

## Reports From Pretrial, Probation, and Parole Officers

Within the criminal justice system, there are several officers that work with defendants and offenders to ensure justice is fairly administered. These include pretrial, probation, and parole officers. Pretrial officers work with individuals who are charged with crimes but are awaiting trial. Probation officers work with offenders postconviction (U.S. Courts, n.d.), but prior to a period of incarceration. Parole officers monitor offenders after being released from incarceration. Both pretrial and probation officers investigate for the court and write reports that assist in determining release strategies and the best sentences for offenders (U.S. Courts, n.d.). Probation and parole officers supervise offenders and record their actions on contact sheets. These officers also report to the court when offenders violate the conditions of release. The various reports written by these officers are called *pretrial reports*, *presentence investigations*, *contact sheets*, and *revocation petitions*. This chapter will discuss these documents.

### Pretrial Reports

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Court systems utilize pretrial services to assist in determining if defendants should be released prior to trial. They also use these services to help monitor individuals who are in the community awaiting court dates. Currently, several states and the federal government employ pretrial service officers and view participation in the pretrial system as voluntary on behalf of the defendant. Table 3.1 identifies the usefulness of pretrial service programs according to the U.S. Department of Justice (2001).

Pretrial officers are hired by the court system to investigate persons charged with crimes. Their investigations are designed to verify information known about the individual and to ensure that, if released before trial, the individual will not commit an additional crime before their court date. The reports written by pretrial officers are provided to the court and include information about the person's work, school or military records, family, friends, criminal history and current charge, among other information (U.S. Courts, n.d.). Once a defendant consents to participating in the pretrial process, pretrial officers write the report under the presumption of innocence and interview the accused person to obtain most of the information for the report. The pretrial officer will also interview other individuals, such as supervisors, family members, friends, co-defendants, to name a few, to verify information needed for the report. Even though the officer will work with the defendant

**Table 3.1 Key Points of Pretrial Services**

- Pretrial services programs perform two crucial functions:
  - Gathering and presenting information about newly arrested defendants and about available release options for use by a judicial officer in making decisions concerning a defendant's pretrial custody or release status.
  - Supervising defendants who are released from custody during the pretrial period by monitoring their compliance with release conditions and by helping to ensure they appear for scheduled court appearances and that they do not endanger community safety.
- Both functions described above are essential for jurisdictions to achieve the central goal of a fair and effective pretrial release/detention policy, which is to minimize unnecessary detention by releasing as many defendants as possible who are likely to appear for scheduled court dates and who will refrain from criminal behavior before trial.
- The pretrial decision has significant consequences for the community. It affects how limited jail space is allocated and how the risks of nonappearance and pretrial crime by released defendants are managed.
- The decision also has important consequences for defendants. It directly affects their ability to assert their innocence, negotiate a disposition, and mitigate the severity of a sentence.
- Pretrial release/detention policies and decisions have very important implications for society's capacity to achieve the ideal of equal justice under law. By providing judicial officers with essential information for decision making and by helping to supervise released defendants, pretrial services programs help courts reduce discrimination based on wealth and other factors not related to risk of flight or danger to the community. Fair and effective pretrial release policies are an essential component of equal justice.
- As pretrial services programs have evolved since the 1960s, they have increasingly demonstrated their capacity to provide information about defendants and about available supervised release options that is relevant to assessing both the risk of flight and the risk to public safety. In some jurisdictions, programs have also developed a capacity to supervise defendants and to help minimize both types of risk.

*Source:* U.S. Department of Justice. (2001). Pretrial services programs: Responsibilities and Potential. National Institute of Justice, Issues and Practices. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/181939.pdf>.

to create the report, the pretrial officer will not discuss the current charge or legal matters with the defendant.

### **Risk and Needs Assessments**

Most pretrial reports are combined with a numerically scored risk and needs assessment, often the Level of Service Inventory—Revised (LSI-R), which is the most widely researched and used risk/needs assessment in pretrial, probation, and parole, that provides quantitative support for releasing

or detaining the defendant. The assumption on these assessments is that the lower the score on the risk and needs assessment, the less likely a defendant will commit a new offense before court and the more likely he or she will attend court when ordered. The risk and needs assessments are also used, in some cases, to determine conditions for release prior to trial. An example risk and needs assessment is provided in Figure 3.1.

