

<p align="center">State of Vermont Agency of Human Services Department of Corrections</p>	<p>Title: Pre-sentence Investigation (PSI) Reports</p>	<p align="center">Page 1 of 20</p>						
<p>Chapter: DISTRICT OFFICES - GENERAL</p>	<p align="center"># 342.01</p>	<p>Supersedes #342.01 dated 4/09/1997 and #342.01 dated 6/27/11.</p>						
<p>Attachments, Forms & Companion Documents:</p> <ol style="list-style-type: none"> 1. Pre-sentence Investigation Report Format 2. Pre-sentence Investigation Report Format for Sex Offenders 3. Treatment and/or Assessment Release Letter for Sex Offenders 4. Request for Offender Social Security Earnings Information 5. Request for Offender Military Records 6. Request to Court to Access Juvenile Records 7. Request to VCIC to Access Deferred Sentence Information for Registrable Sex Offenders 								
<p>Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: B”- Anyone may have access to this document.</p>								
<p>Approved: SIGNED</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;"><u>December 20, 2011</u></td> <td style="width: 33%; text-align: center;"><u>March 1, 2012</u></td> </tr> <tr> <td style="text-align: center;">Andrew A. Pallito, Commissioner</td> <td style="text-align: center;">Date Signed</td> <td style="text-align: center;">Date Effective</td> </tr> </table>			_____	<u>December 20, 2011</u>	<u>March 1, 2012</u>	Andrew A. Pallito, Commissioner	Date Signed	Date Effective
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PURPOSE

The purpose of this administrative directive is to establish standards for the format and best practices in the preparation of all types of pre-sentence investigation (PSI) reports, and to identify which correctional staff may conduct a PSI and the training required before staff may conduct a PSI.

POLICY

It is the policy of the Vermont Department of Corrections to produce pre-sentence investigation reports, which provide timely, relevant and accurate information to enable the Court to make informed sentencing decisions and to assist the Department in the classification process.

AUTHORITY

13 V.S.A. § 7041(h); 28 V.S.A. §§ 202, 204, 204a; 33 V.S.A. §§ 5117 & 6911; V.R.Cr.P. 32 (c).

REFERENCE

13 V.S.A. § 7041. *DOC-DCF Memorandum of Understanding, Child Protection Measures*, 11/09/09. *DOC-DAIL Memorandum of Understanding, Information about Substantiations of Abuse and Sexual Exploitation*, 12/02/11. American Correctional Association, *Standards for Adult Probation and Parole Field Services*, 3rd Edition, August 1998, Standards 3-3211, 3-3212, 3-3213, 3-3214, 3-3215, 3-3216, 3-3218, 3-3219, 3-3220, 3-3221, 3-3222, 3-3223, 3-3224, 3-3225, 3-3226, 3-3227.

DEFINITIONS

Collateral Interview:

An interview by the PSI Investigator with family members, friends, employers or others who have or have had a relationship with the defendant. These interviews are used to verify the accuracy and honesty of the defendant's information, and to add important additional information about the defendant's life, therefore strengthening the overall usefulness and reliability of the investigation. If possible, information from the interviews should be incorporated into the different sections of the PSI Report (see *Attachments 1 & 2.*)

LSI- R (Level of Service Inventory-Revised):

An objective, quantifiable instrument that provides a consistent and valid method of predicting risk to re-offend and a reliable means of measuring offender change over time through reassessment. It is a semi-structured interview supplemented with information from records or collateral sources. Results reflect risk and need in ten domains such as employment, family dynamics, etc., that inform the classification process. This assessment tool is used routinely by the Department in preparing a PSI.

Pre-Plea PSI:

A pre-sentence investigation (PSI) which may be ordered by the Court prior to a defendant's adjudication of guilt.

PSI Investigator:

A DOC staff member who has been trained in conducting a pre-sentence investigation, writing a PSI report and representing the Department's recommendation in court.

PSI (Pre-sentence Investigation):

An investigation of an offender that results in a written report by a Probation & Parole Officer (PSI Investigator) looking into the defendant's social, economic, medical, educational, and criminal background. The Court orders this report and staff submit it to the Court to assist them in making informed sentencing decisions. PSI also refers to the report itself.

Static-99R:

A 10-item actuarial risk measure used to aid in assessing sexual recidivism risk among convicted adult male sex offenders. Scores fall into one of seven levels reflecting the probability of sexual re-offending at 5, 10 and 15-year intervals (Hanson & Thornton, 2000).

Treatment Release Letter:

A letter to the Court requesting permission to release the PSI report to a DOC-approved treatment provider for defendant treatment or assessment purposes.

VASOR–2 (Vermont Assessment of Sex Offender Risk):

A risk assessment scale for adult male sex offenders designed to assist Probation and Parole Officers in making placement and supervision decisions. Scores on the 12-item re-offense risk scale fall into one of three levels reflecting the probability of sexual re-offending five years post-release. The 6-item violence scale was designed for assessing the nature of an individual's violence history and offense severity (McGrath & Hoke, 2001).

PROCEDURAL GUIDELINES**1. Pre-sentence Investigation and Report (PSI) – General**

Although this administrative directive covers PSIs for all defendants, there is a somewhat different process for sex offenses. See *Attachments 1 and 2* for specific details.

- a. A Pre-sentence Investigation Report provides the sentencing judge information concerning the defendant's life and offense circumstances and provides the judge with relevant information on which to base a sentencing decision. It also reflects the professional judgment of and assessment by the DOC regarding risk management of the defendant.
- b. Additionally, a PSI is used in the case planning process within correctional facilities and probation and parole offices. The PSI is also used by the Parole Board in its release decision and its decision regarding a need for further parole conditions.
- c. Staff of the district where the crime occurred is responsible for the completion of the PSI. Interoffice communication and collaboration are necessary when crimes are committed in one district and the defendant resides in another. Other circumstances, such as the availability of trained staff, change of venue, etc., may require that other Probation and Parole offices complete the PSI.

