

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

By: Attorney Jeffrey L. Murrell*

In the Wisconsin circuit-court system, judges in felony cases may order that a pre-sentence investigation (PSI) report be generated by a probation/parole agent from the Department of Corrections (DOC) so that the court has the fullest understanding possible of the defendant's life and circumstances at sentencing. Wis. Stat. § 972.15(1). See also Lloyd E. Ohlin & Frank J. Remington, *Discerning in Criminal Justice: The Tension Between Individualization and Efficiency* 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 recommended prison sentences which are harsher than what the prosecutors recommended. One way of anchoring an unfair prison-sentence recommendation in a court-ordered PSI report is for the defense 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 aspects of state-generated PSI reports, and how defense counsel may try to counter an unduly harsh state PSI recommendation by submitting a defense alternate PSI report.

The Anatomy of a Pre-Sentence Investigation Report

In Wisconsin's state courts, a PSI report normally consists of two parts:

First is a state-mandated cover sheet 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 usually stapled on top of a multi-page document of varying styles and length which all present, more or less, separate paragraphs outlining 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 *Roscoe v. State*, 74 Wis. 2d 699, 247 N.W.2d 711 (1976) where the court held a judge does not deny due process by considering pending criminal charges in determining a sentence), past arrests and existing conviction record of the defendant, an analysis of the defendant's acceptance or not of responsibility, and any possible prison programs or prison alternatives that might be available for the defendant under the circumstances, such as eligibility for earned release or the Challenge Incarceration Program. Wis. Stat. §§ 972.15(2a)-(2c).

Finally, the writer's sentencing recommendation is given.

Probation Report Samples

Rachel S Tattersall



Probation Report Samples:

American Probation and Parole Association's Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies ,1992 **Presentence Report Handbook** Robert Melvin Carter,1978 American Probation and Parole Association's Drug Testing Guidelines and Practices for Adult Probation and Parole Agencies ,1991 **Report Writing for Criminal Justice Professionals** Larry S. Miller,John T. Whitehead,2014-10-13 The criminal justice process is dependent on accurate documentation Criminal justice professionals can spend 50 75% of their time writing administrative and research reports Report Writing for Criminal Justice Professionals Fifth Edition provides practical guidance with specific writing samples and guidelines for providing strong reports Much of the legal process depends on careful documentation and the crucial information that lies within but most law enforcement security corrections and probation and parole officers have not had adequate training in how to provide well written accurate brief and complete reports Report Writing for Criminal Justice Professionals covers everything officers need to learn from basic English grammar to the difficult but often ignored problem of creating documentation that will hold up in court This new edition is updated to include timely information including extensive coverage of digital reporting updates on legal issues and privacy rights and expanded coverage of forensics and scientific reporting Special Report ,1983 *Task Force Report* United States. President's Commission on Law Enforcement and Administration of Justice,1967 **Report of the Medical Officer of Health** City of London (England). Corporation. Public Health Dept,1916 *Juvenile Delinquency* United States. Children's Bureau,1960 *Protecting the public* Great Britain: National Audit Office,2008-03-05 The Parole Board for England and Wales is an independent body that makes decisions on the release of prisoners The Board works alongside the HM Prison Service and the probation service when deciding on the release of offenders from custody In the 2006 07 period the Board handled 25 000 cases a 31 per cent increase from the 2005 06 period This NAO report examines the following areas in how the Board works including whether the members of the Board are well equipped to make decisions whether the Board manages its workload in a timely and efficient way whether the Board has adequate processes for reviewing its performance and learning lessons The NAO has set out a number of recommendations including the Ministry of Justice should alongside the Parole Board examine the composition of the Board s membership to consider whether it can be more representative that the Board should continue to monitor closely the amount of time members are making available for casework that the Board should introduce a template to record reasons for all parole decisions that the Ministry of Justice needs to produce more realistic workload forecasts and also introduce a target which covers the entire process of providing information and holding hearings for indeterminate sentenced prisoners sentences given to prisoners for public protection and life sentences that the Board should review random samples of some completed cases to assess the quality of the reasons for the decision taken **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 The Attorney General's Survey of Release Procedures United States. Department of Justice,1939 *Introduction to Criminal Justice* Lawrence F. Travis III,2011-03-28 This student friendly introductory core text describes the criminal justice process in the United States outlining the decisions practices people and issues involved It provides a solid introduction to the mechanisms of the criminal justice system with balanced coverage of the issues presented by each facet of the process including a thorough review of practices and controversies in law enforcement the criminal courts and corrections Each chapter is enhanced by important terms boxes photos and review questions New edition includes updated statistics and an extended focus on theoretical approaches throughout the text New information and attention added on terrorism and homeland security issues An easy to access glossary offers a complete collection of essential terms in criminal justice **Reports of the Proceedings** Judicial Conference of the United States,1983 Includes regular annual and special meetings *Appendix; the technical papers of the first report of the National Commission on Marihuana and Drug Abuse* United States. Commission on Marihuana and Drug Abuse,1972 **Report of the Drug Control Research, Data, and Evaluation Committee** United States. Office of National Drug Control Policy. Drug Control Research, Data, and Evaluation Committee,1999 Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies Anna T. La,1994 Will assist agencies across the country in developing judicially acceptable programs that will provide the information needed to confirm or disprove drug use among juveniles Represents an amalgamation of the best drug testing practices currently conducted by more than 125 probation and parole agencies in the U S Drug testing refers to urinalysis because it offers the most inexpensive and least intrusive method for identifying illegal drug use Includes 14 forms glossary references and selected readings *Handbook of Clinical Behavior Therapy with Adults* Alan S. Bellack,Michel Hersen,2012-12-06 Despite the occasional outcries to the contrary the field of behavior therapy is still growing and the asymptote has not been reached yet The umbrella of behavior therapy continues to enlarge and still is able to encompass new theories new concepts new research new data and new clinical techniques Although the number of new behavioral journals now has stabilized we still see a proliferation of books on the subject In the past few years however we have seen considerable specialization within 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 proverbial 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 The Sentencing Dispositions of New York City Lower Court Criminal Judges James R. Davis,1982 *Out of Care* D. H. Thorpe,D. Smith,C. J. Green,J. H.

Paley,2024-08-01 The late 1970s saw the emergence of a heated debate on the treatment of juvenile delinquents The argument was usually presented as being between the exponents of law and order and punishment on the one hand and the soft advocates of social work and treatment on the other Originally published in 1980 *Out of Care* The Community Support of Juvenile Offenders took issue with both sides and argued that it was the juvenile justice system itself which was at fault Much of the debate about the merits or otherwise of the 1969 Children and Young Persons Act had been conducted in an informational vacuum For the authors the most important point is that while this self interested and politically disingenuous debate had been continuing more and more supposedly delinquent children had been locked up quite contrary to the intentions of the Act The book however goes further than a mere critique of the existing system at the time It also offers very direct and practical advice on what can be done advice aimed at the police and magistrates and especially at social workers and probation officers both agency managers and field level practitioners It describes practical ways of collecting information to modify local policies and suggests innovative and imaginative ways of working face to face with juvenile offenders The book is unusual in that it combines this practical usefulness with a detailed analysis of certain key themes in contemporary criminological theory All the authors had backgrounds in social work or probation practice as well as recent experience of

research into intermediate treatment and the workings of the juvenile justice system at the time They were therefore able to offer a unique combination of perspectives drawing on social policy theories of delinquency justice and the state field research and social work practice

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