**Figure 3.1 Sample Risk Assessment for Pretrial Release**

**NEVADA PRETRIAL RISK ASSESSMENT (NPR)**

Name: \_\_\_\_\_

Assessment Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Case #: \_\_\_\_\_

Country: \_\_\_\_\_ Assessor: \_\_\_\_\_

DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ Gender: \_\_\_\_\_ Male \_\_\_\_\_ Female

# of Current Charges: \_\_\_\_\_

Most Serious Charge: \_\_\_\_\_

Initial Total Bail Set: \$ \_\_\_\_\_

Race: \_\_\_\_\_ Hispanic \_\_\_\_\_ White \_\_\_\_\_ Black \_\_\_\_\_ Asian \_\_\_\_\_ Nat. Amer. \_\_\_\_\_ Other \_\_\_\_\_

Verified Cell Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Deadly Weapon Charge: \_\_\_\_\_ Yes \_\_\_\_\_ No

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**SCORING ITEMS SCORE**

1. Does the Defendant Have a Pending Case at Booking?
  - a. Yes—3 pts. b. No—0 pts. \_\_\_\_\_
2. Age at First Arrest. First Arrest Date \_\_\_\_/\_\_\_\_/\_\_\_\_
  - a. Under age 21 yrs. —2 pts.
  - b. 22–35 yrs. —1 pt.
  - c. 36 plus. —0 pts.
3. Prior Misdemeanor Arrests. Total # Misd. Arrests: \_\_\_\_\_
 

Total # Misd. Convict: \_\_\_\_\_

  - a. 2 or less—0 pts.
  - b. 3–5—1 pt.
  - c. 6 plus—2 pts.
4. Prior Felony Arrests. Total # Felony Arrests: \_\_\_\_\_ Total # Felony Convict: \_\_\_\_\_
  - a. None or 1—0 pts.
  - b. 2–4—1 pt.
  - c. 5 plus—2 pts.
5. Prior Arrests—Violence: Total # Arrests \_\_\_\_\_ Total # Convict: \_\_\_\_\_
  - a. None—0 pts.
  - b. 1 or more—2 pts.
6. Prior FTAs Past 24 Months. Date of Last FTA Warrant: \_\_\_\_/\_\_\_\_/\_\_\_\_
  - a. None—0 pts.
  - b. 1 FTA Warrant—1 pt.
  - c. 2 or more FTA Warrants—2 pts.

(Continued)

Figure 3.1 (Continued)

7. Employment Status at Arrest. List Employer: \_\_\_\_\_

- a. Employed or Student or Retired—0 pts.
- b. Unemployed—2 pts.

8. Residential Status. Date of Residency: \_\_\_\_/\_\_\_\_/\_\_\_\_

- a. Living in current residence 6 mos. or longer—0 pts.
- b. Not lived in same residence 6 mos. or longer—1 pt.
- c. Homeless—3 pts.

9. Substance Abuse

- a. No evidence of drug abuse/alcoholism—0 pts.
- b. Some evidence – current charge—1pt.
- c. Prior multiple arrests for drug possession/alcohol/drunkenness—2 pts.

Total Score: \_\_\_\_\_

Risk Level: (Circle One):

0 – 3 pts. LOW

4 – 6 pts. MODERATE

7+ pts. HIGHER

Over-Ride? \_\_\_\_\_ Yes \_\_\_\_\_ No Over Ride Reason(s): \_\_\_\_\_ Mental Health \_\_\_\_\_ Disability

\_\_\_\_\_ Gang Member \_\_\_\_\_ Flight Risk Other Reason: \_\_\_\_\_

Final Recommended Risk Level: \_\_\_\_\_ LOW \_\_\_\_\_ MODERATE \_\_\_\_\_ HIGHER

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FOLLOW-UP DATA Booking Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Release Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Method of Release: \_\_\_\_\_ Cash Bail \_\_\_\_\_ Surety Bond \_\_\_\_\_ Court OR Other Release Method:

Was Defendant Re-Arrested Prior to Court Disposition? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, Date of Re-Arrest \_\_\_\_/\_\_\_\_/\_\_\_\_

Most Serious Charge: \_\_\_\_\_

Did Defendant FTA and Have a Warrant Issued? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, date of FTA \_\_\_\_/\_\_\_\_/\_\_\_\_

Was Defendant Re-Booked to Jail? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, date of Re-Booking: \_\_\_\_/\_\_\_\_/\_\_\_\_

Final Court Dispositions:

Charge Disposition

Date Disposition

Sentence Length

Source: Supreme Court of Nevada Judicial Counsel's Committee to Study Evidence-Based Pretrial Release. (2016). Final report and the Nevada pretrial risk assessment instrument. Retrieved from <http://www.ncsl.org/research/civil-and-criminal-justice/pretrial-policy-state-laws-reports-and-resources.aspx>.

## Information Included in a Pretrial Report

A pretrial report will contain the following information:

- The defendant's demographics and background
- Records from work, school, and/or the military
- National Crime Information Center (NCIC) records and/or jail records
- Driving records
- Sex offender history (if applicable)
- Drug/alcohol use and abuse
- Criminal background information
- The current charge
- Relationships with family, friends, and coworkers
- Financial information
- Medical and mental health records
- A recommendation regarding release
- Recommended release conditions (U.S. Courts, n.d.)

The pretrial officer may include additional information he or she believes to be pertinent to determining if the release of the defendant is appropriate prior to trial. The pretrial report will include a recommendation from the pretrial officer regarding release and will provide an opinion on the likelihood of the defendant committing another crime and returning to court when required (U.S. Courts, n.d.). If the pretrial officer believes the offender is likely to violate another law or to abscond, the officer may recommend the defendant be detained until trial. A sample of questions pretrial officers ask defendants to prepare the pretrial report can be found in Figure 3.2.