Note: The PSI Investigator must organize the PSI using the appropriate format provided with this administrative directive (see *Attachment 1, Pre-Sentence Investigation Report Format*, or *Attachment 2, Sex Offender Pre-Sentence Investigation Report Format*).

2. Quality of Information

The PSI, to the fullest extent possible, will contain verified, relevant and credible information gathered from the defendant's statements or collateral interviews. The PSI Investigator will indicate in the PSI the source of the verified information, or will indicate if the information is based on the statements of the defendant or collateral interviews.

3. Disclosure

- a. Any PSI prepared by DOC staff is **privileged information, and no staff will disclose it to anyone outside the Department except the Court or Parole Board without the permission of the Court or Parole Board.**
- b. **However, pursuant to the DOC-DCF Memorandum of Understanding, Child Protection Measures, 11/09/09, staff will send any PSI on a sex offender who has abused a child to the Department for Children and Families (DCF).** If DCF wishes to make public any part of the report, they must obtain a court order allowing them to do so.

- c. Staff will present the Court with a completed *Treatment/Assessment Release Letter for Sex Offenders* (see *Attachment 3*) as needed, in order to permit the release of the PSI to a treatment provider for defendant treatment or psychosexual evaluation purposes.

4. File Maintenance

- a. Staff will enter all PSIs as an investigation in the Department's database.
- b. The finished electronic copy of the PSI must be saved to the designated office folder for PSIs. The District Manager must designate a secure location for the paper version of all PSIs and ensure that staff places every PSI in this secure location.
- c. Any material gathered to create the PSI (e.g., collateral contact interview information, victim letters, etc.) will be filed with the PSI as above **with the exception** of any information obtained from the Department of Disabilities, Aging and Independent Living (DAIL), including the copy of the Adult Protective Services (APS) Report. Information obtained from DAIL, including the copy of the APS Report, will be shredded immediately upon completion of the PSI.
- d. Affidavits, psychiatric/psychological reports and treatment summaries must be copied and also placed in the offender's core file.

5. Timelines

- a. The PSI Investigator will ensure that the PSI is filed with the Court at least fourteen (14) calendar days prior to sentencing.
 - If the PSI Investigator is unable, for good cause, to meet this deadline, they may file a *motion to continue*, asking the Court for an extension. This request must be submitted to the Court as soon as the PSI Investigator knows that they will not be able to meet the deadline.
- b. The PSI Investigator will ensure that within five (5) business days of sentencing, copies of the PSI and the affidavit are sent to the appropriate correctional facility if the defendant is sentenced to a term of incarceration.

6. Investigation

The PSI involves interviews with the defendant, the victim(s) or next of kin or guardian of the victim(s) (if relevant), and other individuals who can verify needed information.

Note: The courts have ruled that pre-sentence investigation interviews are a critical stage of the sentencing process. If the defendant requests counsel, counsel must be allowed to attend the interview.

- a. *Defendant Statement Regarding Offense:* The PSI Investigator will ask the defendant for their version of the offense and the circumstances that led up to the offense. This will include the following factors: the attitude of the defendant, premeditation of the offense, as well as statements of remorse/acceptance of responsibility or expressions of denial, including acknowledgement or denial of specific allegations and minimization of harm to the victim and community. See *Attachment 1* or *Attachment 2* for more detail.

b. *Victim Impact Statement*: If the victim, or victim's guardian or next of kin (if the victim is not competent or is deceased) chooses to offer comments or a written statement, including any financial, emotional and/or physical consequences resulting from the offense, the PSI Investigator will include their statement(s) in the PSI. The Investigator may work with local Victim Advocates in contacting victims and requesting statements or interviews. See *Attachment 1* or *Attachment 2* for more detail.

c. *Record Checks*:

Offense Summary: This is a concise and factual summary of the affidavit. In many cases, it may be important to contact the State's Attorney to determine whether the affidavit has been redacted at the time of the change of plea. Do not attach a copy of the affidavit or retype the affidavit in place of summarizing the offense.

- Criminal - The PSI Investigator will conduct a check of the defendant's current Vermont *conviction* record, as well as a check of records from other states if the defendant spent time outside Vermont. The PSI will include only *convictions*. See *Attachment 1* or *Attachment 2* for more detail.
- Substantiated Abuse - In cases, involving violence or sexual deviance the PSI Investigator will also contact the Department for Children and Families (DCF) as well as DAIL to determine if there are prior substantiations of abuse of children or abuse or exploitation of vulnerable adults. For contact with DAIL, the PSI investigator will obtain information about any substantiation(s) of abuse or sexual exploitation involving the offender in question by requesting an Abuse Registry check from Adult Protective Services (APS) and, if necessary, a copy of the APS investigation report.
- If the PSI is being prepared in connection with a person's conviction for a sex offense that requires registration, the PSI Investigator will obtain information pertaining to a) the person's juvenile record, if any; and b) any deferred sentences received for a registrable sex offense, and will include such information in the PSI report. (*See Attachment 6, Request to Court to Access Juvenile Records, and Attachment 7, Request to VCIC to Access Deferred Sentence Information for Registrable Sex Offenders.*)

d. *Defendant Interview*: The PSI Investigator will ask the defendant about their social history, including family history, education, relationships, employment, medical and health history, and information about drug and alcohol use. The Investigator will also question them regarding the specifics of prior convictions. See *Attachment 1* or *Attachment 2* for more detail.

e. *Collateral Interviews*: The PSI Investigator will conduct verification interviews regarding information collected from the defendant interview and incorporate this information into the relevant sections. See *Attachment 1* or *Attachment 2* for more detail.

