

**PENNSYLVANIA ADULT CORRECTIONAL TRAINING INSTITUTES (PACT)**

**Law Enforcement and Corrections Services  
Office of Continuing Education and Community Services  
College of Human Development  
The Pennsylvania State University**

**THE PRESENTENCE INVESTIGATION (7501)**

**A Training Module for Trainers of Personnel**

**in the Administration of Justice**

**Designed as Part of the Statewide Training  
Program for County Probation and State Parole Personnel**

**by**

**CHARLES L. NEWMAN, PROJECT DIRECTOR**

**STANLEY S. GOEHRING, TRAINING SUPERVISOR**

**ELLEN S. PIERCE, STAFF ASSISTANT**

**Supported by a Grant from the Pennsylvania  
Governor's Justice Commission #DS-459-73A**

**June, 1975**

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# THE PRESENTENCE INVESTIGATION

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## A FOREWORD TO THE INSTRUCTOR

The training module, "The Presentence Investigation," was prepared in accordance with the Pennsylvania Adult Correctional Training project (PACT). It is based on materials presented at the PACT XXI workshop. This module can be used as a short course of several hours' duration, or it can be incorporated into the full series which PACT has produced.

In order that each module be utilized to its fullest potential, the trainer or instructor first should have a sound background, preferably with field experience in the area in which he will be instructing. Secondly, he should have in-depth knowledge of the bibliographical material listed at the end of the training module, as well as other literature sources. With this basic preparation, the trainer can be in a position to employ the training module as a "road map" for the direction and substance of the course. Throughout the preparation and presentation of the course, the trainer should keep in mind the general objectives of the course as set forth at the outset of the outline.

As the course is presented, each heading and subheading should be treated by the instructor as a theme for expansion. The headings are meant only to provide the structure to the trainer, who should then build on them, expanding and enlarging as the needs of the class are demonstrated and his time and ability permit. Many examples and illustrations should be provided to the class. An abundance of case material and other examples carefully prepared by the instructor is essential. It is the illustrative material that concretize concepts and enhance learning. The trainer should draw upon his own professional experience as well as the bibliographical material for much of this expansion. Obviously, the trainer should capitalize on the experiences of his

class in order to make the material more viable.

While the trainer is preparing for the course, certain chapters and sections of the readings will suggest themselves to him as so basic or important that he will want to assign them to the class. Therefore, the bibliography will serve two purposes: preparation of material for the instructor and training material for the class. No attempt was made on the part of those developing the training modules to dictate what, if any, the class assignments should be. The trainer will know his class and its needs better than anyone else, and should have full discretionary power on assignments, drawing from the bibliographical references or any other sources which he deems relevant.

## THE PRESENTENCE INVESTIGATION

### Course Objectives:

- (1) To establish the necessity for comprehensive and accurate presentence investigations.
- (2) To acquaint the probation officer with the many uses of the presentence investigation.
- (3) To stress that determining eligibility is essential and the primary purpose of the presentence investigation.

### I. Definition and Purpose of Presentence Investigation

A. Definition -- An investigation conducted by the probation officer after the defendant has either pleaded or been found guilty, but prior to sentencing, which provides the court with an orderly summary of factual and diagnostic information on the offender on which to base its decision.

### B. Purposes

- 1) To develop an in-depth profile of the offender.
- 2) To lead to an assessment by the officer as to the ability of the community or institutional resources to meet the needs of the case, and the capacity of individuals to make a satisfactory adjustment in the community or institution.
- 3) To culminate in a case evaluation with recommendations for the court to consider before sentencing.
- 4) To explore the offender as a total person and to arrive at recommendations for assisting him through the corrections system, and to develop socially acceptable behavior patterns.

