

A Proposal to Ensure Accuracy in Presentence Investigation Reports

Over the last century, the American criminal justice system has been shaped by the penal theory that punishment should fit not only the crime but also the rehabilitative needs of the criminal.¹ Essential to this goal of individualized sentencing and correctional treatment is the availability of a wide range of information about a criminal defendant's background and characteristics.² The Presentence Investigation Report (PSI) is the primary source of such information for all stages of the correctional process. PSIs, however, often contain inaccurate information, which may lead to inappropriate and unfair judgments regarding an offender's sentence, custody conditions, or parole eligibility.³ Although Rule 32(c) of the Federal Rules of Criminal Procedure currently permits defendants to challenge the accuracy of information in their PSIs prior to sentencing,⁴ lower

1. See *Williams v. New York*, 337 U.S. 241, 247 (1949) (citing "prevailing modern philosophy of penology that the punishment should fit the offender and not merely the crime"); M. FRANKEL, *CRIMINAL SENTENCING* 87 (1972) ("[I]ndividualized rehabilitation is the paramount goal in sentencing."); Bergen, *The Sentencing Power in Criminal Cases*, *ALB. L. REV.*, Jan. 1949, at 1, 3 (noting modern attempt to fit treatment to the individual rather than punishment to the crime). In keeping with the rehabilitative model, judges have nearly unlimited discretion, within broad statutory limits, to impose appropriate sentences. See M. FRANKEL, *supra*, at 5-7, 82-85 (describing "wholly unchecked and sweeping powers" of sentencing judges); Cohen, *Sentencing, Probation, and the Rehabilitative Ideal: The View from Montana v. Rhy*, 47 *TEX. L. REV.* 1, 14-15 (1968) (citing common belief that rehabilitative goals "can be best obtained by the preservation of maximum discretion on the part of judicial and correctional authorities").

In recent years the rehabilitative model has come under increasing attack. Critics question the ability of the criminal justice system accurately to classify offenders and predict their future conduct, as promised by the rehabilitative theory. See, e.g., AMERICAN FRIENDS SERVICE COMM., *STRUGGLE FOR JUSTICE* 40-47 (1973) (theory based on "venerable factual assumptions"); M. FRANKEL, *supra*, at 84-94 (criticizing "baseless assumption that we are able effectively to understand and uniquely to 'treat' the individual"). As a result, critics argue, the focus on individualized sentencing has led to gross sentencing disparities. See, e.g., 3 *STANDARDS FOR CRIMINAL JUSTICE* § 18-2.2, at 66 (2d ed. 1986) (rehabilitative model "comes at the cost of tolerating extensive sentencing disparities") [hereinafter cited as *STANDARDS*].

2. See *Williams v. New York*, 337 U.S. 241, 247 (1949) ("Highly relevant—if not essential—to [a judge's] selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant's life and characteristics."); *Mégarie v. United States*, 571 F.2d 179, 182 (3d Cir. 1978) (such data facilitates tailoring of sentence "to the circumstances of a particular defendant"); Schwablenbach, *Information as Justification in the Imposition of Sentence*, *J. AM. JUDICATURE SOC'Y*, Aug. 1943, at 52 (author former United States District Court judge) (such information "only proper basis" for determining appropriate treatment); cf. 18 U.S.C. § 3577 (1976) ("No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.")

3. See *infra* note 23 (describing uses of PSI by correctional agencies).

4. Rule 32(c)(3)(A) provides in pertinent part:

Before imposing sentence the court shall upon request permit the defendant, or his counsel if he is so represented, to read the report of the presentence investigation . . . ; and the court shall afford the defendant or his counsel an opportunity to comment thereon and, at the discre-

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Jennifer M. Allen, Steven Hougland