- If the defendant gives names of individuals to interview and those individuals are not interviewed, the PSI Investigator will indicate this in the report and explain who the individuals are and why they were not interviewed.
- The defendant may submit other collateral references in the form of letters, which will be attached to the report.

f. *Risk Assessment*: The PSI Investigator must ensure that appropriate risk assessments are completed in conjunction with the writing of the PSI. See *Attachment 1* or *Attachment 2* for more detail.

- If the PSI Investigator has not completed the required training for the appropriate risk assessment, they will ensure that a trained DOC staff member conducts the assessments.
- The PSI Investigator can use information collected during the PSI, particularly during the defendant interview, to complete necessary risk assessment tools, e.g., the LSI-R.

7. Peer Review Process – Minimum Standards

- a. The PSI Investigator will review all PSIs involving a felony, as well as any misdemeanor convictions of domestic or sexual abuse, with a group of their peers. Peer review will be scheduled to allow the PSI Investigator an opportunity to do further investigation if necessary and still comply with Court deadlines and administrative support needs. It is the responsibility of the PSI Investigator to schedule the review and inform all participating parties.
- b. The peer review process is an opportunity for the PSI Investigator to present the information collected to fellow staff members for comment and advice on further areas of investigation, additional needed information, and any recommendations. The peer review can also be used to anticipate issues that might be raised at the sentencing hearing.
 - i. Quorum: The minimum number of staff present for the peer review to occur is four (4) unless waived by the District Manager - the PSI Investigator, a supervisor, and two (2) other Probation and Parole Officers.
 - ii. Presenter: The PSI Investigator presents the information. If a treatment program is recommended, the eligibility and sentence requirements and program availability (wait list), will have been verified by the Investigator.
 - iii. Format for Presentation: The Investigator will present information about the defendant's offense, conviction record, social history, risk assessment, and treatment amenability, as well as a summary and recommendation.
- c. All PSI Reports must be approved by the local District Manager or designee before submission to the Court.

8. PSI Report

- a. The PSI Investigator will assemble the information collected during the investigation into a concise narrative, focusing on elements of the offense and aspects of the defendant's background relevant to the defendant's risk.
- b. The PSI Investigator must organize the report using the appropriate PSI report format provided with this administrative directive. See *Attachment 1* or *Attachment 2*.
- c. The report will conclude with program and condition options for the sentencing Judge. The recommendation will be based upon the defendant's offense, background, and assessed risk. It must address what the Department will require of the defendant if they are incarcerated or placed under community supervision.
 - A recommendation, which includes community supervision, must address conditions of probation needed to manage risk, protect the victim and mandate any required treatment.
 - A recommendation, which includes incarceration, must identify any specific DOC program and the minimum length of sentence required to be eligible for that program.

- **ONLY IF REQUESTED BY THE COURT**, the PSI Investigator will include a recommended minimum and maximum term of incarceration or a minimum and maximum term of suspended sentence.

9. Pre-Plea PSI Reports

- a. In some instances, the Court may order a pre-sentence investigation prior to an adjudication of guilt. The pre-plea (pre-adjudication) PSI can only be done when the defendant, on advice of counsel, consents to such action, and such PSI should not be initiated until the defendant has done so. Upon receiving notification that the defendant has consented to a pre-adjudication PSI, staff may begin the process.
- b. The PSI Investigator will use the same format, timelines, and peer review process for a pre-plea PSI as for a regular PSI.
- c. When the PSI Investigator completes the pre-plea PSI, **they must not disclose its contents to anyone except as provided in V.R.Cr. P. 32(c), which states:**

A report made prior to an adjudication of guilt shall not be submitted to the court or its contents disclosed to anyone until after such adjudication, except that a judge may, with the written consent of the defendant, inspect a presentence report at any time and may, if the defendant's consent expressly so states, permit the defendant's attorney, or a defendant appearing pro se, and the attorney for the state to inspect the report.

That is, when the pre-adjudication PSI has been completed, the report shall not be submitted to the Court unless the defendant has, in writing, consented to the judge inspecting the report. In addition, with the express consent of the defendant, the judge may permit inspection of the pre-adjudication report by the defendant's attorney, the defendant if appearing *pro se*, or the State's Attorney.

- d. Because a pre-plea PSI is conducted prior to a finding of guilt, the defendant may not wish to discuss the offense.
- e. The Department will *not* provide a sentencing recommendation unless the Court orders the Investigator to do so.

10. Psychosexual Evaluation for Sex Offenders

Per 28 V.S.A. § 204a, the Court must order a PSI investigation on a sex offender convicted of the following offenses: (1) lewd and lascivious conduct in violation of 13 V.S.A. § 2601; (2) lewd and lascivious conduct with a child in violation of 13 V.S.A. § 2602; (3) sexual assault in violation of 13 V.S.A. § 3252; (4) aggravated sexual assault in violation of 13 V.S.A. § 3253; (5) aggravated sexual assault of a child in violation of 13 V.S.A. § 3253a; (6) kidnapping with intent to commit sexual assault in violation of 13 V.S.A. § 2405(a)(1)(D); or (7) an offense involving sexual exploitation of children in violation of chapter 64 of Title 13.

In this situation, they may also order a psychosexual evaluation for these PSIs.