Figure 3.2 Pretrial Report Sample Defendant Interview Questions

### Demographics

1. What is your full name?
2. Are you married, single, separated, divorced, or widowed? *Note:* If the defendant is male or female and single, skip to 4; otherwise, continue to 3.
3. What is your maiden name?

(Continued)

Figure 3.2 (Continued)

4. Is English your primary language? *Note:* If the defendant's primary language is other than English, continue to 5; otherwise, skip to 7.
5. Are you English literate? *Note:* If the defendant is not English literate, continue to 6; otherwise, skip to 7.
6. Do you want an interpreter?
7. What is your social security number?
8. What is your date of birth?
9. What is your race/ethnicity?
10. Do you have any dependents? *Note:* If the defendant has dependents, continue to 11; otherwise, skip to 12.
11. How many of your dependents live with you?
12. Where were you born? *Note:* If the defendant was not born in the U.S., continue to 13; otherwise, the demographics section is complete.
13. Are you a U.S. citizen? *Note:* If the defendant is not a U.S. citizen, continue to 14; otherwise, the demographics section is complete.
14. Do you have legal documentation such as a Visa, Resident Alien Card (green card), or Employment Authorization Document (work permit)?

#### **Aliases**

1. Do you go by any other name?
2. Have you ever been arrested under any other name?

#### **Residence**

1. What is your current address?
2. What is your residence status—do you own, rent, pay room and board, live in a hotel/motel, live with family/friend, or another status?
3. How long have you lived there?
4. Is this also your mailing address? *Note:* If mailing address is different, continue to 5; otherwise, skip to 6.
5. What is your mailing address?
6. How long have you lived in the area?
7. How long have you lived in the state?
8. What is your phone number and what type of phone is it: cellular, home, pager, work, friend/relative, or other?

9. Who do you live with? *Note:* If the defendant lives with someone, continue to 10; otherwise, skip to 11.
10. What is that person's relationship to you?
11. Will you be allowed to return to this address when released? If no, where do you plan to live? *Note:* If current address is less than 1 year, continue to 12; otherwise, the residence section is complete.
12. What was your previous address?
13. How long did you live there?

### **Family/Reference**

1. Who can you list as a reference to verify this information?
2. What is that person's relationship to you?
3. What is his/her phone number?
4. What phone number can he/she be reached at today?
5. Where does he/she live?

### **Employment**

1. Were you employed at the time of your arrest? *Note:* If defendant was employed, continue to 2; otherwise, skip to 11.
2. Who do you work for?
3. What is the company's address?
4. What is your supervisor's name and phone number?
5. When did you start working there?
6. When was the last time you worked?
7. What type of work do you do?
8. Does the company know of your arrest and where you are?
9. If necessary, do we have your permission to contact your employer?
10. What is your net monthly income (take home pay)?
11. Within the past 2 years, how many periods of unemployment have you had? *Note:* If defendant was employed at the time of the arrest, the employment section is complete.
12. When was the last time you worked?
13. Who did you work for?
14. How long did you work there?
15. Were you the primary caregiver for a child (stay at home parent) at the time of your arrest?

(Continued)

Figure 3.2 (Continued)

### Education

1. Are you able to read English?
2. Are you able to write English?
3. Are you currently a student? *Note:* If the defendant is currently a student, continue to 4; otherwise, skip to 6.
4. Are you a full-time or part-time student?
5. How long have you been a student?
6. What is the last grade you completed?
7. What is the name of the current or last school you attended?

### Military

1. Have you ever served in the military? *Note:* If the defendant has served in the military, continue to 2; otherwise, the military section is complete.
2. What branch did you serve in?
3. What type of discharge did you receive?
4. When did you serve?
5. Are you eligible for VA benefits?

### Substance Use

1. What drugs have you ever used? *Note:* If the defendant reports to drug use immediately or after follow-up questioning, continue to 2; otherwise, skip to 9. Note the responses to 2–8 for each drug reported.
2. When was the last time you used this drug?
3. How often do you use it (or how often did you use it if not currently using)?
4. How long have you been using it (or how long did you use it if not currently using)?
5. How old were you the first time you used this drug?
6. How many times have you used this drug in the last 30 days?
7. Is this your primary drug of choice?
8. Are you interested in substance abuse treatment?
9. Have you ever consumed alcohol? *Note:* If the defendant reports to alcohol consumption immediately or after follow-up questioning, continue to 10; otherwise, the substance use section is complete.
10. When was the last time you consumed alcohol?
11. How often do you drink (or how often did you drink if not currently consuming)?
12. How long have you been drinking alcohol (or how long did you drink alcohol if not currently consuming)?

13. How old were you the first time you consumed alcohol?
14. How many times have you consumed alcohol in the last 30 days? *Note:* If it appears that the defendant may have an alcohol abuse problem, continue to 15; otherwise, the substance use section is complete.
15. Is this your primary drug of choice?
16. Are you interested in alcohol abuse treatment?

