

Sixth District Department of Correctional Services POLICY	Issue Date 07/24/92	Effective Date 06/20/17	Policy Number 301-17
Subject: PRESENTENCE INVESTIGATION PROCEDURES		Review Month June	Author 0483 (KSC)
Rescinds 0300-04; 0301-04	References: Chapters 901.2, 901.3, 901.4, 907.5, 910, Code of Iowa		

POLICY:

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

DEFINITION:

1. Attorney Fees - Money owed for legal services when an offender has a court-appointed attorney.
2. Bond Provisions - One of three ways the Court releases an offender after an arrest: those being release on own recognizance, release on pretrial supervision (RWS), or bond.
3. Cause Number - A number assigned to a case by the Clerk of Court.
4. Court Costs - Administrative expenses owed by an offender.
5. Driving Record - A list of driving convictions compiled by the Department of Transportation (DOT).
6. Iowa Corrections Offender Network (ICON) - A statewide database of correctional information.
7. Minutes of Testimony - The witnesses' accounts of a crime as compiled by a County Attorney.
8. Misdemeanant Report - An abbreviated PSI written on serious misdemeanors and some aggravated misdemeanors if so ordered by the Court.
9. OWI Continuum - A continuum of programming for the supervision and treatment of Defendants convicted of violating Chapter 321J who are sentenced to the custody of the Director of the Department of Corrections.
10. OWI Program - One of the sanctions within the OWI Continuum which involves the placement of an offender in a Judicial District residential facility for supervision and substance abuse treatment in lieu of incarceration in prison.

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DEFINITION: (continued)

11. Pre-Plea Investigation - A PSI prepared before a finding of guilt or entering of a guilty plea. Also a PSI form type in ICON.
12. Presentence Investigation (PSI) - A social and legal history of an offender guilty of an aggravated misdemeanor or a felony; which assists the Court in deciding what sentence best serves the victim, the community, and the defendant, and which assists correctional personnel in rehabilitating the defendant.
13. Post-Sentencing Investigation - A PSI prepared subsequent to the sentencing. Also a PSI form type in ICON.
14. PSI Form - An ICON generated report of pre-typed headings that standardizes the content and order of information in a PSI.
15. Restitution - Money owed by an offender for damages to the victim (excluding insured loss), for court-appointed attorney fees, and for court costs.
16. Reconsideration of Sentence - A sentence of temporary imprisonment that is changed to probation by the Court, which strives to motivate an offender to obey the law. Also referred to as shock sentencing.
17. Trial Information - A brief description of the formal charge(s) filed by a County Attorney.
18. Victim - A person impacted financially, physically, or emotionally from a crime, which may include the immediate family of a person killed or rendered incompetent by a crime, and includes the immediate family of a juvenile victim.
19. Victim Rights Act - A law establishing a victim's rights and the services provided by the Criminal Justice System. (Chapter 915, of the Code of Iowa)
20. Crime Victim Compensation Program - Money dispensed by the Attorney General's Office for medical expenses, funeral expenses, and lost income in cases of violent crime.
21. Victim Impact Statement – A written or oral presentation to the Court by the victim or victim's representative that indicates the physical, emotional, financial, or other effects of the offense upon the victim.
22. Iowa Court Information System (ICIS) – A database maintained by the Court system.

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PROCEDURE:

1. The Supervisor assigns the Presentence Investigation case to the Presentence Investigator.
2. Clerical staff prepares the file for the Presentence Investigator ensuring the Presentence Investigation file contains all items on the PSI Checklist (ICON template).
3. The Presentence Investigator promptly contacts the defendant by telephone, text message and/or letter (ICON template: PSI Appointment Letter) to set an appointment time. The Presentence Investigator may send the Social History-Demographic Questionnaire (301A) to the Defendant with instructions to complete the form prior to the interview. This questionnaire does not contain interview sensitive questions. The Presentence Investigator asks those questions during the interview.
4. If the Defendant is unable to be located, the Presentence Investigator explores options such as contacting the attorney for the Defendant, the family members of the Defendant, supervising agent (if applicable) or any other available contact information for the Defendant, in an attempt to reach them. Such attempts are documented in ICON generic notes and detailed in correspondence with the Court. If attempts to contact the Defendant are unsuccessful, the Presentence Investigator notifies the Court, County Attorney and Defense Attorney that a Presentence Investigation Report is unable to be completed at this time.
5. If the Defendant refuses to participate in the Presentence Investigation interview, the Presentence Investigator notifies the Court, County Attorney and Defense Attorney that a Presentence Investigation Report is unable to be completed at this time. This non-compliance is documented in the Defendant's generic notes.
6. Transfer of Presentence Investigations: The 6th Judicial District completes all Presentence Investigations ordered within the District. Presentence Investigations are not transferred to other judicial districts unless circumstances exist. If circumstances exist which restrict or prohibit the ability of the 6th District DCS to complete the Presentence Investigation, the case is reviewed with the Supervisor who determines the appropriateness of requesting the Presentence Investigation be transferred to another judicial district. The Supervisor makes arrangements with the judicial district asked to complete the Presentence Investigation.
7. The Presentence Investigator schedules and conducts a Presentence Investigation interview with the Defendant.
 - A. Face-to-face interview: This is the preferred method and is utilized when the Defendant is available to be interviewed.
 - B. Phone interview: This option is only used when a face-to-face interview is not feasible, due to distance or placement in a secure facility.

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PROCEDURE: (continued)

8. The Presentence Investigator obtains a current photograph of the Defendant to include in the PSI. If the Presentence Investigator is unable to take a photograph at the time of the interview, the Presentence Investigator may obtain alternate photographs, such as booking photos.
9. The Presentence Investigator secures a signed release of information (ICON template PSI Release of Information) from the Defendant and obtains records related to treatment, education, employment, and any other records deemed necessary.
10. The Presentence Investigator completes the report in ICON, including the requirements outlined in Iowa Code 901 and 6th Judicial District Policy, Presentence Investigation Overview (300).
 - A. The misdemeanor report "informal" format is used for all serious or designated aggravated misdemeanors, except for offenses which require a psychosexual assessment and in cases where a standard Presentence Investigation has been ordered. The misdemeanor form contains information required by Iowa Code 901.
 - B. The ICON "long" presentence format is used for aggravated misdemeanors and felonies.
 - C. Pre-plea investigations follow the "long" presentence format with the exception that Defendant's Version of Offense, and Recommendation sections are not included. The Pre-plea investigation is prepared prior to the plea or finding of guilt, therefore they are phrased to omit any statements regarding guilt or innocence. Enter pre-pleas as the form type in ICON.
 - D. Post-Sentence Investigations follow the "long" presentence format procedures unless approved by the Supervisor. Enter post-conviction as the form type in ICON.
 - E. Instant Offense:
 - 1.) ICON automatically downloads this offense and places it in this section.
 - 2.) The Presentence Investigation Report includes only one cause number. It may contain multiple counts.
 - 3.) Comments: Note that this is the current offense and/or what count of current offense charged. Indicate whether this count is to be dismissed per plea bargain or any other information pertinent to this specific count or offense.
 - F. Official Version:
 - 1.) The Presentence Investigator recounts the statement(s) of offense(s) to which the defendant pled or was found guilty of as contained in the County Attorney's trial information.

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PROCEDURE: (continued)

- 2.) Plea Bargain - The Presentence Investigator inserts the relevant information labeled Plea Bargain in the Comments Section of Official Version.
 - 3.) List names of County Attorney and Defense Attorney in this section.
- G. Post- Arrest Information:
- 1.) Decision: ICON populates this field.
 - 2.) Comment: If the Defendant was released to the supervision of the Department, include the Supervising Agent's assessment of the Defendant's performance on supervision. If the Defendant has been rearrested during the pretrial period, include charges, dates, locations and status of charges.
 - 3.) If the Defendant remains in custody, the amount of time in custody is noted, as are any significant behaviors observed by jail personnel. If the Defendant is currently on probation/parole supervision, add comments of the Supervising Agent relative the status and performance of the Defendant on supervision.
- H. Arrest History:
- 1.) Juvenile - List juvenile record or note if Defendant has none.
 - 2.) Adult - List adult or note if defendant has no adult record. Enter the data in chronological order starting with the oldest offense. Enter the data in the following manner: Arrest Date, Arresting Authority, Offense, Cause Number (if available), Disposition and Disposition Date.
 - 3.) Correctional Supervision History - Highlight Defendant's adjustment under any current or previous form of correctional supervision (i.e. juvenile/adult probation and/or parole, institutional adjustment). If the Defendant is currently on some form of supervision, add comments of the Supervising Agent in the Post Arrest Information section.
- I. Employment History:
- 1.) ICON populates employment history. The Presentence Investigator includes comments about a specific employment when the Investigator determines the information relevant.
 - 2.) Employment History Comments: The Presentence Investigator uses PSI Extras Employment History to summarize defendant's employment history noting any significant patterns (e.g. duration of jobs, reasons for leaving).