- a. All requests for psychosexual evaluations will be forwarded to the Vermont Treatment Program for Sexual Abusers (VTPSA) Program Director at the time of the Court Order.
- b. The VTPSA Program Director will maintain a list of evaluators under contract.
- c. The evaluator will be chosen from the contracted list.
- d. Unless otherwise specified by the Court, the cost of the psychosexual evaluation will be paid by monies allocated by the Vermont Legislature.

- e. The PSI Investigator will forward to the VTPSA Program Director all necessary paperwork to include, but not be limited to, affidavit of instant offense, affidavits of all previous sexual offenses, the defendant's record check, the PSI, parole summaries, and a summary of behavior under previous supervision, if any.
- f. The VTPSA Program Director will send all relevant information to the evaluator.

TRAINING

1. Prior to conducting PSIs, DOC staff must receive training on this directive, to include database training.
2. Prior to conducting PSIs, DOC staff must receive central level training on the specifics of conducting a PSI. Supervisors who sign off on PSIs must also complete this central training. Those individuals who have already completed this training when the directive becomes effective will only need to complete training on the directive itself.
3. Prior to conducting PSIs on *sex offenders*, DOC staff must receive central level training on the specifics of conducting a sex offender PSI. Supervisors who sign off on these PSIs must also complete this central training. Those individuals who have already completed this training when the directive becomes effective will only need to complete training on the directive itself.
4. The District Manager must verify, prior to authorizing the assignment to an individual to conduct a PSI or pre-plea PSI, that the individual has completed all necessary training. Completed training for staff must be documented by each field site in the Training Registration Management System (TRMS) database.

QUALITY ASSURANCE

1. Local Reviews

All PSI Reports must be approved by the local Corrections District Manager or designee. Pre-sentence reports must be reviewed for consistency with this directive, as well as content, clarity of presentation, and recommendations.

The District Manager/designee will ensure a peer review was held, and that the *Treatment and/or Assessment Release Letter Format for Sex Offenders*

(Attachment 3) is attached to the PSI Report for all sex offenders.

2. Central Office Review

The Director of Community Corrections, Re-entry & Classification will conduct a periodic review of a sample of pre-sentence investigation reports, selected at random. These PSIs will be reviewed for consistency with this directive, as well as content, clarity of presentation, and recommendation.

3. Vermont Treatment Program for Sexual Abusers (VTPSA) Review

The Program Director of the Vermont Treatment Program for Sexual Abusers (VTPSA) or designee will conduct a periodic review of a sample of pre-sentence investigation reports on sex offenders, selected at random. These PSIs will be reviewed for consistency with this directive, as well as content, clarity of presentation, and recommendation.

PRE-SENTENCE INVESTIGATION REPORT FORMAT

Introductory Headings

To: Honorable Judge of the Court (*name*)

Defendant: (*name*)

POB:

From: Probation Officer (*name*) and Office Address

DOB:

State's Atty: (*name*)

Address: Defendant's residence- (If incarcerated, indicates where, and list most recent community address.)

Defense Atty: (*name*)

Offense: Convicted Offense(s)

Date:

Docket #:

Adjudication:

Include the following headings in the PSI Report:

Plea Agreement: Copy from the signed Plea Agreement.

Complaint: Copy the State's Attorney Information, including statutory penalty.

Offense Summary: This is a concise and factual summary of the affidavit. In many cases, it may be important to contact the State's Attorney to determine whether the affidavit has been redacted at the time of the change of plea. Do not attach a copy of the affidavit or retype the affidavit in place of summarizing the offense.

Defendant's Statement: Ask the defendant for their version of the offense and the circumstances that led up to the offense. It is important to include all factors, including the attitude of the defendant, premeditation of the offense, statements of remorse/acceptance of responsibility or expressions of denial, including acknowledgement or denial of specific allegations, and minimization of harm to the victim and community.

Victim Impact Statement: Work with local Victim Advocates in contacting victims and requesting statements or interviews. Refer to the victim either by full name or by initials in the victim impact statement, depending on how the victim is referred to in the affidavit. Minors will always be referred to by initials only. Include the victim's report of financial, emotional and physical consequences resulting from the offense. If the victim is a child, a statement by their parent or guardian may be used in lieu of the victim's statement.

Prior Conviction/Substantiated Abuse Record: Request and include a current Vermont *conviction* record. Include a record check from other states if the defendant has spent time out of Vermont. List the state, name of *convicted* offense, the date and disposition. In cases involving violence or sexual deviance, review and summarize any Vermont Department for Children & Families (DCF) or Department of Disabilities, Aging & Independent Living (DAIL) records to determine if there are prior substantiations of abuse of children or abuse or exploitation of vulnerable adults. Question the defendant regarding the specifics of prior convictions. Review with the defendant behavior patterns that potentially increase risk; e.g., offense type, progression of seriousness, frequency, alcohol/drug involvement, etc.

Prior Supervision/Incarceration History: Indicate if there is *no* history with DOC. Summarize any prior community supervision, including any violations of probation or parole, and disciplinary reports while incarcerated. Summarize treatment the defendant may have engaged in while incarcerated or under previous probation or parole supervision. Summarize any graduated sanctions received. Note how cases were discharged (satisfactorily or unsatisfactorily). Contact previous supervising officer(s) in and out of state. If you have information about any juvenile supervision history, add that here. (*See Attachment 6, Request to Court to Access Juvenile Records.*)

Social History: This is a concise factual narrative of the defendant's history, with a discussion of those areas, which are relevant to sentencing or casework issues.