### **Substance Treatment**

1. Have you ever participated in any alcohol- or other drug-related treatment? *Note:* If the defendant reports to participating in treatment, continue to 2; otherwise, the substance treatment section is complete. For each occurrence of treatment, complete 2–8 below.
2. What type of treatment was it (detoxification, outpatient, residential, etc.)?
3. What was the primary drug you received treatment for?
4. What was the secondary drug you received treatment for?
5. Did you complete the treatment?
6. Where did you attend treatment?
7. When did you attend treatment?
8. How did you enter the program (court ordered, employment directed, voluntary, or other)?

### **Health Issues**

1. Do you have a physical or mental health issue? *Note:* If the defendant reports a physical or mental health issue, continue to 2; otherwise, the health issues section is complete. Document the responses to 2 and 3 for each reported health issue.
2. Are you currently under a doctor's care? If yes, who/where?
3. What medications do you take to treat this issue?

### **Criminal Events**

1. Do you have any charges pending against you in any criminal or traffic court other than those related to this arrest?
2. Do you have any outstanding warrants (are you wanted anywhere)?
3. What crimes have you been convicted of as an adult? *Note:* If the defendant reports being convicted of a crime as an adult, continue to 4; otherwise, skip to 7. Complete 4 and 5 for each conviction reported.
4. Where were you convicted?
5. When were you convicted?
6. Have you ever been convicted of failure to appear?
7. Are you currently under community supervision (pretrial, local or state probation, ASAP, etc.)?

*Source:* Virginia Department of Criminal Justice Services. (n.d.). Pretrial services. Retrieved from <https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/virginia-pretrial-investigation-guide.pdf>.

Finally, the pretrial report will provide conditions for release. The conditions are tailored to each defendant and typically include the least restrictive rules that allow the offender to remain in the community while not being a threat to the community. Example conditions may include maintaining employment, attending drug or alcohol counseling, going to school, not associating with known felons, drug testing, and so forth (U.S. Courts, n.d.). The pretrial officer can also recommend electronic monitoring and restrictions on travel. Table 3.2 provides information from the National Institute of Justice on the material provided by a pretrial officer and where the officer may get the information reported to the court.

**Table 3.2 Information Used to Inform the Court on Release Decisions**

- By providing reliable information to the courts, pretrial services programs can enhance the ability of judicial officers to make fair, equitable, and effective pretrial release/detention decisions.
- Pretrial services programs should collect and provide to the court at least the following information about newly arrested defendants:
  - Identity, including date of birth and gender
  - Community ties, including residence, employment, and family status
  - Physical and mental condition, including information concerning abuse of alcohol or drugs
  - Criminal record, including history of adjudications of delinquency
  - Prior record of compliance with conditions of release, including record of appearing for scheduled court dates
- Cases involving charges of domestic violence pose particular challenges for courts and for pretrial services programs. Pretrial services programs can help judicial officers make release/detention decisions in these cases by obtaining and presenting the following information:
  - The defendant's relationship with the alleged victim, including living situation and whether they have children in common
  - The possible existence of any court orders (past or current) restraining the defendant from contacting the victim
  - Substance abuse problems of the defendant
  - Possible living arrangements separate from the alleged victim that may be available for the defendant if released
  - Mechanisms that can be used to prevent contact between the defendant and the alleged victim during the pretrial period and to monitor the defendant's conditions of release
- In addition to information about defendants, pretrial services programs should also obtain and provide to the court information about available supervisory options.

- Defendants are primary sources of information about themselves. They should be interviewed very shortly after arrest to begin the process of gathering and verifying essential information prior to the defendant's first court appearance.
- When interviewing defendants, pretrial services program staff should advise them about the purposes of the interview, the neutral role of the pretrial services agency, the types of information to be collected, how the information will be used, and the fact that their participation in the interview is voluntary.
- Other sources—including the pretrial services program's own records of prior cases involving the same defendant, other criminal justice agencies, motor vehicle departments, the defendant's family members, and the defendant's employer—can provide information about the defendant and can verify information provided in interviews with defendants. If information cannot be verified, it should be clearly labeled as unverified in the program's report to the court.
- The pretrial services program should analyze the information it collects to assess the risks of nonappearance and dangerousness. The risk assessment provides a basis for formulating recommendations concerning conditions of release and the use of available supervisory mechanisms.

*Source:* U.S. Department of Justice. (2001). Pretrial services programs: Responsibilities and potential. National Institute of Justice, Issues and Practices. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/181939.pdf>.

## Writing the Pretrial Report

The pretrial report is written in third person and completed, most often, after the pretrial officer interviews the defendant and accumulates the necessary records to verify the information provided by the defendant. The pretrial officer has limited time to write the pretrial report (typically 48–72 hours from the time the accused person was detained), so he or she has to work rather quickly. The format of the pretrial report usually includes double spacing with headings identifying each of the categories of information. Agencies typically provide a template that can be used by pretrial officers, which allows officers to follow the same format for each case, while only modifying the specific facts pertinent to a single case. Once written, the pretrial report is provided to the appropriate judicial officer.