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PROCEDURE: (continued)

- J. Military History:
 - 1.) ICON populates the fields in Military History.
 - 2.) Military History Comments: Additional relevant information is included in the Comments section.

- K. Education:
 - 1.) ICON populates the information on Education from the database.
 - 2.) Comments regarding specific educational placements may be added, including a summary of academic/behavioral performance, learning disabilities, vocational training, apprenticeships, educational goals in the PSI extras – Education History Comments.

- L. Financial:
 - 1.) Debts: ICON populates the fields in the header. The Presentence Investigator may add comments on any one entry or include general comments in Financial History PSI Extras.
 - 2.) Assets: ICON populates the fields in the header. The Presentence Investigator may add comments on any one entry or include general comments in Financial History PSI Extras.
 - 3.) Means of Support: ICON populates the fields in the header. The Presentence Investigator may add comments on any one entry or include general comments in Financial History PSI Extras.
 - 4.) Financial History Comments:
 - a. Summarize Defendant's general financial stability. Indicate whether Defendant has ever declared bankruptcy.

- M. Family Dynamics:
 - 1.) Enter specific comments about parents, stepparents and siblings in comments below the entry for that individual.
 - 2.) Family Dynamics comments:
 - a. Use Family Dynamics Comments in PSI Extras to describe the Defendant's family history; highlighting important events, incidents and environmental factors.

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PROCEDURE: (continued)

- N. Marital/Relationship Dynamics:
 - 1.) Enter specific comments about individual family members in comments.
 - 2.) Marital/Relationship Comments:
 - a. Enter marital history information in Marital/Relationship Comments. Relevant information includes: patterns in Defendant's relationships, reasons for divorce - domestic abuse, substance abuse etc. Note relationship(s) with children and any social service agencies involved with family.
- O. Living Arrangement History:
 - 1.) In the address screen, list residences, current or previous, adding pertinent information in comment section. .
 - 2.) Include general observations or highlight significant information relative the Defendant's living arrangements in PSI Extras - Living Arrangement History. Such information may include:
 - a. Rent or Own property;
 - b. Length of time at various residences. (stability);
 - c. Type of neighborhoods, high crime vs. low crime etc.
- P. Leisure/Recreation:
 - 1.) Describe the nature, frequency and quality of the Defendant's leisure time pursuits, as well as listing hobbies and activities or lack thereof.
- Q. Companions:
 - 1.) Describe the Defendant's social circle of friends and associates to include their support of, and engagement with, the Defendant's pro-social and/or anti-social behavior. This may include their friends/associates history of substance use/abuse and criminal history.
- R. Alcohol Abuse:
 - 1.) Summarize the Defendant's comments regarding his/her involvement with alcohol. Focus on self-reported use, impact and treatment history in the PSI Extras. Official information from treatment agencies is covered in Intervention History comments in PSI Extras.

PROCEDURE: (continued)

- S. Drug Abuse:
 - 1.) Summarize the Defendant's description of his/her usage of illicit and or prescription drugs. Report the Defendant's comments regarding reasons for use and treatment history.

- T. Offender Interventions:
 - 1.) ICON populates Intervention information contained in the database, some of which the Presentence Investigator or clerical staff may have entered in the preparation of the report.
 - 2.) Offender Intervention Comments: The Presentence Investigator reports the official treatment records/history and compares/contrasts it with the Defendant's information. The Presentence Investigator notes any major discrepancies in treatment and/or usage information.

- U. Emotional/Personal Health:
 - 1.) ICON populates the fields in the header with the current information in ICON. The Presentence Investigator updates the information and/or adds new data as applicable. The Presentence Investigator may add comments to clarify information or details regarding particular health issue.
 - a. Emotional/Personal Health Comments: The Presentence Investigator summarizes and/or highlights any aspects of the Defendant's mental/physical health history, to include: diagnoses, medications and/or compliance with treatment interventions, availability of treatment resources, the role the health problems play in the Defendant's criminal activity.

