

This report is designed to provide a foundation and explanation for court testimony as an expert witness. The CAI staff providing this report have substantial backgrounds in dealing with the criminal justice system, and as professionals within the criminal justice system, involving prison administration, probation, and parole, including pre-sentence report writing. Our CAI personnel hold academic degrees in sociology, criminology, education and nursing, and have presented testimony in local, state and federal courts concerning sentencing. This is not a measure of intelligence, mental problems or psychological / psychiatric issues. Young people have always had “trouble” as they move beyond childhood. We want to know if our subject might be headed to serious trouble. If we feel conditions exist that are problematic we may be able to help plan ways for the subject and family to have a better life than “trouble” and avoid future victims. Our concern is with normal youth diverging from social values and norms, and helping them plan for a productive future.

It is the belief of the staff of Criminological Associates, Inc. that adequate planning for the control of destructive behavior, coupled with the building of skills, attitudes, norms and values leading to personal productivity is desirable. To the extent this can be achieved the recidivism rate will be lessened, institutional populations and state costs will be reduced, and the moral quality of individual lives will be advanced.

SUGGESTIONS FOR SUCCESSFUL ADJUSTMENT AND RESOLUTION OF THE ALLEGED OFFENSE

On the basis of the information provided to CAI regarding XXXXXXXX , and assuming it is accurate, some risk will be involved when XXXXXXXX returns to the community. Yet, as on the basis of our information no known prior record involving convictions exists. XXXXXXXX has at this time served about two years of incarceration, he has completed high school with a positive recommendation from a teacher, and he has expressed a desire to lead a constructive life. It is likely that any deterrent value of incarceration has been achieved. Thus, a community placement may be considered as the cheapest and most likely plan to produce desirable outcomes. This is contingent on XXXXXXXX securing a job, and participating in a Character Education program or similar social value enhancement plan. Moreover, he should enroll / complete a program at the College of the Albemarle. He should accept (and sign) a statement of personal responsibility/life plan involving a refocus of friendship groups. XXXXXXXX should periodically complete a written report on his progress and submit it to the Court, his attorney or to his minister. Likely, a positive collaboration between the current or former minister and XXXXXXXX can serve the purpose of reinforcing positive social values and norms, and moving XXXXXXXX towards participation in the broad based American culture. XXXXXXXX can come to envision himself as an employed, contributing adult rather than as a youth involved in the local youth culture. Should these plans be adopted, specifics can be developed in a collaborative effort of the family (all the family), the

minister and a referral to the Department of Social Services requesting a guidance counselor service. While it must be kept in mind a criminological assessment such as this one does not involve legal aspects of the situation, the impact of almost two years of incarceration without resolution of criminal charges is unlikely to contribute valuable character building to XXXXXXXX . Data leading to our expert witness suggestions are summarized below.

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INFORMATION ABOUT THE SUBJECT

FULL NAME _____ XXXXXXXX _____

SEX: MALE RACE/ETHNIC BACKGROUND _____ American Black _____

RELIGION _____ Non-Denominational Christian _____ AGE 21

FAMILY. XXXXXXXX has never married. He has no children. He lives with his mother in XXXXXXXX . His only sibling, XXXXXXXX , a younger sister, also lives in the home and is a student at the local community college, College of the Albemarle. His mother, Mrs. Betty Butts, is a high school graduate who reports no employment outside the home. XXXXXXXX reports they are good citizens without a troubled background. Nothing is reported or known about XXXXXXXX 's biological father.

XXXXXXX , a high school graduate, worked thirty years for XXXXXXXX . XXXXXXXX refers to XXXXXXXX as "Dad" and has a good relationship with him. XXXXXXXX does not live in the home at this time, is described as a "good role model". The family appears to be typical of the local community and does not appear to be counterproductive. Nothing else is known regarding annual income, employment status or background, or other social conditions involving the family.