- *Family History:* Provide a concise description of the defendant's family of origin, and/or with whom the defendant grew up. Describe the defendant's current relationship with their parents and siblings and indicate if the defendant perceives the relationship as supportive or non-supportive. Include information about the number and nature of dependents, especially young children, or special needs of individuals living in the household.
- *Education:* Provide the defendant's level of education, his behavior while in school, and any special accommodations (e.g., IEP.)
- *Marital or Equivalent:* Indicate marital or long-term relationship status, including the defendant's satisfaction with this relationship. State how long the defendant has lived with their current partner, and list previous significant relationships, if applicable. For crimes of domestic violence, include any history of relief from abuse orders, including details of their grounds, and any history of Violation of Abuse Prevention Orders (VAPOs).
- *Residence:* Provide a concise description of the defendant's current housing situation, including location, whether they rent or own, and if they have roommates or not. Describe the defendant's residential stability, indicating how long they have been at the current address and how long at previous addresses. Describe the defendant's relationship to the people with whom they live.
- *Employment:* Describe the defendant's current employment circumstances and how long employed at their present job, including their annual earnings. It may be important to ask for pay stubs and/or talk with the defendant's employer. Describe significant employment history, including what types of jobs the defendant has held and the duration of the jobs. If necessary, fill out the *Request for Social Security Earnings Information (Attachment 4)* and send to the address on the form. However, do not hold up your submission of the PSI waiting for the return of information. Describe any employment training or professional degrees or licenses. List places, dates, and reason for termination. Note any comments supervisors have made regarding the defendant's reliability and work performance. Note periods of unemployment. Note whether the defendant's employment creates a risk to others.
- *Financial:* Describe the defendant's assets and liabilities, including property and credit card debt and whether the defendant is self-supporting and contributes to the support of their family. Describe the defendant's ability to make restitution to the victim, or pay for any required treatment and supervision fees.
- *Military:* Indicate if the defendant served in the military or other national service, and list dates of service, discharge status and job duties. If necessary, fill out the *Request for Military Records* form (*Attachment 5*) and include it with the PSI. However, do not hold up your submission of the PSI waiting for the return of information.

Medical/Health Status: Briefly describe any major medical issues, including mental health and developmental disabilities, that the defendant has that may impact on supervision, incarceration or treatment. Indicate if the defendant is in good health. Note if the defendant is on any medications and what type. Briefly describe any relevant treatment or counseling the defendant is undergoing for health or psychological issues.

Alcohol/Drug History: List current drug or alcohol use. Describe any prior alcohol and drug use by the defendant, including when they first used alcohol or drugs and what substances. Indicate any problem(s) alcohol and/or drugs have caused in the defendant's life. If the defendant uses drugs, indicate their drug of choice. If the defendant abuses substances, indicate the time of their last use. Indicate any previous treatment efforts for substance abuse. Has the defendant been to residential treatment or participated in AA or NA, and, if so, for how long? What is the defendant's own assessment of the effectiveness of treatment efforts? If there is no problem with substance abuse, state in this section that there is no problem.

Collateral Interviews: This is the place for any information gained from interviewing family, friends, employers and others in the defendant's life that is not already included under other sections above.

Results of Assessments: Provide a narrative explanation of the numerical results of assessment tools (e.g., LSI-R), including an examination of key risk areas, and a summary of any Court-ordered clinical assessments. Establish if the defendant will be classified *Level A* or *Level B* for purposes of correctional programming, if incarcerated. *Note:* Offender responses to LSI questions 53 & 54 about their sentence should not be referenced in the narrative.

Summary: Briefly summarize the major points of the report, but do not present new information in this section. Include both positive and negative factors in the defendant's life. Present your conclusions in a logical fashion based upon your research and data.

Program /Condition Options for Judge: Address whether the seriousness of the crime precludes a probationary sentence, and whether the defendant's risk of re-offense can be managed in the community. The sentencing recommendation must address what will be required while the person is incarcerated or under community supervision. Consider restorative justice processes, especially in cases in which the Department is recommending probation, including referral to a community reparative board or justice center as a condition of probation.

- If the defendant is likely to be incarcerated or ordered into residential treatment, and is in a custodial role for one or more dependents, include a statement about how care will be provided for the dependents. Adverse effects on the family are not reason to recommend against residential treatment or incarceration, but require planning to deal with the situation.
- A recommendation, which includes community supervision, must address conditions of probation needed to manage risk, protect the victim and mandate any required treatment.
- A recommendation, which includes incarceration, must identify any specific DOC program and the minimum length of sentence required to be eligible for that program.
- **NOTE: ONLY IF REQUESTED BY THE COURT**, the PSI Investigator will include a recommended minimum and maximum term of incarceration or a minimum and maximum term of suspended sentence.

PRE-SENTENCE INVESTIGATION REPORT FORMAT FOR SEX OFFENDERS

Introductory Headings

To: Honorable Judge of the Court (*name*)

Defendant: (*name*)

POB:

From: Probation Officer (*name*) and Office Address

DOB:

State's Atty: (*name*)

Address: Defendant's residence - (If incarcerated, indicate where, and list most recent community address.)

Defense Atty: (*name*)

Offense: Convicted Offense(s)

Date:

Docket #:

Adjudication:

Include the following headings in the PSI Report:

Plea Agreement: Copy from the signed Plea Agreement.

Complaint: Copy the State's Attorney's Information including statutory penalty.

Offense Summary: This is a concise and factual summary of the affidavit. In many cases, it may be important to contact the State's Attorney to determine whether the affidavit has been redacted at the time of the change of plea. Do not attach a copy of the affidavit or retype the affidavit in place of summarizing the offense. The summary should include the offender's age at the time of the abuse, the victim's age, gender and relationship to the defendant, and the factual details of the offense.