## II. Uses of the Presentence Report

- A. As a basis for the judge in weighing all information before sentencing.
- B. As a basis for case planning by the probation officer, if the offender is placed on probation by the court.
- C. As a resource by the correctional institution in the classification process (series of procedures followed for development of a custody, care and treatment plan).
- D. As a source for the Parole Board in deciding on release and development of parole plans.
- E. As a data source of the offender's history for the parole officer in planning and supervision.
- F. As a base of information to non-correctional human service agencies in referrals.
- G. As a data source for correctional research.

## III. Essential Characteristics of the Presentence Report

- A. In order to adequately diagnose and explore all facets of the offender's life, it must note the following:
  - (1) Social history
  - (2) Nature of his relationships with family, work, peers, and acquaintances
    - a) Descriptive
    - b) Factual with sources cited
  - (3) Accounting of offender's life as it relates to the formal community structure.
- B. Include only information that is pertinent to decision making about him.

Examples:

- (1) Comprehensive school report is pertinent to understanding a youthful offender, but might not be relevant to the middle-aged offender.
- (2) Information about birth and early development may be superfluous in a case dealing with an apparently normal adult.
- (3) Extended history of employment instability, family discord, or recurring offenses are essential in understanding the offender.

C. Differentiate when being interpretive or presenting facts.

IV. Interpretive Nature of the Report

- A. Report should be factual with sources cited.
- B. If there is conflicting information, both sides should be stated with sources cited. (Ex., If a mother claims one thing and the offender claims something else, both should be presented.)
- C. Interpretation should be left to the judge to be done on the basis of factual evidence presented.

V. Mechanics of the Presentence Report

- A. Report must communicate with those who will use it.
- B. Should be sensitive to complexities of the individual, and his social milieu.
- C. Avoid ambiguous jargon and present the information clearly and succinctly.
- D. Thoroughly investigate all relevant facts to determinism or supervision.



VI. Conducting the Presentence Investigation

A. Orient thinking into three general categories in both planning and conducting the investigation.

(1) Legal history -- the actual situation

a) The situation confronting the offender -- The current situation (the specific act which brought the individual to the attention of the criminal justice system) which confronts the offender is no longer his problem alone. The same situation now involves both the community and the justice system. Therefore, the investigating officer must explore not just the offense but other problems which may or may not have a casual relationship but can, however, influence the situation. For example, he should attempt to assess the circumstances in the community surrounding the offense, the impact of the offense on the community, the manner in which the offense is brought to the attention of the authorities, the behavior of the police in responding to the offense, the relationship of their behavior to past events, etc.

b) Circumstances surrounding the offense -- The offense should be clearly and dispassionately described. Several versions of the offenses should be stated. These are:

1) Official version -- State offense to which

offender was found guilty or pleaded guilty.

The official version of how the offense was committed, when and where arrest was made, accomplices, if any, and disposition should be included.

- 2) Defendant's version -- Statements, if any, given to arresting officer, the prosecutor, probation agent, signed confessions, defendant's attitude toward the offense, and point at which defending lawyer entered the case should be reported in this section.
  - 3) Co-defendant's version -- If two or more individuals were implicated in the offense, these versions of the event should be stated.
  - 4) Victim's version -- If there was a victim (a person against whom offense was perpetrated), his accounting should be given.
  - 5) Earlier criminal history record when applicable -- Concise description of other crimes individual has confessed to or been found guilty of would be given in this section.
- C. Previous encounters with the law -- Concurrent problems of the individual which bear on the offense should be related by the officer. These problems might include financial stress, personal relations, lack of place to live, drug addiction, etc. The meaning of these problems for the offender

should be interpreted by the officer. Any related problems should be discussed as relevant to the offense. The officer should be able to concretely relate problems with events and not attempt to rationalize the offender's criminal behavior.

The officer must at all times walk the fine line of remaining detached and objective, but not disinterested. If he becomes ego-involved and thereby emotionally involved, he may attempt to extricate the offender by tenuous associative reasoning.

