

Sixth District Department of Correctional Services POLICY	Issue Date 07/24/92	Effective Date 06/20/17	Policy Number 300-17
Subject <b>PRESENTENCE INVESTIGATION OVERVIEW</b>		Review Month June	Author 0483 (KSC)
Rescinds 300-04	References Chapters 901.2, 901.3, 901.4, 904.602; Code of Iowa		

**POLICY:**

The Department of Correctional Services prepares a PSI when ordered by the Court and in accordance with Chapter 901 of the Code of Iowa.

**PROCEDURE:**

1. According to Iowa Code 901, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a public offense may be rendered, the Court seeks information relevant to the sentencing. The purpose of the report prepared by the 6<sup>th</sup> Judicial District Department of Correctional Services is to provide the Court pertinent information for purposes of sentencing and to include suggestions for correctional planning for use by correctional authorities subsequent to sentencing.
2. The Court orders a Presentence Investigation when the offense is a class B, class C or class D felony. The Court may order a Presentence Investigation when the offense is an aggravated misdemeanor. The Court may order a Presentence Investigation when the offense is a serious misdemeanor only upon a finding of exceptional circumstances warranting an investigation. The court does not order a Presentence Investigation when the offense is a class A felony. The Iowa Board of Parole may request additional information should the reception report be determined as inadequate. In this instance, the 6<sup>th</sup> Judicial District conducts an investigation and provides information.
3. If a Presentence Investigation is ordered by the Court for a serious misdemeanor, the investigator includes information concerning only the following:
  - A. A brief personal and social history of the defendant.
  - B. The defendant's criminal record.
  - C. The harm to the victim, the victim's immediate family, and the community, including and completed victim impact statement or statements and restitution plan.

**PROCEDURE:** (continued)

4. If a Presentence Investigation is ordered by the Court or a level of offense other than a serious misdemeanor, the Investigator promptly inquires into all of the following:
  - A. The defendant's characteristics, family and financial circumstances, needs, and potentialities, including the presence of any previously diagnosed mental disorder.
  - B. The defendant's criminal record and social history.
  - C. The circumstances of the offense.
  - D. The time the defendant has been in detention.
  - E. The harm to the victim, the victim's immediate family, and the community.
  - F. The defendant's potential as a candidate for the community service sentence program established pursuant to Iowa Code section 907.13.
  - G. Any mitigating circumstances relating to the offense and the defendant's potential as a candidate for deferred judgment, deferred sentencing, a suspended sentence, or probation, if the defendant is charged with or convicted of assisting suicide pursuant to section 707A.2.
5. All local and state mental and correctional institutions, Courts, and police agencies furnish to the Investigator on request the defendant's criminal record and other relevant information. With the approval of the Court, a physical examination or psychiatric evaluation of the defendant may be ordered, or the defendant may be committed to an inpatient or outpatient psychiatric facility for an evaluation of the defendant's personality and mental health. The results of any such examination or evaluation are included in the Presentence Investigation report.
6. The Presentence Investigation report is confidential and is considered sealed upon receipt of the Court. The Presentence Investigation can only be opened by further court order. The Presentence Investigation can be used by the Department of Corrections. Pursuant to 904.602, the Presentence Investigation report may also be released by ordinary or electronic mail by the Department of Corrections or a judicial district Department of Correctional Services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance abuse or mental health services provider when referring a defendant for services. The 6<sup>th</sup> Judicial District follows Confidential Offender Information policy (102) to safeguard the use of the Presentence Investigation report.

BY ORDER OF:

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Bruce Vander Sanden, Director