When asked about family discord XXXXXXXX wrote there was none. He wrote "NO Me and my family know how to talk our misunderstanding out before they turn into a problem. A family that prays together stays together"

RELIGION XXXXXXXX reports that he is a Christian, but does not report membership in a local church. His mother, XXXXXXXX, reports that he has been active in religious activities. A former minister provided a completed Youth Enrichment Schedule consistent with information provided by the family. In conversations with XXXXXXXX,

religion has played a prominent role. XXXXXXXX wrote regarding religion “My family go to church every Sunday. I’ll go sometimes. I feel as if I have to seek God on my own although I am a strong believer”.

SCHOOL XXXXXXXX wrote “I performed well in school I’m not perfect although its something I strive to be. I completed school. I have my high school diploma. I graduated from perquimans county high school. I would give my average grades B C D. I never made A honorable.”

One of his teachers submitted a Youth Enrichment Schedule (YES). Personnel other than family who contribute to a YES are anonymous in this report, although they sign the YES. This educator wrote “ XXXXXXXX was my student when he was in high school during the 2009-2010 school year. XXXXXXXX never displayed any behavior problems in my class. He was always sincerely respectful. I have stated before that XXXXXXXX was a ‘gentle giant’. He is a big man but I have never seen him use his size to intimidate anyone. He was an average student. He did most of his assignments. He took XXXXXXXX and XXXXXXXX from me during the year indicated above and earned a B in the class.”

PRIOR RECORD XXXXXXXX ’s formal “rap sheet” was provided by his Mother. He had two non-criminal traffic offenses in 2009, one involving a small fine and the other dismissed by the DA. In 2010 he was found not guilty of an assault.

The present offense involves three felony charges listed as “Superseding Indictment {Indicted by Grand Jury} or Other Superseding Process”. There are three felony offenses dated 03/29/11 listed as:

14-34.1 (C) “DIS WEAP OCC PROP SER BOD INJ”

14-32 (A) “AWDWIKISI”

COMMON LAW “ATTEMPTED FIRST DEGREE MURDER”

The offense dates for the three charges is XXXXXXXX and arraignment date as XXXXXXXX. No other date is set.

XXXXXXX indicated that he is not guilty of the assault offense causing his present incarceration. On the YES he wrote “This is my first time being locked up for two years. I got locked up before for something I did not do, it got thrown out of court. My record is clean. I have never been on probation or imprisoned”

FRIENDS Asked to describe his friends and any criminal involvement in their background XXXXXXXX wrote “I have a lot of friends. I’m a very easy going person real easy to get along with. More less I know people that have been locked up or either placed on probation before. I met some nice guys since I been down, to me I feel like its good people experience. Some just got caught up wrong place wrong time. Most of my high school friends are in college. I can relate to a lot of people if I can reach out an touch. I feel like I can talk to them let them know they can do better”.

When asked how he was different from other students in high school he wrote “ I was like the other students cause I wanted to say ime graduate high school. I like to have fun and keep smiles on everyones face. I was different cause I was never into sports. I was more focused on graduating making my mother proud” .

No other information is available about his social network s.

MEDICAL No medical, psychiatric, or psychological records were available. XXXXXXXX writes “I have migraines and I used to have them a lot but since I’ve got older there not that bad anymore”. He indicates he has not substance abuse issues. The family, Former Pastor, and Educator confirm this description.

HISTORY OF VIOLENCE (HUMAN AND ANIMAL) XXXXXXXX wrote “I’ve never been violent thats how I’ve made it this far in life. Especially not towards animals. When I was young I use to rescue animals. My senior year I rescue this elderly ladi. I was on my school bus. She fell in a ditch. I jumped off the bus and pulled her out. /she told me I was her hero.” XXXXXXXX wrote that he “...risked his life to save a dog”.

There is no evidence in the collected information of a history of pathological violence.

PLANS When asked about the use of this report and plans for the future, XXXXXXXX wrote “I felt like someone cared about me and realized that I wasn’t such a bad guy after all. I feel like God answered my prayers and my mother’s as well. ... I hope this report show everyone that I’m a good person. I hope it can help me by getting me home to my family and even find a job. 2 years of my life wasted. I’ll never get back that time. I stay strong through the faith of a mustard seed move mountains.”