Defendant's Statement: Ask the defendant for their version of the offense and the circumstances that led up to the offense. Include the factual details of the offense as well as the planning, selection of victim, and grooming or stalking that preceded the offense; statements of remorse/acceptance of responsibility; or any indication of denial and/or minimization, including acknowledgement or denial of specific allegations. Include, if applicable, the nature and history of the defendant's relationship with the victim; e.g., how the defendant became involved with the victim. If the victim was under statutory age, include the defendant's understanding of the victim's age.

Victim Impact Statement: Work with local Victim Advocates in contacting victims and requesting statements or interviews. In the victim impact statement, refer to the victim by initials only. Include their report of financial, emotional and physical consequences resulting from the offense. Unless the victim chooses to discuss the details of the offense, do not ask the victim to recount the details of the offense. The intrusiveness of the interview must be weighed against its value to the Court, particularly in the case of child victims. If the victim is a child, a statement by their parent or guardian may be used in lieu of the victim's statement. Consider including additional statements about the impact of the crime from the victim's parent or guardian, DCF worker, and/or child's therapist.

Prior Conviction Record: Request and include a current Vermont *conviction* record. Include a record check from other states if the defendant has spent time out of Vermont. List the state, name of *convicted* offense, the date and disposition. After each sexual conviction, and in cases in which the offense has been reduced from a sexual offense, include a summary of the sexual behavior involved. Review with the defendant behavior patterns that potentially increase risk; e.g., offense type, progression of seriousness, frequency, alcohol/drug involvement, etc.

If the PSI is being prepared in connection with a person's conviction for a sex offense that requires registration, the PSI Investigator will obtain information pertaining to the person's juvenile record, if any, and any deferred sentences received for a registrable sex offense, and will include such information in the PSI report. (See *Attachment 6, Request to Court to Access Juvenile Records*, and *Attachment 7, Request to VCIC to Access Deferred Sentence Information for Registrable Sex Offenders*.)

Department for Children & Families (DCF) History: In cases involving violence or sexual deviance, review and summarize any prior substantiations of sexual abuse of children. Indicate if there is *no* history with DCF.

Department of Disabilities, Aging & Independent Living (DAIL) History: In cases involving violence or sexual deviance, review and summarize DAIL records to determine if there are any prior substantiations of abuse or exploitation of vulnerable adults.

Prior Supervision/Incarceration History: Indicate if there is no history with the Department of Corrections. Summarize any prior community supervision, including any violations of probation or parole and disciplinary reports while incarcerated. Summarize treatment the defendant may have engaged in while incarcerated or under previous probation or parole supervision. Contact previous supervising officer(s) in and out of state. Note how cases were discharged (satisfactorily or unsatisfactorily). Summarize any graduated sanctions received. If you have information about any juvenile supervision history, add that here. (See *Attachment 6*.)

Social History: This is a concise factual narrative of the defendant's history, with a discussion of those areas, which are relevant to sentencing or casework issues.

- *Family History*: Provide a concise description of the defendant's family of origin, and/or with whom the defendant grew up. Describe the defendant's current relationship with their parents and siblings, and indicate if the defendant perceives the relationship as supportive or non-supportive.
- *Education*: Provide the defendant's level of education, his behavior while in school, and any special accommodations made (e.g., IEP.)
- *Marital or Equivalent*: Indicate all marital or long-term relationships. Include the age of the defendant and his partner at the beginning of the relationship, and the ages and gender of all their children. Include defendant's satisfaction with each relationship. Indicate how long the relationship lasted and why it ended.

State how long the defendant has lived with their current partner. Include any history of relief from abuse orders, including details of their grounds, and any history of Violation of Abuse Prevention Orders (VAPOs).

- *Residence*: Provide a concise description of the defendant's current housing situation, including location, whether they rent or own, and if they have roommates or not. Describe the defendant's residential stability, indicating how long they have been at the current address and how long at previous addresses. Describe the defendant's relationship to the

people with whom they live, including their gender and ages. Include information about the number and nature of dependents, especially young children, or special needs of individuals living in the household.

- *Employment*: Describe the defendant's current employment circumstances and how long employed at their present job, including their annual earnings. It may be important to ask for pay stubs and/or talk with the defendant's employer. Describe significant employment history, including what types of jobs the defendant has held and the duration of the jobs. If necessary, fill out the *Request for Social Security Earnings Information (Attachment 4)* and send to the address on the form. However, do not hold up your submission of the PSI waiting for the return of information. Describe any employment training or professional degrees or licenses. List places, dates, and reason for termination. Note any comments supervisors have made regarding the defendant's reliability and work performance. Note periods of unemployment. Note if the defendant's employment situation creates a risk to others.
- *Financial*: Describe the defendant's assets and liabilities, including property and credit card debt and whether the defendant is self-supporting and contributes to the support of their family. Describe the defendant's ability to make restitution to the victim, or pay for any required treatment and supervision fees.
- *Military*: Indicate if the defendant served in the military or other national service, and list dates of service, discharge status and job duties. If necessary, fill out the *Request for Military Records* form (*Attachment 5*) and include it with the PSI. However, do not hold up your submission of the PSI waiting for the return of information.

Sexual History: Describe when and where the defendant first learned about sex, including age of first sexual experience. List major sexual relationships (unless already covered under marital history). Describe how the defendant evaluates these relationships. Describe the defendant's own personal victimization. Give age at first masturbation and nature of fantasies used. Describe type and frequency of pornography use and under what circumstances. Describe all prior sexual offense(s) not covered under prior convictions or DCF records, to include age, gender, planning, and grooming that preceded the victimization. Ask the offender if they were using alcohol or other drugs prior to or during the commission of the sexual misconduct.