- V. Sexual History: (completed for sex offender PSI's only):
 - 1.) The Presentence Investigator includes the sexual history interview if one was completed. If one was not completed, the Presentence Investigator documents the reason(s) in this section. Additional information from other assessments is included when applicable.

- W. Psychosexual Assessments:
 - 1.) If a Psychosexual Assessment has been conducted it is noted in this section.

PROCEDURE: (continued)

- X. Defendant's Version:
 - 1.) The Presentence Investigator obtains the written version of the offense from the defendant and ensures that it is transmitted to the Court, County Attorney, Defense Attorney and DCS. It is scanned into ICON as an attachment to the PSI and noted in this section.
 - 2.) If the Defendant is unable to, or declines to, provide his/her written version of the offense, the Presentence Investigator may summarize the version the Defendant reports during the interview and note it in this section. Defendant's version as dictated by the Defendant and so note in the PSI Extras.
 - 3.) If the Defendant refuses to provide a statement, the Presentence Investigator notes the refusal and reasons (e.g. Alford Plea) in PSI Extras.

- Y. Victim's Version:
 - 1.) Include any information the victim has given to the Presentence Investigator or Law Enforcement. This includes information the victim wishes to provide in lieu of, or in addition to, a previously completed Victim Impact Statement. The focus of this section is on the victim's version of the actual crime from their perspective; the impact of the crime upon the victim is covered in the next section.

- Z. Victim Impact Statement:
 - 1.) The Presentence Investigator either obtains the Victim Impact Statement from the County Attorney's file or arranges for the victim to complete a statement as part of the presentence investigation. The Presentence Investigator notes in this section if the Victim Impact Statement is on file with the Clerk of Court.
 - 2.) If the Victim Impact Statement was scanned as an attachment, the Presentence Investigator refers the reader to the attachment in PSI Extras.

- AA. Restitution Information:
 - 1.) Report any information contained in the statement of pecuniary damages or note that none has been filed to date. Include estimates of court costs and attorney's fees if available, and indicate if they are not. Refer reader to the attachment if the statement was scanned in as an attachment.

- BB. Offender Needs:
 - 1.) ICON populates the header information from the data collected from current assessments.

PROCEDURE: (continued)

- CC. Recommendations (see policy 305):
 - 1.) Include sentence (deferred, suspended, imposed) fine, court ordered conditions, restitution, attorney fees and court costs. Specify term of imprisonment and/or length of probation including special conditions of supervision to be imposed by the Court.
 - 2.) Reasons: In a separate paragraph entitled Reasons, clearly state reasons why the sentence was recommended.
- 10. Information gathered during the Presentence Investigation is verified through official sources and by references given by the Defendant. Each section of the report notes the source of the verification or notes that the information is unverified. If the Defendant is unable to provide a reference or if the Presentence Investigator is unable to secure verification of the information; the Presentence Investigator can make a single reference in the report that the information provided is unverified. All attempts to reach a reference are documented in ICON Generic Notes.
- 11. Supervisor approval of the PSI: The Presentence Investigator provides the Supervisor with the completed Presentence Investigation report no less than two (2) working days prior to the due date for review and approval. If the Presentence Investigator is unable to meet the deadline of two (2) working days in advance, the Presentence Investigator communicates with the Supervisor the reason for the delay.
- 12. Submission of the Presentence Investigation Report:
 - A. Per Iowa Code 901, the Presentence Investigation report is submitted to the Court no later than three (3) working days prior to sentencing.
 - B. If the court order specifies a date different than three (3) working days, the Presentence Investigation is submitted in accordance with the identified due date.
 - C. If the due date is not identified by the Court, for example post sentence reports, the Department prepares the report and submits to the Court within one-hundred twenty (120) days from the date of assignment.
 - D. If the Department is unable to meet the court ordered due date, the Presentence Investigator or Supervisor ensures all parties; Court, County Attorney and Attorney for the Defendant, are notified of the delay.
 - E. The finalized report which has been approved by the Supervisor is submitted in ICON and made available to the Court.

BY ORDER OF:

Bruce Vander Sanden, Director