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Presentence Report Handbook Robert Melvin Carter, 1978 A Guide to Improved Handling of Misdemeanant Offenders Tully L. McCrea, Don M. Gottfredson, 1974 **Federal Probation**, 2003 Task Force Report: Corrections United States. Task Force on Corrections, 1967 Correctional system operation and brief account of its development as background for the presentation of the directions it must take in the future Modern corrections are moving toward more humane treatment and greater emphasis on rehabilitation and community supervision The new corrections require extended research and program evaluation better decision making improved organization and more and better qualified staff The most conspicuous problems in corrections today are lack of knowledge and unsystematic approach to the development of programs and techniques Consideration is given to the role of corrections in intake and disposition probation alternatives to institutionalization correctional institutions parole and after care the misdemeanor in the correctional system the legal status of the convicted person manpower and training and creating change Report Writing for Criminal Justice Professionals Larry S. Miller, John T. Whitehead, 2010-11-24 So much of the process of criminal justice depends on good documentation and criminal justice professionals can spend as much as 50 75% of their time writing up administrative and research reports Much of the legal process depends on the careful documentation that records crucial information And yet most of these law enforcement security corrections and probation and parole officers have not had adequate training in how to provide a well written accurate brief and complete report Report Writing for Criminal Justice Professionals provides practical advice on report writing with specific writing samples and guidelines The authors go beyond the routine English grammar approach to deal with the difficult but often ignored problem of documentation that will hold up in court Important concepts are emphasized with related checklists forms and pull out chapter tests The material is organized into three sections The Nature of Report Writing The Mechanics of Report Writing and The Modernization of Report Writing NEW TO THIS EDITION Updated and revised with new material on forensics and scientific reports crime reporting common errors in forensic reports and automation of report writing Appendixes are thoroughly revised with new examples of reporting forms worksheets and reports including a sample forensic lab report and presentence investigation report Text complemented by numerous examples sample reports and tools Each chapter concludes with a sample test for the reader to self evaluate learning Appendixes include model reports examples of agency instructions for completing report forms and selected readings **Task Force Report** United States. President's Commission on Law Enforcement and Administration of Justice, 1967 **Community-based Corrections in Des Moines** National Institute of Law Enforcement and Criminal Justice. Office of Technology Transfer, 1976 *United States Code* United States, 1995 Alcohol Safety Action Projects, 1972 **The Handbook of Measurement Issues in Criminology and Criminal Justice** Beth M. Huebner, Timothy S. Bynum, 2016-06-13 This volume of the series was designed to provide a comprehensive primer on the existing best practices

and emerging developments in the study and design research on crime and criminology The work as a whole includes chapters on the measurement of criminal typologies the offenders offending and victimization criminal justice organizations and specialized measurement techniques Each chapter is written by experts in the field and they provide an excellent survey of the literature in the relevant area More importantly each chapter provides a description of the various methodological and substantive challenges presented in conducting research on these issues and denotes possible solutions to these dilemmas An emphasis was placed on research that has been conducted outside of the United States and was designed to give the reader a broader more global understanding of the social context of research The goal of this volume is to provide a definitive reference for professionals in the field researchers and students This volume in the Handbooks in Criminology and Criminal Justice series identifies the principal topical areas of research in this field and summarizes the various methodological and substantive challenges presented in conducting research on these issues In each chapter authors provide a summary of the prominent data collection efforts in the topical area provide an overview of the current methodological work discuss the challenges in the measurement of central concepts in the subject area and identify new horizons emerging in data collection and measurement We encouraged authors to discuss work conducted in an international context and to incorporate discussion of qualitative methodologies when appropriate

Critical Issues in Adult Probation Harry E. Allen, Eric Walfred Carlson, Evalyn C. Parks, 1979 **Alcohol Safety Action Projects - Evaluation of Operations - 1972. Volume II. Chapters 1-7**, 1974 *Law for Advertising, Broadcasting, Journalism, and Public Relations* Michael G. Parkinson, L.