The judicial officer, usually a judge or magistrate, will make a final decision to release or detain the defendant upon receipt of the pretrial report. If released, it is likely the defendant will have several conditions to follow prior to a court trial. If detained, the defendant will remain in jail until his or her court date. Prior to the trial, the charges may be dropped, and pretrial supervision and services will end. However, if the defendant proceeds to court for trial, the case will be decided at trial, and the defendant will be adjudicated or not adjudicated. If adjudicated, a probation officer will become involved in the case prior to sentencing. The probation officer's role will include writing a presentence investigation report.

Reports written by pretrial officers can also be used by other agencies in criminal justice. Jails can use the reports for inmate classification and for drug or alcohol detoxification services. Probation departments may use the reports to avoid duplicating the activities necessary to get information for

the presentence investigation report and to determine how successful the individual was on pretrial release. Police departments can use the reports to serve warrants on defendants that do not appear for court and to monitor medium- and high-risk offenders on pretrial release. Researchers can use the reports to identify trends in pretrial release, characteristics of offenders who are likely to be successful or unsuccessful on pretrial release, and to advise on policy and decision making (U.S. Department of Justice, 2001).

## Presentence Investigation Reports

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Probation officers become involved in cases after adjudication or a guilty finding. Like pretrial service officers, probation officers are tasked with protecting the community and investigating convicted persons. Additionally, probation officers supervise individuals convicted of crimes (U.S. Courts, n.d.), although probation officers may also supervise individuals released from prison in jurisdictions that do not utilize parole. One of their many responsibilities is to prepare a presentence investigation report that provides information to the court on appropriate sentencing.

The presentence investigation report is written immediately following a guilty verdict from a criminal trial and prior to the sentencing hearing. The report is very similar to the pretrial report in that it provides information on the offender's demographics and background; family and friend relationships; previous drug or alcohol use, abuse, and treatment; the current offense; prior convictions; and home, school, and work environments. The presentence investigation report may also rely on a risk/needs assessment using the LSI-R or another assessment tool, and will most likely provide information on the eight criminogenic risk factors associated with the likelihood of reoffending. These risk factors are an offender's history of antisocial behavior, antisocial personality patterns, antisocial cognition, antisocial associates, family and/or marital status, school and/or work status, leisure and/or recreation activities, and substance abuse (Andrew, Bonta, & Wormith, 2006). It is believed that if we target these risk factors, the court will have the greatest success in preventing recidivism. Review Figure 3.3 to understand how the criminogenic risk factors are incorporated into a presentence investigation report.

The presentence investigation report also provides information on sentencing guidelines, the crime's impact on the victim, and the ability of the offender to pay fines and court costs, and allows the probation officer to recommend release conditions that are tailored to the offender's rehabilitative needs (U.S. Courts, n.d.).

Basic reporting skills such as the who, what, when, where, and how are used to write the presentence investigation report (Administrative Office of the U.S. Courts, 1984). The report usually follows a template provided by the probation office or determined by legislation. It is single spaced with headings identifying each of the areas discussed. Statements made in the presentence investigation report are supported with documentation and records, as well as a risk and needs assessment.

The presentence investigation report includes information obtained from interviewing the offender, using questions like those provided in Figure 3.2, and the victim as well as family, friends, and coworkers of the offender.

The probation officer will also request school and work records, mental health and treatment records, and prior criminal, driving, and credit histories, and will review sentencing guidelines on the crime, if any exist, to verify the information provided by the interviewees and the facts of the case. The probation officer will consider treatment and rehabilitative programs in the geographical area that are applicable to the offender's needs and recommend these as conditions for probation in the presentence investigation report.

## **Information Included in the Presentence Investigation Report**

Although many probation offices and state legislatures have requirements on the information included in the presentence investigation report, the report is tailored to each individual offender. According to the Administrative Office of the U.S. Courts (1984, p. 6), the presentence investigation report typically follows the format provided below:

### **1. Offense (Core)**

- Prosecution version
- Victim impact statement
- Defendant's version
- Codefendant information
- Statement of witnesses and complainants

### **2. Prior Record (Core)**

- Juvenile adjudications
- Adult record

### **3. Personal and Family Data (Core)**

- Defendant
- Parents and siblings
- Marital
- Education
- Employment
- Health
- Physical
- Mental and emotional
- Military service
- Financial condition
- Assets
- Liabilities

### **4. Evaluation (Core)**

- Probation officer's assessment
- Parole guideline data

Sentencing data  
Special sentencing provisions

### 5. Recommendation (Core)

Recommendation and rationale  
Voluntary surrender

If a section in the required format does not apply, the probation officer will either delete the subheading and/or write “not applicable.” If the offender is convicted of a sex offense or has previous sex offense convictions, the probation officer will include additional information on the sexual victimization of the offender, if any; the sexual treatment history; and information from any other agencies that have worked with the offender in the past. Figure 3.3 provides a common format for presentence investigation reports with explanations of how the probation officer gets the information for the various sections of the report.