Medical/Health Status: Briefly describe any major medical issues, including mental health and developmental disabilities, that the defendant has that may impact on supervision, incarceration or treatment. Indicate if the defendant is in good health. Note if the defendant is on any medications and what type. Briefly describe any relevant treatment or counseling the defendant is undergoing for health or psychological issues.

Alcohol/ Drug History: List current drug or alcohol use. Describe any prior alcohol and drug use by the defendant, including when they first used alcohol or drugs, and what substances. Indicate any problem(s) alcohol and/or drugs have caused in the defendant's life. If the defendant uses drugs, indicate their drug of choice. If the defendant abuses substances, indicate the time of their last use. Indicate any previous treatment efforts for substance abuse. Has the defendant been to residential treatment or participated in AA or NA, and, if so, for how long? What is the defendant's own assessment of the effectiveness of treatment efforts? If there is no problem with substance abuse, state in this section that there is no problem.

Collateral Interviews: This is the place for any information gained from interviewing family, friends, employers and others in the defendant's life that is not already included under other sections above.

Results of Assessments: Provide a narrative explanation of the results of the assessment tools (e.g., LSI-R, Static-99R, VASOR-2); including if there was a Court-ordered clinical assessment. Establish if the defendant will be classified *Level A* or *Level B* (choose one) for purposes of correctional programming, if incarcerated. *Note:* Offender responses to LSI questions 53 & 54 about their sentence should not be referenced in the narrative.

Summary: Briefly summarize the major points of the report, but do not present new information in this section. Include both positive and negative factors in the defendant's life. Identify the defendant's risk factors. Present your conclusions in a logical fashion based upon your research and data.

Program/Condition Options for Judge: Address whether the seriousness of the crime precludes a probationary sentence, and whether the defendant's risk of re-offense can be managed in the community. The recommendation must address what will be required while the person is incarcerated or under community supervision.

- If the defendant is likely to be incarcerated or ordered into residential treatment, and is in a custodial role for one or more dependents, include a statement about how care will be provided for the dependents. Adverse effects on the family are not reason to recommend against residential treatment or incarceration, but require planning to deal with the situation.
- A recommendation which includes community supervision must address conditions of probation needed to manage risk must protect the victim, and must mandate any required treatment available on an outpatient basis in the community. Include as an attachment any requested specialized conditions of probation.
- Whether or not a recommendation for incarceration is made, the PSI Investigator must identify any specific DOC program that the offender will be referred to, and the minimum length of sentence required to be eligible for that program. Staff must also include a statement of relevant Department of Corrections' policies regarding parole recommendations for the offense of which the offender was convicted.
- **NOTE:** Current Department of Corrections policy is to not recommend community release until the offender's risk is such that it can be effectively managed in a community-based setting. In most cases, this means that they have favorably progressed through Department of Corrections-recommended incarcerated treatment.

NOTE: ONLY IF REQUESTED BY THE COURT, the PSI Investigator will include a recommended minimum and maximum term of incarceration or a minimum and maximum term of suspended sentence.

(Print on DOC office letterhead.)

TREATMENT AND/OR ASSESSMENT RELEASE LETTER FOR SEX OFFENDERS

Date:

To the Honorable **(insert name)**, of **(insert name)** District Court;

We request permission to release the pre-sentence investigation report concerning **(insert defendant's name and date of birth)** for purposes of treatment and/or assessment to a DOC-approved sex offender therapist and for use by the Sex Offender Review Committee.

Please indicate your approval by signing below and return to the above address. Thank you.

(Signature)

(Date)

Sincerely,

(Type your name and title, and sign)

Vermont Department of Corrections

REQUEST FOR SOCIAL SECURITY EARNINGS INFORMATION

REQUEST FOR SOCIAL SECURITY EARNINGS INFORMATION

1. From whose record do you need the earnings information?

Print the Name, Social Security Number (SSN), and date of birth below.

Name _____	Social Security Number _____
Other Name(s) Used (Include Maiden Name) _____	Date of Birth (Mo/Day/Yr) _____

2. What kind of information do you need?

Detailed Earnings Information For the period(s)/year(s): _____
 (If you check this block, tell us below why you need this information.)

Certified Total Earnings For Each Year. For the year(s): _____
 (Check this box only if you want the information certified. Otherwise, call 1-800-772-1213 to request Form SSA-7004, Request for Earnings and Benefit Estimate Statement)

3. If you owe us a fee for this detailed earnings information, enter the amount due using the chart on page 3 A. \$ _____

Do you want us to certify the information? Yes No

If yes, enter \$15.00 B. \$ _____

ADD the amounts on lines A and B, and enter the TOTAL amount C. \$ _____

- You can pay by CREDIT CARD by completing and returning the form on page 4, or
- Send your CHECK or MONEY ORDER for the amount on line C with the request and make check or money order payable to "Social Security Administration"
- DO NOT SEND CASH.

4. I am the individual to whom the record pertains (or a person who is authorized to sign on behalf of that individual). I understand that any false representation to knowingly and willfully obtain information from Social Security records is punishable by a fine of not more than \$5,000 or one year in prison.

SIGN your name here (Do not print) > _____ Date _____

Daytime Phone Number _____
(Area Code) (Telephone Number)

5. Tell us where you want the information sent. (Please print)

Name _____ Address _____

City, State & Zip Code _____

6. Mail Completed Form(s) To: Exception: If using private contractor (e.g., FedEx) to mail form(s), use:

Social Security Administration Division of Earnings Record Operations P.O. Box 33003 Baltimore Maryland 21290-3003	Social Security Administration Division of Earnings Record Operations 300 N. Greene St. Baltimore Maryland 21290-0300
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REQUEST FOR MILITARY RECORDS

Standard Form 180 (Rev. 09/08) (Page 1)
 Prescribed by NARA (36 CFR 1228.168(b))

Authorized for local reproduction
 Previous edition unusable

OMB No. 3095-0029 Expires 10/31/2011

REQUEST PERTAINING TO MILITARY RECORDS

* Requests from veterans or deceased veteran's next-of-kin may be submitted online by using eVetRecs at <http://www.archives.gov/veterans/evetrecs/> *

(To ensure the best possible service, please thoroughly review the accompanying instructions before filling out this form. Please print clearly or type.)

