, reported last using alcohol on 3/21/13. He did not feel alcohol was a problem in his life. Substance abuse assessment attached.

ECONOMIC STATUS:

ASSETS:

FIREARMS/WEAPONS		\$1500.00
	TOTAL:	\$1500.00

LIABILITIES: NONE

EXPENSES:

ATTORNEY FEES		\$3000.00
	TOTAL:	\$3000.00

INCOME: NONE

FINANCIAL COMMENTS:

The defendant reported he was in the process of applying for Social Security Disability benefits.

VALUES AND OUTLOOK ON LIFE:

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When asked to list those things that are important to him, the defendant wrote (typed verbatim): "I want to Stay out of trouble and go back to school so I can be a better person." He provided the following as his final written comments to the Court (typed verbatim): "I would like to say that I am sorry for what I did. I am not a voliet (sic) person. I need help with my ways of thinking. Also need help with controlling my anger."

TREATMENT PROGRAMS AND/OR OPTIONAL RECOMMENDATIONS:

ASSESSED FINDINGS AND RECOMMENDATIONS:

The purpose of completing a comprehensive risk and needs screening and or assessment is to determine the defendant's likelihood to re-offend. The intent is to consider the defendant's risk/needs and protective factors (strengths) areas in order to develop lasting interventions and qualified recommendations for appropriate placement options. In addition, if ordered and or available, psycho-sexual, mental health evaluations, and substance abuse evaluations will be summarized with full report findings attached as well as full LSIR and GAIN CORE Reports.

SUMMARY OF SCREENING/ASSESSMENT RESULTS:

LSIR (Level of Service Inventory Revised): Based on the findings of the LSIR, the following domain ranges represent [REDACTED] status as of this writing:

High/Very High Risk Domains have a LSIR score of .60 and above: FINANCIAL, LEISURE/RECREATION, COMPANIONS, EMOTIONAL/PERSONAL, ATTITUDE/ORIENTATION, CRIMINAL HISTORY, ACCOMMODATIONS, EDUCATION/EMPLOYMENT.

Moderate Risk Domains have a LSIR score of .40-.59: ALCOHOL/DRUGS, FAMILY/MARITAL.

TCU Drug Screen II: Page 1 of the TCU Drug Screen is scored as follows:

1. Give 1-point to each "yes" response to 1-9 (Questions 4 and 6 are worth one point each if a respondent answers "yes" to any portion).
2. The total score can range from 0 to 9; score values of 3 or greater indicate relatively severe drug-related problems, and correspond approximately to DSM drug dependence diagnosis.
3. Responses to Question 10 indicate which drug (or drugs) the respondent feels is primarily responsible for his or her drug-related problems.

[REDACTED] provided a self-score of five (5) on the TCU Drug Screen II and answered "Opiates" to Question 10.

GAIN CORE (Summary Substance Use Evaluation): Completed by [REDACTED] IDOC, full report

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attached.

Diagnosis:

meets criteria for Opioid Dependence and Cannabis Abuse and ASAM criteria for LEVEL III Residential Treatment..."

"Axis I-

304.00 Opioid Dependence w/Physiological Sx – In a Controlled Environment

305.20 Cannabis Abuse

296.90 Rule Out – Mood Disorder NOS

300.02 Rule Out -309.81 Posttraumatic Stress Disorder or 308.30

Acute Stress Disorder or other disorder of extreme stress

314.01 Rule Out-Attention Deficit Hyperactive Disorder-Combined Type

Axis II-

None reported

Axis III-

Rule Out – Major medical problems

Use of alcohol may exacerbate nervous system problems

Axis IV-

Weekly intoxication by others in living situation

Weekly substance use by others in living situation

Illegal activity in living situation

Arrested in the past 90 days

In jail, detention or prison in the past 90 days

Other legal system involvement: awaiting sentencing; in jail or prison

High lifetime history of traumatic victimization

Financially support self from illegal activity

Involved in illegal activity

Homelessness

Axis V-

No clinical ratings reported."

ASAM Treatment Recommendations:

"24-hour continuous intervention to shape behavior/skills; removal from a volatile and/or non-supportive living

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environment; referral to vocational counseling; residential treatment."

Other Recommendations:

"Random drug and alcohol screenings; address history of narcotic abuse with any future medical providers; address suicide risk; transitional housing and funding; active participation in 12-step program of choice, such as NA or AA; and follow the recommendations of Health and Welfare's MH review.

Substance Abuse Comments: Please refer to comments regarding substance abuse made in an earlier section of the PSI Report.

Summary of Mental Health Evaluation: Completed by [REDACTED] LMSW, Idaho Department of Health and Welfare, full report attached.