Figure 3.3 Common Format for Presentence Investigation Reports

#### Introductory Headings

To: Honorable Judge of the Court (name)

Defendant: (name)

From: Probation Officer (name) and Office

Address

DOB:

State's Atty: (name) Address:

Defendant's residence: (If incarcerated, indicates where, and lists most recent community address.)

Defense Atty: (name)

Offense: Convicted Offense(s)

Date:

Docket #:

Adjudication:

#### Include the following headings in the PSI Report:

**Plea Agreement:** Copy from the signed Plea Agreement

**Complaint:** Copy the State's Attorney Information, including statutory penalty

#### Offense Summary:

This is a concise and factual summary of the affidavit. In many cases, it may be important to contact the State's Attorney to determine whether the affidavit has been redacted at the time of

the change of plea. Do not attach a copy of the affidavit or retype the affidavit in place of summarizing the offense.

**Defendant's Statement:**

Ask the defendant for their version of the offense and the circumstances that led up to the offense. It is important to include all factors, including the attitude of the defendant, premeditation of the offense, statements of remorse/acceptance of responsibility or expressions of denial, including acknowledgment or denial of specific allegations, and minimization of harm to the victim and community.

**Victim Impact Statement:**

Work with local Victim Advocates in contacting victims and requesting statements or interviews. Refer to the victim either by full name or by initials in the victim impact statement, depending on how the victim is referred to in the affidavit. Minors will always be referred to by initials only. Include the victim's report of financial, emotional, and physical consequences resulting from the offense. If the victim is a child, a statement by their parent or guardian may be used in lieu of the victim's statement.

**Prior Conviction/Substantiated Abuse Record:**

Request and include a current [state] conviction record. Include a record check from other states if the defendant has spent time out of [state]. List the state, name of convicted offense, the date and disposition. In cases involving violence or sexual deviance, review and summarize any [state] Department for Children & Families (DCF) or Department of Disabilities, Aging & Independent Living (DAIL) records to determine if there are prior substantiations of abuse of children or abuse or exploitation of vulnerable adults. Question the defendant regarding the specifics of prior convictions. Review with the defendant behavior patterns that potentially increase risk; e.g., offense type, progression of seriousness, frequency, alcohol/drug involvement, etc.

**Prior Supervision/Incarceration History:**

Indicate if there is no history with DOC. Summarize any prior community supervision, including any violations of probation or parole, and disciplinary reports while incarcerated. Summarize treatment the defendant may have engaged in while incarcerated or under previous probation or parole supervision. Summarize any graduated sanctions received. Note how cases were discharged (satisfactorily or unsatisfactorily). Contact previous supervising officer(s) in and out of state. If you have information about any juvenile supervision history, add that here.

**Social History:**

This is a concise factual narrative of the defendant's history, with a discussion of those areas which are relevant to sentencing or casework issues.

**Family History:**

Provide a concise description of the defendant's family of origin and/or with whom the defendant grew up. Describe the defendant's current relationship with their parents and siblings

*(Continued)*

Figure 3.3 (Continued)

and indicate if the defendant perceives the relationship as supportive or non-supportive. Include information about the number and nature of dependents, especially young children, or special needs of individuals living in the household.

**Education:**

Provide the defendant's level of education, their behavior while in school, and any special accommodations (e.g., IEP.)

**Marital or Equivalent:**

Indicate marital or long-term relationship status, including the defendant's satisfaction with this relationship. State how long the defendant has lived with their current partner, and list previous significant relationships, if applicable. For crimes of domestic violence, include any history of relief from abuse orders, including details of their grounds, and any history of Violation of Abuse Prevention Orders (VAPOs).

**Residence:**

Provide a concise description of the defendant's current housing situation, including location, whether they rent or own, and if they have roommates or not. Describe the defendant's residential stability, indicating how long they have been at the current address and how long at previous addresses. Describe the defendant's relationship to the people with whom they live.

**Employment:**

Describe the defendant's current employment circumstances and how long employed at their present job, including their annual earnings. It may be important to ask for pay stubs and/or talk with the defendant's employer. Describe significant employment history, including what types of jobs the defendant has held and the duration of the jobs. If necessary, fill out the Request for Social Security Earnings Information and send to the address on the form. However, do not hold up your submission of the PSI waiting for the return of information. Describe any employment training or professional degrees or licenses. List places, dates, and reason for termination. Note any comments supervisors have made regarding the defendant's reliability and work performance. Note periods of unemployment. Note whether the defendant's employment creates a risk to others.

**Financial:**

Describe the defendant's assets and liabilities, including property and credit card debt and whether the defendant is self-supporting and contributes to the support of their family. Describe the defendant's ability to make restitution to the victim, or pay for any required treatment and supervision fees.

**Military:**

Indicate if the defendant served in the military or other national service, and list dates of service, discharge status, and job duties. If necessary, fill out the Request for Military Records form and include it with the PSI. However, do not hold up your submission of the PSI waiting for the return of information.

