

# Working With a Presentence Report

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Winter Martinez, Supervisory U.S. Probation Officer,  
District of Arizona

Star Shields, Supervisory U.S. Probation Officer,  
District of Arizona



# Learning Objectives

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Understand how a Presentence Investigation Report (PSR) can assist tribal court judges with general sentencing.

Understand the purpose and elements of the PSR, that are necessary for the Bureau of Prisons Tribal Prison Program.

# Purpose of a Presentence Report (PSR)

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- The PSR informs a judge of all relevant factors that should be considered for sentencing purposes.
- It informs the BOP of the facts needed for classification.
  - For designation at a specific BOP facility, for treatment services, for security risks, and other considerations.
- It informs a post-release supervision officer of the facts needed for risk assessment and appropriate supervision level.

# The Presentence Investigation

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- The investigation begins once a person pleads guilty or is found guilty.
- The officer reviews material about the offense and gathers collateral information (interviews the prosecutor or law enforcement officer if needed).
- The officer investigates the person's criminal history (conducts record checks and requests court records).
- The officer interviews the person regarding their social history.
- The officer interviews collateral sources such as family members.
- The officer verifies or corroborates personal history.

# Interviewing for a PSR

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- A form is used to record the information collected from an individual during an interview.



# The Presentence Report

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- Is a compilation of the information that is obtained through the presentence investigation. The judge uses this information to impose an appropriate sentence.
  - This information should be presented objectively.
- Once the PSR is completed, it is disclosed to the attorneys and the judge.
  - **The PSR contains confidential personal and protected information, and policy dictates how it is disseminated to all parties (attorneys/judges/BOP).**
- The attorneys can dispute information contained in the PSR.
  - The parties can resolve this, or the dispute can be left to the judge to resolve.
- After sentencing, the PSR (along with the judgment/court order) is sent to the BOP through a secure system.

# Face Sheet

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The face sheet is primarily used to easily reference an individual's demographic information and is referenced by judges, probation officers, and the BOP.

The face sheet includes an individual's release status with details regarding custody dates, which assists the BOP in time computation.

# Part A: The Offense

- The statute/tribal conviction is established in this section.
- The individual's conduct in the offense is also objectively presented.
  - This allows a sentencing judge to determine the seriousness of the offense.
  - This part tells the story of what happened and typically includes details that may have been left out in other portions of the court process due to rules of evidence.



# Part B: Criminal History

- This is an important portion of the PSR for the judge to help determine a defendant's risk to re-offend.
- This portion also helps BOP for classification. They particularly look at information related to:
  - Bail jumping, history of sexual misconduct, firearms, escapes, violence, threats against government officials, and prior institutional adjustment.
- The post-release supervision officer will also look at this section to help with the assessment of risk factors for post-release supervision purposes.

# Part C: Offender Characteristics

- This part provides details about the defendant's family history, current situation, medical history, mental health needs, substance use history and needs, employment history, education, and financial condition.
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- BOP relies on verified information such as age, release plans, immediate family members, medical conditions, education, mental health issues, employment history, special skills, and substance use history.
- The post-release supervision officer also uses this information for risk factors and for supervision purposes.

# Sentencing Recommendation

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- Based on statutory/tribal code provision(s), the officer/tribal court designee will use the PSR to present a recommendation to the tribal court for sentencing purposes.
- The justification summarizes the history and characteristics of the individual and justifies the sentence that is being recommended.
  - This includes recommendations for specific programming based on the individual's needs (i.e. mental health, substance use, sex offender, domestic violence).

# Benefits of utilizing a PSR for sentencing purposes

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- The PSR provides general assistance to a tribal judge for the sentencing of an individual (tells the story of an individual's life and provides dignity to the person being sentenced).
- To assist tribes with the TPP, the PSR can assist tribes with creating a comprehensive report that BOP can utilize for the designation, programming, and for the release planning process.
- For post-release purposes, the PSR can be used as a guide to assist probation officers with assessing risk and identify potential areas where the individual may need assistance (homeless, treatment, mental health)



# Questions?

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- Winter Martinez
  - [Winter\\_Martinez@azd.uscourts.gov](mailto:Winter_Martinez@azd.uscourts.gov)
  - 520-954-9897
- Star Shields
  - [Star\\_Shields@azd.uscourts.gov](mailto:Star_Shields@azd.uscourts.gov)
  - 520-576-8367