(2) Social History -- Exploration of the offender as a unique individual

a) Early history -- This part should deal with the offender in his family of orientation (the family in which he was raised). Most of this material will involve reconstruction of past events. Birth, school, and medical records will produce most of the data. Interviews with parents, siblings, and others will provide the rest. Personality development, work habits, mental and physical capacities should be stressed.

b) Employment record -- Interviews with employers and fellow-workers will produce much information on reliability, motivation and capacity of the individual.

c) Leisure activities and personal relationships -- Preferred leisure patterns and associates chosen

by the individual may give significant insight into the offender's personality. What are the influences of these personal relationships? What problems exist in developing lasting relationships? These questions the officer should ask as he explores this aspect.

- d) Marital history (the family of procreation) -- As head of household, what is his behavior? Is the marriage stable? How does he relate to his off-spring? What is the spouse like (often personality of spouse reveals much about offender)? These are the kinds of things the officer should be considering.
- e) Religious activities -- Dates of participation, types of participation and justifiable interpretation should be given.
- f) Health -- Both mental and physical health should be documented with signed statements from examining physicians.
- g) Agency information -- Concise reports should be given by all other community and human-service agencies which have had encounters with the offender.

(3) Summary

- a) Concise, chronological summary of officer's investigation should be presented.
  - (1) Actual events
  - (2) Offender's attitudes and understanding of himself.

- 3) Investigating officer's interpretation (clearly stated as such) of events and offender. Itemization of offender's strengths and weaknesses. These should be clearly labeled as to those which are not demonstrable but represent insights and opinions of the investigating officer.
- b) Resources available for treatment -- On the basis of the officer's findings and known availability of treatment facilities, the officer should list possible resource facilities for treatment of offender.
- c) Recommendations by investigating officer for disposition
  - 1) Must take total investigation into account, including requirements of offender, the community and the criminal justice system.
  - 2) State the recommendations and alternatives in clear, dispassionate style. Within the framework of the current problem, the capacities of the offender, his family and the community, list all recommendations including treatment to bring about a positive adjustment of the offender.

#### B. Sources of Information

- (1) To expedite the investigation, it is necessary to know where information exists and how to efficiently obtain it.

(2) Partial list of important sources of information for the investigation:

a) Legal history

- 1) Arresting officer
- 2) Prosecuting attorneys
- 3) Complainant
- 4) Defendant
- 5) Accomplices
- 6) Witnesses
- 7) Federal Bureau of Investigation
- 8) State Police agencies
- 9) Local police agencies and sheriff's office
- 10) Correctional agencies and institutions

b) Social history

- 1) Defendant
- 2) Relatives (parents, siblings, spouse)
- 3) Neighbors
- 4) School records
- 5) Family physician (hospital, clinical records, etc.)
- 6) Employers (fellow employees)
- 7) Clergy
- 8) Social agencies, public and private (state department of welfare, family service agencies, relief agencies, neighborhood houses, etc.)

C. The information gathering should be conducted in such a way that it will answer the following eligibility questions to determine whether the offender should be recommended for probation. (It should be noted that determining eligibility should be

an ongoing process to be re-evaluated while offender is (a) incarcerated and waiting for parole, (b) on parole, or (c) on probation. By answering eligibility questions, strategies to achieve goal and objectives can be established.)

- (1) Does the offender have sufficient internal controls to conform?
- (2) Does he state or demonstrate a willingness to abide by the rules?
- (3) Does he have a potential for school or employment?
- (4) Does he have sufficient motivation to adjust?
- (5) Will the community tolerate him?
- (6) Are there sufficient family and community resources available?
- (7) What are the implications of the offenders past and present behavior on his ability to adjust?

## VII. Summary

- A. The presentence investigation is conducted by the probation officer after a trial has been held, and after the offender has either pleaded or been found guilty, to inform the court about the offender and recommend a course of action.
- B. The gathering of information should be done in such a way that the eligibility criteria for probation can be established.
- C. The presentence report is the initial step in casework management and one of the most important functions of the parole and probation officer.
- D. The report should be cohesive and written in simple, non-technical language.

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