**Medical/Health Status:**

Briefly describe any major medical issues, including mental health and developmental disabilities, that the defendant has that may impact on supervision, incarceration, or treatment. Indicate if the defendant is in good health. Note if the defendant is on any medications and what type. Briefly describe any relevant treatment or counseling the defendant is undergoing for health or psychological issues.

**Alcohol/Drug History:**

List current drug or alcohol use. Describe any prior alcohol and drug use by the defendant, including when they first used alcohol or drugs and what substances. Indicate any problem(s) alcohol and/or drugs have caused in the defendant's life. If the defendant uses drugs, indicate their drug of choice. If the defendant abuses substances, indicate the time of their last use. Indicate any previous treatment efforts for substance abuse. Has the defendant been to residential treatment or participated in AA or NA, and, if so, for how long? What is the defendant's own assessment of the effectiveness of treatment efforts? If there is no problem with substance abuse, state in this section that there is no problem.

**Collateral Interviews:**

This is the place for any information gained from interviewing family, friends, employers, and others in the defendant's life that is not already included under other sections above.

**Results of Assessments:**

Provide a narrative explanation of the numerical results of assessment tools (e.g., LSI-R), including an examination of key risk areas, and a summary of any Court-ordered clinical assessments. Establish if the defendant will be classified Level A or Level B for purposes of correctional programming, if incarcerated. Note: Offender responses to LSI questions 53 & 54 about their sentence should not be referenced in the narrative.

**Summary:**

Briefly summarize the major points of the report, but do not present new information in this section. Include both positive and negative factors in the defendant's life. Present your conclusions in a logical fashion based upon your research and data.

**Program/Condition Options for Judge:**

Address whether the seriousness of the crime precludes a probationary sentence, and whether the defendant's risk of re-offense can be managed in the community. The sentencing recommendation must address what will be required while the person is incarcerated or under community supervision. Consider restorative justice processes, especially in cases in which the Department is recommending probation, including referral to a community reparative board or justice center as a condition of probation.

- If the defendant is likely to be incarcerated or ordered into residential treatment, and is in a custodial role for one or more dependents, include a statement about how care will be provided for the dependents. Adverse effects on the family are not reason to recommend against residential treatment or incarceration, but require planning to deal with the situation.

*(Continued)*

Figure 3.3 (Continued)

- A recommendation, which includes community supervision, must address conditions of probation needed to manage risk, protect the victim, and mandate any required treatment. A recommendation, which includes incarceration, must identify any specific DOC program and the minimum length of sentence required to be eligible for that program.

NOTE: ONLY IF REQUESTED BY THE COURT, the PSI Investigator will include a recommended minimum and maximum term of incarceration or a minimum and maximum term of suspended sentence.

Source: State of Vermont Agency of Human Services Department of Corrections. (2011). Pre-sentence investigation reports. Retrieved from [http://doc.vermont.gov/about/policies/rpd/correctional-services-301-550/335-350-district-offices-general/copy\\_of\\_342-01-pre-sentence-investigation-psi-reports](http://doc.vermont.gov/about/policies/rpd/correctional-services-301-550/335-350-district-offices-general/copy_of_342-01-pre-sentence-investigation-psi-reports).

Most jurisdictions require a risk and needs assessment to be attached to the presentence investigation report. This evaluation is separate from the pretrial assessment but may include many of the same measurements. As with the pretrial risk and needs assessment, the presumption is that the higher the score, the more likely the offender will be a risk to the community and will likely reoffend.

Once completed, the presentence investigation report is provided to the offender and his or her counsel prior to the sentencing hearing and in enough time for them to review it and request corrections. The offender and his or her counsel can provide testimony at the sentencing hearing to refute or minimize information in the report. The judge will rule on whether to accept the change, deny the change based on provided facts, or not consider the refuted information during sentencing (Administrative Office of the U.S. Courts, 1984). The probation officer who wrote the report will likely testify to the information as well at the sentencing hearing. Finally, the judge uses the information in the report to determine the appropriate sentence for the offender.

### Exercise 3.1

Using Figure 3.3, write a presentence investigation report by interviewing a friend. Pretend you are the probation officer and your friend is an offender convicted of a felony assault.

If the offender receives a sentence of incarceration, the presentence investigation report is sent to the state or federal correctional system to be placed in the offender's file. The report is used to assist in inmate classification, as well as treatment and rehabilitation while incarcerated. Later, the presentence investigation report can be used by the parole board to determine parole release and conditions. If parole exists in the state where the offender is incarcerated, the parole officer will also use the report to make recommendations on the conditions of parole and while monitoring the offender. If the offender receives a sentence of probation, the report is used as a guide for the probation officer to monitor the offender while on probation.

## Contact Sheets and Revocation Petitions

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Some states and the federal government do not have a formal parole system. At the federal level and in these states, probation officers monitor both offenders prior to incarceration and offenders after incarceration. If an offender is allowed supervised release, the probation or parole officer monitoring the offender will create other reports about the offender. In many cases, the case reports already developed about the offender can be shared from one agency to another or one officer to another, and between criminal justice agencies and non-criminal justice agencies through case management software (CMS). When agencies are integrated with one another, they can ensure the information being shared is secure and remains updated as the case moves through case processing (Brown, n.d.).

