

## **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. Olles & Frank J. Remington, *Discerning in Criminal Justice: The Tension Between Individualization and Efficiency* 148 (1993).

Thus, 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)-(8) (2c).

Finally, the writer's sentencing recommendation is given.

# Sample Probation Reports

**A Loxley**



## Sample Probation Reports:

*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 Appendices include model reports examples of agency instructions for completing report forms and selected readings

Project Reports of the National Institute of Law Enforcement and Criminal Justice ,1972      Special Report ,1988      *Task Force Report* United States. President's Commission on Law Enforcement and Administration of Justice,1967      **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      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 *Juvenile Delinquency* United States. Children's Bureau,1960

**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 misdemeanant in the correctional system the legal status of the convicted person manpower and training and creating change **Report on Data Collection** ,1989 **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 *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

American Probation and Parole Association's Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies ,1992 American Probation and Parole Association's Drug Testing Guidelines and Practices for Adult Probation and Parole Agencies ,1991 **Criminal Conduct and Substance Abuse Treatment for Adolescents** Harvey B.

Milkman,Kenneth W. Wanberg,2005 Adolescents are a particularly vulnerable patient population in the justice system Mental health providers can get specific tools for improving evaluation and treatment of at risk youth with this comprehensive and developmentally appropriate treatment program Using an adolescent focused format this protocol identifies psychological biological and social factors that contribute to the onset of adolescent deviance Hearings, Reports and Prints of the Senate Committee on the District of Columbia United States. Congress. Senate. Committee on the District of Columbia,1969

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

**Report Writing for Criminal Justice Professionals** Larry Miller, John Whitehead, 2017-09-14 The criminal justice process is dependent on accurate documentation Criminal justice professionals can spend 50-75 percent of their time writing administrative and research reports The information provided in these reports is crucial to the functioning of our system of justice Report Writing for Criminal Justice Professionals Sixth Edition provides practical guidance with specific writing samples and guidelines for providing strong reports 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 includes updates to reference materials and citations as well as further supporting examples and new procedures in digital and electronic report writing

**The Sociology of Social Work** Martin Davies, 2023-07-21 How do sociologists explain the role and function of social work in society How has sociological knowledge been used adapted and misused by social workers Originally published in 1991 The Sociology of Social Work includes chapters on sociological theory and social work child protection community care probation interviews family therapy residential care race and knowledge and power Report Writing for Criminal Justice Professionals Jerrold G. Brown, Clarice R. Cox, 1998 Race, Gender, and Class in Criminology Martin D. Schwartz, Dragan Milovanovic, 2019-07-18 First published in 2000 This series is dedicated to creative scholarly work in criminal justice and criminology Moreover we ask the authors to emphasize readability In this anthology Martin Schwartz and Dragan Milovanovic have managed to produce a work that is a combination of both They also did this in the face of difficulties presented by a variety of theoretical perspectives and methodologies The subject matter of this anthology race gender and class is a critical one for criminology

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