# THE ALTERNATE DEFENSE PRE-SENTENCE INVESTIGATION REPORT: TEMPERING HARSH STATE SENTENCING RECOMMENDATIONS

By: Attorney Jeffrey L. Murrell\*

In the Wiscousia circuit-court system, judges in followy cases may order that a presentence investigation (PSI) report be generated by a probation/passic agent from the Department of Corrections (DOC) so that the count has the follow understanding possible of the defendant's life and circumstances at sentencing. Wis. Stat. § 972.15(1). See also Uloyd E. Ohlin & Frank J. Remington, Discouring to Criminal Academ: The Tomales Between Individual/cution and Conferency 148 (1993).

This, of course, is so that the court will be able to make the most fully-informed and fairest dispositional decision possible. At times, PSI reports prepared by state corrections agents recommend prison sentences which are harsher than what the prosecutors recommend. One way of attalionating an under prison sentence recommendation in a court-ordered PSI report is for the definate to present its own alternate PSI report for the judge's information and consideration at sentencing. This article describes the main purposes of a PSI report, the typical structure of PSI reports, potentially prejudicial effects of state-generated PSI reports, and how defense coursed racy try to counter an anduly hards state PSI recommendation by submitting a defense afternoon PSI report.

#### The Amatomy of a Pre-Sentence Investigation Report

In Wisconsin's state counts, a PSI report normally consists of two parts.

First is a state-mandated cover theet containing the basic personal information about the defendant, such as date of birth, sex, height, and weight and information about the county circuit court involved and the charged offense(s).

Second, the state form is assaulty stapled on top of a multi-page decument of varying styles and length which all present, more or less, separate pacagraphs and ining the information sources relied on by the PSI writer, a review of the defendant's general background, the offense(s) as alleged, the defendant's version of the offense(s), victim impact and restitution needs, a review of any pending criminal charges (see Honder's, State, 74 Whs. 2d 699, 247 N.W. 2d 711 (1976) where the court hold a judge does not deny due process by considering pending criminal charges in determining a seatenee's, past arrests and existing considering pending criminal charges in determining a seatenee's, past arrests and existing considering pending of the defendant, an analysis of the defendant's acceptance or not of responsibility, and any possible prison programs or prison often determinatives that might be available for the defendant under the circumstances, such as cligibility for carried release or the Challenge lacarceration Program. Wis. Stat. 88, 972.15(2b) & (2c).

Finally, the writer's sentencing recommendation is given.

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behavior therapy No longer is it possible to be a generalist and remain fully abreast of all the relevant developments Thus we see behavior therapists who deal with adults those who deal with children those whose specialty is hospital psychiatry and those who see themselves as practitioners of behavioral medicine Even within a subarea such as behavioral medicine specialization runs supreme to the extent that there are experts in the specific addictions adult medical problems and child medical problems Given the extent of specialization there are numerous ways to skin the pro verbial cat We therefore have chosen to look at the contemporary work in behavior therapy that is being carried out with adults in part of course because of our long standing interest in this area as teachers researchers and clinicians In so doing we have chosen to highlight the clinical aspects of the endeavor but not at the expense of the rich research heritage for each of the specific adult disorders

Handbook of Police Psychology Jack Kitaeff,2011-03-17 The Handbook of Police Psychology represents the contributions of over thirty police psychologists all experts in their field on the core subject matters of police psychology Police psychology is broadly defined as the application of psychological principles and methods to law enforcement This growing area includes topics such as screening and hiring of police officers conducting screening for special squads e g SWAT fitness for duty evaluations investigations hostage negotiations training and consultation and stress counseling among others The book examines the beginnings of police psychology and early influences on the profession such as experimental investigations of psychological testing on police attitude and performance Influential figures in the field of police psychology are discussed including the nation s first full time police psychologist who served on the Los Angeles Police Department and the first full time police officer to earn a doctorate in psychology while still in uniform with the New York Police Department

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