I.M.C.R. 9.4. Alcohol-drug Evaluation Report.

Idaho Misdemeanor Criminal Rule 9.4. Alcohol-drug Evaluation Report.

The alcohol-drug evaluation report received by the court pursuant to Section 18-8005(11), Idaho Code, shall remain confidential in the same manner and to the same extent as a presentence investigation report under the Idaho Criminal Rules; provided the defendant shall always be entitled to retain his copy of the report. The report of an individual alcohol-drug evaluation submitted to a sentencing court under Section 18-8005(11), Idaho Code, shall consist of the following components and be presented in a standardized format approved by the Idaho Supreme Court:

(a) Face Sheet. All alcohol-drug evaluation reports shall have a one (1) page typed summary face sheet attached to the report which shall be in the following form:

Click here [1] for form.

(b) Evaluation Report. The report of the alcohol-drug evaluation shall be attached to the face sheet and shall contain the following information in the following order (click here for form [2]):

(1) Final disposition of any drug or alcohol related offenses or charges including any offenses or charges where drugs or alcohol were a factor.

(2) Any information of the defendant's blood alcohol content or refusals for any drug or alcohol related incidents.

(3) Any information of the defendant's driver license record.

(4) Previous alcohol or substance abuse education or treatment and whether the program was completed.

(5) Identification of primary substances of abuse or dependency to include listings of primary, secondary or other substances if appropriate and indications of defendant's history of I.V. drug use.

(6) Defendant's version of the current incident.

(7) Defendant's self assessment of substance use.

(8) Evaluator's description of the defendant's use of alcohol/drugs and the extent to which they have contributed to problems within the defendant's major life areas, including:

(I) Family

(II) Social

(III) Financial

(IV) Employment/Education

(V) Health

(VI) Legal

The results and explanation of the screening tools administered by the evaluator must be included.

(9) A listing of the screening tools utilized in the evaluation together with the scores. The use of at least three (3) screening tools approved by the Department of Health and Welfare is mandatory and shall include:

(A) A GAIN SS;

(B) A criminogenic risk needs screening tool; and

(C) Any other approved alcohol-drug screening tool.

(10) Evaluator's impressions and recommendations for further assessment and/or appropriate ASAM level of care for treatment, including specific reasons for recommendations and the factors considered.

(11) Recommendations as to the most appropriate treatment program together with the estimated costs.

(12) Recommendations for suitable alternative treatment programs together with the estimated costs.

(13) Whether the evaluator is the person or facility recommended to provide the treatment. If so, the evaluator must certify that the conflict of interest provision in Idaho Code § 18-8005(11) has been and will be complied with in all respects. The certification shall be in the following form:

Certification pursuant to I.C. § 18-8005(11).

I hereby certify under penalty of perjury that:

(a) I am aware of the conflict of interest provision in Idaho Code § 18-8005(11), which provides that "[i]f treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court."

(b) I understand that if the court orders treatment or additional treatment beyond that which has been provided prior to sentencing that the ordered treatment may not be provided by me unless I first obtain a waiver from the sentencing court.

DATED this ____ day of _____, 20__.

_____

Evaluator

(14) Identification of any source used to verify any information provided in the evaluation.

(15) In the event an evaluator submits an evaluation that is not in compliance with this rule, the court may return the evaluation with instructions to prepare an evaluation in compliance with the rule at no additional cost to the defendant. If the evaluator fails to submit an evaluation in compliance with this rule after such an instruction, the court may decline any future evaluations from the evaluator.

(16) If an evaluator provides treatment to a defendant in violation of the provisions of Idaho Code § 18-8005(11), the court may decline any further evaluations from that evaluator.

(Adopted March 20, 1985, effective July 1, 1985; amended March 18, 1998, effective July 1, 1998; amended March 9, 1999, effective July 1, 1999; amended January 25, 2013, effective July 1, 2013; amended March 9, 2015, effective July 1, 2015.)

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