SECTION I - INFORMATION NEEDED TO LOCATE RECORDS (Furnish as much as possible.)

1. NAME USED DURING SERVICE (last, first, and middle)	2. SOCIAL SECURITY NO.	3. DATE OF BIRTH	4. PLACE OF BIRTH
5. SERVICE, PAST AND PRESENT (For an effective records search, it is important that all service be shown below.)			
	BRANCH OF SERVICE	DATE ENTERED	DATE RELEASED
a. ACTIVE COMPONENT			OFFICER
			ENLISTED
			SERVICE NUMBER (If unknown, write "unknown")
b. RESERVE COMPONENT			
c. NATIONAL GUARD			
6. IS THIS PERSON DECEASED? If "YES" enter the date of death. <input type="checkbox"/> NO <input type="checkbox"/> YES _____		7. IS (WAS) THIS PERSON RETIRED FROM MILITARY SERVICE? <input type="checkbox"/> NO <input type="checkbox"/> YES	

SECTION II - INFORMATION AND/OR DOCUMENTS REQUESTED

1. CHECK THE ITEM(S) YOU WOULD LIKE TO REQUEST A COPY OF:

DD Form 214 or equivalent. This form contains information normally needed to verify military service. A copy may be sent to the veteran, the deceased veteran's next of kin, or other persons or organizations if authorized in Section III, below. NOTE: If more than one period of service was performed, even in the same branch, there may be more than one DD214. Check the appropriate box below to specify a deleted or undeleted copy. When was the DD Form(s) 214 issued? YEAR(S):

UNDELETED: Ordinarily required to determine eligibility for benefits. Sensitive items, such as, the character of separation, authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and dates of time lost are usually shown.

DELETED: The following items are deleted: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and for separations after June 30, 1979, character of separation and dates of time lost.

All Documents in Official Military Personnel File (OMPF)

Medical Records (Includes Service Treatment Records (outpatient), inpatient and dental records.) If hospitalized, provide facility name and date for each admission:

Other (Specify): _____

2. **PURPOSE:** (An explanation of the purpose of the request is **strictly voluntary**; however, such information may help to provide the best possible response and may result in a faster reply. Information provided will in no way be used to make a decision to deny the request.) Check appropriate box:

Benefits Employment VA Loan Programs Medical Medals/Awards Genealogy Correction Personal

Other, explain: _____

SECTION III - RETURN ADDRESS AND SIGNATURE

1. **REQUESTER IS:** (Signature Required in # 3 below of veteran, next of kin, legal guardian, authorized government agent or "other" authorized representative. If "other" authorized representative, provide copy of authorization letter.)

Military service member or veteran identified in Section I, above

Next of kin of deceased veteran (Must provide proof of death).
 Show relationship: _____
 (See item 2a on accompanying instructions.)

Legal guardian (Must submit copy of court appointment)

Other (specify) _____

2. **SEND INFORMATION/DOCUMENTS TO:** (Please print or type. See item 4 on accompanying instructions.)

Name _____

Street _____ Apt. _____

City _____ State _____ Zip Code _____

3. **AUTHORIZATION SIGNATURE REQUIRED** (See items 2a or 3a on accompanying instructions.) I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information in this Section III is true and correct.

Signature Required - Do not print _____

Date of this request _____ Daytime phone _____

Email address _____

This form is available at <http://www.archives.gov/research/order/standard-form-180.pdf> on the National Archives and Records Administration (NARA) web site.

REQUEST TO COURT TO ACCESS JUVENILE RECORDS

Vermont Department of Corrections

Your P&P Office Contact Info or Letterhead

MEMO

To: The Honorable.....

From:, Probation & Parole Officer

Date:

Re: John XXXXX – Order for Pre-sentence Investigation

Please examine your index of files and records that have been sealed to determine whether John XXXXX (DOB.....) appears on any of the court indices. If so, pursuant to 13 V.S.A. § 5199(f)(6), please unseal any court files and records relating to the juvenile adjudication, and make them available to the Department of Corrections for the purpose of preparing a pre-sentence investigation on Mr. XXXXX.

Thank you.

Sincerely,

(Signature)

(Print Name & Phone #)

**REQUEST TO VCIC TO ACCESS DEFERRED SENTENCE INFORMATION
FOR REGISTRABLE SEX OFFENDERS**

{Send this request to VCIC, 103 S. Main Street, Waterbury, VT 05671}

**Vermont Department of Corrections
Your P&P Office Contact Info or Letterhead**

MEMO

To: VCIC Sex Offender Registry Coordinator

From:, Probation & Parole Officer

Date:

Re: John XXXXX – Order for Pre-sentence Investigation on Sex Offender

Please examine your special index of deferred sentences for sex offenders that require registration to determine whether John XXXXX (DOB.....) appears on any of your records. If so, pursuant to 13 V.S.A. § 7041(h), please unseal any records relating to any deferred sentences for this individual, and make them available to the Department of Corrections for the purpose of preparing a pre-sentence investigation on Mr. XXXXX.

Thank you.

Sincerely,

(Signature)

(Print Name & Phone #)