JESNESS BEHAVIOR CHECKLIST

standard scores (T-scores)										
0	10	20	30	40	50	60	70	80	90	100
		X								Unobtrusiveness
			X							Friendliness
			X							Responsibility
					X					Considerateness
					X					Independence
				X						Rapport
		X								Enthusiasm
		X								Sociability
X										Conformity
		X								Calmness
		X								Communication
		X								Insight
				X						Social control
	X									Anger control
1	2	16		50		84		98	99.9	Percentile Scores

The scores above are the average of the scores of XXXXXXXX and an anonymous correctional officer who serves at the institution where XXXXXXXX is incarcerated.

	AVERAGE VALUE	STANDARD SCORE (T Score)	Percentile
Unobtrusiveness	22.5	38.5	12.6
Friendliness	16.0	44.0	27.4
Responsibility	24.0	43.0	24.2
Considerateness	22.5	60.0	84.1
Independence	18.0	63.0	90.3
Rapport	9.5	58.0	78.8
Enthusiasm	12.5	36.0	8.1
Sociability	7.0	31.0	2.9
Conformity	12.5	13.0	24.0
Calmness	14.0	31.0	2.9
Communication	11.5	31.0	2.9
Insight	9.5	35.0	6.7
Social control	15.0	52.0	57.9
Anger control	6.0	23.0	0.3

The Jesness Behavior Checklist forms a fundamental component of the Criminological Associates, Inc. assessment and recommendations of individuals felt to be in danger of antisocial behavior. Also, the CAI Report is used as a basis of expert testimony by a criminologist at the time of sentence or disposition of charges. It is also used at the time of parole or pardon. CAI reports are comparable to the pre-sentence investigation reports provided to courts by probation officers.

Jesness Behavior Checklist have been empirically demonstrated to be valid and reliable measures¹ but it must be kept in mind that the observers or the offender may not have been truthful in expectation of describing a positive image at the time of decision making. Most realize the need for truthfulness. Yet it is necessary to be aware of inconsistencies and other methods of identifying deception. The chart above displays the scores averaged among the individuals completing the instrument about a single person (column 2, Ave Score, the sum of the raw scores for each item divided by the number of observers completing forms, or a composite sum an item scores divided by the number of observers. See the calculation sheet bottom “totals”), (column 3, Standard Score or T-Score, and %tile score taken from Appendix A of Jesness (2003)). We focus on the T-scores, standardized so that all have a mean of 50 and a standard deviation of 10. The %tile score shows the number of others on whom the test was developed who scored lower than the respondent. Someone scoring at the 86th percentile would be higher than 86 % of others.

What do the items in the checklist mean? Jesness (2003, p18-19) describes them as follows.

1. Unobtrusiveness vs. Obtrusiveness. Unobtrusiveness is characterized by agreement, inconspicuous, non-meddlesome behavior. A low score is characteristic of loud, aggressive individuals who agitate, quarrel, and thrust their opinions upon others. The Correctional Officer and XXXXXXX reported divergent observations on this trait. XXXXXXX reported that he scored higher (better) than over 75% of others, while the Officer saw him as higher than only 0.03% of others. Jesness reported a statistical significant negative correlation between this measure and subsequent arrest. As unobtrusiveness goes down, later arrests go up.
2. Friendlessness vs. Hostility. Friendliness is defined as a disposition toward amiable cooperativeness and noncritical acceptance of others. A low score is indicative of faultfinding and disdainful, antagonistic behavior toward others,

¹ Jesness, Carl F. 2003. Jesness Behavior Checklist User's Manual. North Tonawanda, NY, MHS.

especially person in authority. The Officer saw XXXXXXXX as friendlier than 13.6% of offenders, and XXXXXXXX saw himself as higher (50%) than others.