Diagnosis:

"Axis I-Mood Disorder, NOS
Generalized Anxiety Disorder
Rule out Post Traumatic Stress Disorder
Rule out Bipolar Disorder

Axis II-
Diagnosis Deferred

Axis III-
No Diagnosis on Axis III

Axis IV-
Problems with primary support group
Problems with social environment
Legal problems
Occupational Problems
Problems with access to medical services

Axis V-
Current GAF: 45; Highest GAF Past Year: 45"

Analysis of Degree of Mental Illness and Functional Impairment:

The Global Assessment of Functioning Scale is a 100-point scale that measures a patient's overall level of psychological, social, and occupational functioning on a hypothetical continuum.

██████████ has a Global Assessment of Functioning (GAF) score of 45.

Individuals with a score of 45 typically display serious symptoms (e.g. suicidal ideation, severe obsessional rituals, frequent shoplifting) OR any serious impairment in social, occupational, or school functioning (e.g. no friends, unable to keep a job).

Risk:

"Considering the potential instability ██████████ could experience given his mental health and substance abuse problems, ██████████ does pose a low risk to the public at Large. He poses a moderate risk in term of committing non-violent crimes such as burglary. This risk could be lowered if ██████████ is actively engaged in appropriate treatment."

Treatment Recommendations:

██████████ strengths include his expressed remorse over his behavior and desire to change his life. ██████████ is willing to participate in substance abuse, mental health treatment, and job training."

Mental Health Comments: Please refer to comments regarding mental health made in an earlier section of the PSI Report.

SENTENCING DATABASE INFORMATION:

Since 2006, statistics have been compiled regarding sentencing trends in Idaho. Utilizing this research, there were a total of 221 offenders matching the defendant's information: between the ages of 21 and 31, male, with the current offense of Burglary, with three or more prior convictions, and a High/Very High LSIR score.

Of these 221 offenders, eighty-four (84) were sentenced to probation with the minimum median sentence of two (2) years and the maximum median sentence of five (5) years. Ninety-eight (98) offenders were sentenced to Retained Jurisdiction with the minimum median sentence of 2 years and the maximum median sentence of seven (7) years. Thirty-nine (39) offenders were sentenced to Term with the minimum median sentence of 2 years and the maximum median sentence of eight (8) years.

INVESTIGATOR'S COMMENTS AND ANALYSIS OF DEFENDANT'S CONDITION:

26-year-old ██████████ is before the Court for sentencing, having pled guilty to felony Burglary and misdemeanor Assault. Pursuant to Idaho Code 19-5501, all felony cases sentenced after 7/1/13 require DNA sample and thumb print collection.

██████████ prior record consisted of juvenile convictions for Runaway and Drug Possession, as well as multiple adult Petit Thefts, Public Intoxication and Resisting Arrest. The State previously charged him with Burglary, in 2010, but ultimately dismissed the charge. As of this writing, he had a misdemeanor Probation Violation pending.

██████████ was incarcerated throughout the presentence process. He submitted a completed questionnaire form as requested and participated in a jail video visit, during which he was polite and appropriate.

As noted, his LSIR, self-scored TCU, and GAIN CORE assessment scores all highlight the defendant's need for long-term substance abuse and mental health treatment. As of this writing, he was unlicensed and unemployed, with no stable residence and virtually no local support system.

Based on the level of assessed need and risk, and other protective factors as discussed above, ██████████ appears to be an appropriate candidate for an order of retained jurisdiction. If a retained jurisdiction is ordered by the Court, based on the recognized criteria, the defendant may be best served completing a CAPP or TC program to address assessed criminogenic needs. The recommendation for the CAPP or TC program would still need to be confirmed by IDOC Receiving and Diagnostic Unit (RDU) staff prior to placement.

COLLATERAL CONTACTS:

Federal Bureau of Investigation; Criminal Identification Bureau; National Crime Information Center; Drivers Services; Ada County Prosecuting Attorney's Office; File Material; all other contacts are reflected in this report.

Respectfully submitted,

[REDACTED]
PRESENTENCE INVESTIGATOR
[REDACTED]
[REDACTED]
[REDACTED]

Approved: _____
[REDACTED]

cc: [REDACTED] Prosecuting Attorney
[REDACTED] Defense
Attorney
File

IMPORTANT NOTE: THIS DOCUMENT IS TO BE PROTECTED IN ACCORDANCE WITH IDAHO CRIMINAL [COURT] RULE 32 AND ALL APPLICABLE STATE OF IDAHO CODE PERTAINING TO PRESENTENCE INVESTIGATION REPORTS.

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