A report often used during case processing is a contact sheet. A contact sheet is simply a record of meetings and discussions with the offender and others who report information to the officer about the offender. Contact sheets are offender specific. Contact sheets can be kept electronically but are often handwritten, single spaced, and attached to the inside cover of the offender's file.

### Information Included on the Contact Sheet

On the contact sheet, the officer will typically include the date of the contact and a general summary of what was discussed, what happened, and/or what was recommended. For example, if a probation officer had a monthly meeting with the offender and discussed family issues as well as a shoplifting diversion program, the officer would record the date and time of the meeting and a summary of both the family issues brought forth by the offender and the shoplifting diversion program information along with any comments made by the offender. The resulting notes may look like Figure 3.4.

Although not written by the probation or parole officer, the offender's file may also include other self-report documents from the offender and from counselors or other individuals working at agencies where the offender may be attending programs. The file may contain urinalysis reports if the offender is required to submit to drug testing. These documents are used by the probation or parole officer to determine if the offender is meeting the conditions of release.

### Information Included in a Revocation Petition

If, over time, it is determined that the offender is not following the stipulations ordered by the court, a probation or parole officer can request a revocation of supervised release. In this instance, an officer will file a revocation petition that informs the court that the offender is violating the conditions ordered. The revocation petition is available as a fill-in-the-blank template to probation and parole officers. The officer will complete the appropriate blanks by providing the requested information

in full and complete sentences. An example revocation petition is found in Figure 3.5.

Upon review of the petition, the court can take no action, summon the defendant to court, and/or revoke the probation or parole. The court can also modify the conditions of probation or parole if they do not exceed the stipulations that could have been ordered at the time of sentencing. An offender could be incarcerated as a result of revocation. In this case, the probation or parole officer would close his or her file on the offender.

Figure 3.4 Contact Sheet Example

Name: Mark Smith Case #: MC067-2019

Date/Time/Location of Contact	Notes
<p>2-28-2019 10:00 a.m. - Henderson County Probation Office</p>	<p>Mark Smith visited the probation office for a 30-minute appointment at 10:00 a.m. on 2-28-2019. Mark discussed issues at home, to include his wife not working, stress with getting the kids to do homework and to attend school, not having the money to pay bills and being overdue on electric and water by two months. Mark stated that he needs a higher paying job and has concerns that he is going under. Mark discussed not having the money to pay for the shoplifting diversion class he is ordered to attend on 3-15-2019. I recommended that he look for another job and recommended several places that hire felons at a higher pay rate than he currently makes. I also recommended potential jobs for his wife and discussed daycare options for after school for the kids. I agreed to make a call to a local tire shop where I've successfully placed felons before for employment. I also agreed to help his wife complete an application if she needs assistance. I will check with shoplifting diversion to see if we can reschedule the class for April 2019.</p>
<p>3-4-2019 1:50 p.m. - phone call</p>	<p>Contact was made with Ada Roe at shoplifting diversion and Mark is scheduled to attend the course beginning 4-21-2019. I called Mark and provided him with the new date and mailed a letter to him with the date and location. I left a message with Tires Plus regarding available positions. Awaiting a call back.</p>

Source: Author created.



## CHAPTER SUMMARY ●

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Pretrial, probation, and parole officers provide similar services to the community: (1) They make recommendations to the court on detaining or releasing offenders, (2) they provide for the safety of the community, and (3) they monitor offenders who are under court supervision. To accomplish these goals, these officers write reports. The reports are most often written using templates provided by agencies or legislators. However, the guide is modified, when necessary, to provide adequate information about specific offenders to the court.

Pretrial officers write pretrial reports to help the court determine the level of risk an accused person presents to the safety of the community if released prior to a criminal trial. The pretrial report can be used by other agencies as well to determine classification, risks, needs, and conditions of release.

Probation officers supervise offenders in the community prior to incarceration. They write presentence investigation reports to assist the court in determining appropriate sentences for offenders. If an offender is provided probation, a probation officer will monitor the offender to ensure he or she completes release conditions ordered by the court. Probation officers also write contact sheets and file revocation petitions if an offender violates the conditions of probation.

Parole officers, like probation officers, also monitor offenders; however, they supervise offenders released after a period of incarceration. Parole officers maintain contact sheets and file revocation petitions if a parolee violates the conditions of parole.

## QUESTIONS FOR CONSIDERATION

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1. When writing a presentence investigation report, why is it important to include school, medical, and family relationship information? How does this information assist the judge during sentencing?
2. Considering that some pretrial reports must be written within 48–72 hours after arrest, what are some of the challenges a pretrial officer may face in getting the information needed to write the report and in verifying the facts of the report?
3. Why are contact sheets useful for probation and parole officers? Identify at least two reasons.