3. Responsibility vs. Irresponsibility. Responsibility is indicated by adequate work habits, including promptness, initiative, and good care of possessions. Low scores suggest poor quality and low quantity of work performance. The raters disagreed on this trait, as the Officer felt XXXXXXXX was more responsible than less than 1% of others like him, but he felt he was more responsible than over 93% of others.
4. Considerateness vs. Inconsiderateness. Considerateness refers to a tendency to behave with politeness and tact and to show kindness towards others. A low score is indicative of callousness, tactlessness and or a lack of social skills. A large disagreement was found here, as Officer showed him better than over 8% and he saw himself as better than 99% of others.
5. Independence vs. Dependence. Independence characterizes persons who attempt to cope with tasks and make decisions without undue reliance on others. Low scores characterize those who are not decisive or assertive and who are easily influence by others. Here the Officer saw him as more independent than over 61%, and XXXXXXXX saw himself as higher than over 90% of others.
6. Rapport vs. Alienation. Rapport is shown by those who interact easily with and have harmonious relations with persons in authority, such as teachers, counselors, therapist, etc. A low score is characteristic of those who avoid authority figures and do not appear to trust them. Both felt XXXXXXXX was very low on this trait.
7. Enthusiasm vs. Depression. Enthusiasm is characteristic of those who are cheerful, active and involved with others. A low score indicates lack of interest, withdrawal from participation, and unhappiness. The Officer saw XXXXXXXX as higher than he saw himself (1.8% vs 27.4%)
8. Sociability vs. Poor Peer Relations. Sociability refers to the capacity for getting along well with others in groups. Low scores characterize those who do not cooperate well in group activities and are not well liked. Both agreed XXXXXXXX was low on this trait.
9. Conformity vs. Non-Conformity. Conformity refers to the tendency to comply with accepted social conventions, laws or established rules. Those who obtain low scores are prone to lie, steal or otherwise disregard social or legal standards. Both agreed XXXXXXXX was low on this trait. Jesness reported a statistical significant negative correlation between this measure and subsequent arrest. As conformity goes down, later arrests go up.

10. Calmness vs. Anxiousness. Calmness is defined by the presence of self-confidence, composure, personal security and high self-esteem. Low scores characterize person who lack confidence and appear anxious and nervous, especially under stress. Both agreed XXXXXXXX was low on this trait.
11. Effective Communications vs. Inarticulateness. Effective communication refers to the capacity for clear expression and the tendency to listen attentively to others. The person who scores low tends to avoid direct communication, does not express himself or herself clearly, and or does not attend to what others say. The Correctional Officer saw XXXXXXXX as better in effective communications than XXXXXXXX saw himself.
12. Insight vs. Unawareness and Indecisiveness. Insight refers to accurate self-understanding and active engagement in efforts to cope with and solve personal problems. A low score is indicative of indecisiveness, little effort toward resolving personal problems and inaccurate self-knowledge. . The Correctional Officer saw XXXXXXXX as more insightful than XXXXXXXX saw himself.
13. Social Control vs. Attention-Seeking. Social control is demonstrated by the absence of loud, attention-demanding behavior. Those who are rated low tend to “horseplay” and display other loud, attention-seeking behaviors. The Officer saw XXXXXXXX as lower (18.4%) than XXXXXXXX saw himself (90.3%).
14. Anger Control vs. Hypersensitivity. Anger control is defined as the tendency to remain calm when frustrated. Low scores indicate a tendency to react to frustration or criticism with anger and aggression. Both raters saw XXXXXXXX as very low on this trait. Jesness reported a statistical significant negative correlation between this measure and subsequent arrest. As anger control goes down, later arrests go up.

The Jesness Behavior Checklist is used in conjunction with the CAI YES Instrument. YES involves a “Youth Enrichment Scale” designed to elicit information sometimes used in presentence investigation reports and lead to planning for individuals experiencing aberrant social behavior associated with learned social values and norms. They are used by CAI as a basis for expert testimony at sentencing, parole hearings and other similar decision making meetings. These are not intended to be measurement instruments such as mental health professionals use for understanding mental illness. Rather, CAI reports concern normal individuals who experience difficulty with the criminal laws / delinquency statutes or behavior likely to be a prelude to such difficulties. Individuals may be compared to others of similar age relative to the traits above. Compared to others XXXXXXXX is low but close to the middle scores on Considerateness, Independence, Rapport and Social Control, but much lower on the other traits.

EXPERT WITNESS REPORT

Youth Enrichment Schedule (YES) © (2000, CAI) ¹

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Appendix

Criminal Record Check report