



Rule 33.3. Evaluation of Persons Guilty of Domestic Assault or Domestic Battery

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Persons who plead guilty or are found guilty of domestic assault or domestic battery may be ordered to undergo an evaluation under Idaho Code § 18-918(7) by an evaluator approved by the Domestic Assault and Battery Evaluator Advisory Board.

(a) Scope of Report. The scope and content of the evaluator's report must be as follows:

(1) *Identifying Information.* The report must contain the following identifying information about the defendant:

- (A) name;
- (B) address;
- (C) date of birth;
- (D) occupation;
- (E) current Incident;
- (F) marital status;
- (G) children; and
- (H) military service.

(2) *Risk Assessment.* The report must include a risk assessment containing the following information:

- (A) current and past violent behavior;
- (B) exposure;
- (C) threats of homicide, suicide, or violence;
- (D) ideation of homicide, suicide, or violence;
- (E) weapons access;
- (F) obsession with or dependent on the victim (sociopathic traits);
- (G) history of rage and impulsivity;
- (H) history of sexual abuse (as perpetrator or victim);
- (I) history of child abuse (as perpetrator or victim);
- (J) access to the victim;
- (K) Criminal History Record Information (CHRI) through a National Criminal History Background Check System from local law enforcement or any other authorized individual or agency;
- (L) cultural issues;
- (M) history of domestic violence protection orders;
- (N) prior treatment for aggressive violence; and
- (O) danger of reoffending.

(3) *Substance Abuse.* The report must include the following information about substance abuse:

- (A) present usage of drugs;
- (B) prior treatment for drug abuse or addiction;
- (C) involvement of substance use in the incident; and
- (D) a substance abuse assessment.

(4) *Self-Assessment.* The report must include the defendant's self-assessment, including:

- (A) description of current incident in person's own words;



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- (B) person's acceptance of responsibility for incident;
- (C) remorse evidenced by person;
- (D) person's own view of need for treatment; and
- (E) person's willingness to get treatment.

(5) *Test Results.* If there has been any testing of the defendant for substance use or abuse, psychological disorders, I.Q., etc., the report must contain the results of that testing.

(6) *Collateral Information.* The report must contain the following collateral information:

- (A) police report;
- (B) victim interview; and
- (C) review of past treatment records.

(7) *Personality or Character Assessment.* The report must contain information about any personality or character assessment conducted.

(8) *Behavioral Observations and Mental Status.* The report must contain the evaluator statement of observations of behavior and mental status, including:

- (A) level of cooperativeness;
- (B) victim interview; and
- (C) general present mental status.

(9) *Recommendation.* The evaluators recommendation must include:

- (A) a summary formulation that identifies the factors causing or contributing to the defendant's domestic violence that form the basis for the evaluator's opinion as to the treatment recommendation;
- (B) further assessment opinions and if needed;
- (C) treatment recommendations;
- (D) providers available to treat;
- (E) cost of treatment (estimate); and
- (F) cost of alternate treatment resources available to defendant.

(b) Non-Compliant Reports. If the evaluator submits an evaluation that is not in compliance with subsection (a), the court may return the evaluation with instructions to prepare an evaluation in compliance with this Rule at no additional cost to the defendant. In the event an evaluator fails to submit an evaluation in compliance with this Rule after such an instruction, the court may forward the evaluation to the Board as a sealed confidential document along with a written request that the evaluator be removed from the roster for failure to comply with this Rule. If the Board determines the evaluation fails to meet the requirements of this Rule, the evaluator may be removed from the roster.

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