Marie Parkinson, 2013-03-07 This exceptional new text offers an up to date and integrated approach to communication law Written by two practicing attorneys with extensive experience teaching the communication law course *Law for Advertising Broadcasting Journalism and Public Relations* covers the areas of communication law essential and most relevant for readers throughout the communication curriculum Its integrated approach will serve students and practitioners in advertising and public relations as well as those in journalism and electronic media Providing background to help readers understand legal concepts this comprehensive communication law text includes an introduction to the legal system covers legal procedures structures and jurisdictions discusses the First Amendment and electronic media regulations and considers issues of access Additional material includes intellectual property law employment and agency law with explanations of how these laws create obligations for mass communication professionals and their employees commercial communication laws and special laws and regulations that impact reporters public relations practitioners and advertisers who deal with stock sales Special features of this text include Magic Words and Phrases defining legal terms Cases illustrating key points in each chapter Practice Notes highlighting points of particular interest to professional media practices Instructions on finding and briefing cases with a sample brief and Examples of legal documents and jury instructions This text is intended as an introduction to communication law for students and practitioners in mass communication journalism advertising broadcasting

telecommunications and public relations

The SAGE Guide to Writing in Criminal Justice Research Methods

Jennifer M. Allen, Steven Hougland, 2020-01-28 The SAGE Guide to Writing in Criminal Justice Research Methods equips students with transferable writing skills that can be applied across the field of criminal justice both academically and professionally. Authors Jennifer M. Allen and Steven Hougland interweave professional and applied writing, academic writing, and information literacy with the result being a stronger, more confident writer, researcher, and student in criminal justice. Focused on teaching students how to write in the academic setting while introducing them to a number of other writing tools specific to research methods such as writing literature reviews, abstracts, proposals, and more. The perfect companion for any criminal justice research methods course, this brief text focuses on key topics that will benefit students in their classes and in the field.

Introduction to Criminal Justice Brian K. Payne, Willard M. Oliver, Nancy E. Marion, 2017-11-27 Very thorough text that makes great use of high profile cases to engage students and foster a passion for criminal justice. Patricia Ahmed, South Dakota State University. Introduction to Criminal Justice, Second Edition, provides students with balanced, comprehensive, and up-to-date coverage of all aspects of the criminal justice system. Authors Brian K. Payne, Willard M. Oliver, and Nancy E. Marion cover criminal justice from a student-centered perspective by identifying the key issues confronting today's criminal justice professionals. Students are presented with objective, research-driven material through an accessible and concise writing style that makes the content easier to comprehend. By exploring criminal justice from a broad and balanced perspective, students will understand how decision making is critical to the criminal justice process and their future careers. The fully updated Second Edition has been completely revised to include new studies and current examples that are relatable to today's students. Two new feature boxes have been added to this edition to help students comprehend and apply the content. You Have the Right to gives insight into several Constitutional amendments and their relationship with criminal justice today, and Politics and Criminal Justice explores current political hot topics surrounding the justice system and the debates that occur on both sides of the political aisle.

Criminal Justice John R. Fuller, 2013 Criminal Justice: Mainstream and Crosscurrents uses a distinctive crosscurrents theme to teach students about the complexities of the criminal justice system and help them think critically about critical issues.

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courts in the united states and the trial process A survey of constitutional principles is also presented The final section on corrections examines the development of corrections jails and detention probation parole and other release procedures correctional institutions and the institutional society community based corrections and the criminal justice system

United States of America V. Corbitt ,1988 **Predictive Sentencing** Jan W de Keijser,Julian V Roberts,Jesper Ryberg,2019-05-16 Predictive Sentencing addresses the role of risk assessment in contemporary sentencing practices Predictive sentencing has become so deeply ingrained in Western criminal justice decision making that despite early ethical discussions about selective incapacitation it currently attracts little critique Nor has it been subjected to a thorough normative and empirical scrutiny This is problematic since much current policy and practice concerning risk predictions is inconsistent with mainstream theories of punishment Moreover predictive sentencing exacerbates discrimination and disparity in sentencing Although structured risk assessments may have replaced gut feelings and have now been systematically implemented in Western justice systems the fundamental issues and questions that surround the use of risk assessment instruments at sentencing remain unresolved This volume critically evaluates these issues and will be of great interest to scholars of criminal justice and criminology *ABA Journal* ,1962-08 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association

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