

State of Vermont Agency of Human Services Department of Corrections	Title: Pre-sentence Investigation (PSI) Reports	Page 1 of 17
Chapter: DISTRICT OFFICES - GENERAL	# 342.01	Supersedes #342, dated 4/2/1992; #342.01, dated 4/10/1992; and #342.02 dated 01/21/2000
Attachments, Forms & Companion Documents: <ol style="list-style-type: none"> 1. Pre-sentence Investigation Report Format 2. Sex Offender Pre-sentence Investigation Report Format 3. Treatment and/or Assessment Release Letter Format for Sex Offenders 		
Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: "B"- Anyone may have access to this document.		
Approved: <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <hr style="width: 30%; margin: 0 auto;"/> Robert D. Hofmann, Commissioner </div> <div style="text-align: center;"> <u>March 22, 2007</u> Date Signed </div> <div style="text-align: center;"> <u>April 9, 2007</u> Date Effective </div> </div>		

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 & REFERENCE

28 V.S.A. §§ 202, 204. V.R.Cr.P 32 (c). 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

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.

RRASOR (Rapid Risk Assessment for Sex Offense Recidivism): A 4-item actuarial risk measure used to aid in assessing sexual recidivism risk among convicted adult male sex offenders. Scores fall into one of six levels reflecting the probability of sexual re-offending at 5 and 10-year intervals (Hanson, 1997).

Static-99: A risk measure that includes the four items that comprise the RRASOR as well as six other items. The resulting 10-item actuarial risk measure is used in a similar manner as the RRASOR. 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 (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 13-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 are somewhat different processes for specific types of offenses; e.g., sex offenders. See

Attachment 1, Pre-sentence Investigation Report Format or *Attachment 2, Sex Offender Pre-sentence Investigation Report Format* 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

- a. The PSI will contain verified, relevant, and credible information. The PSI Investigator must verify, to the fullest extent possible, the information contained in the PSI by means of collateral interviews.
- b. The PSI Investigator will indicate in the PSI the source of the verification of information, or will indicate if the information is based on unverified statements of the defendant.

3. Disclosure

- a. Any PSI prepared by DOC staff is **privileged information**, and **no staff will disclose it to anyone outside the Department without the permission of the Court.**
- b. 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 place every PSI in this secure location.

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 business (5) 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 will 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:*

- 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 a significant amount of 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 check with the Department for Children and Families (DCF) as well as the Department of Aging and Independent Living (DAIL) to determine if there are prior substantiations of abuse of children or vulnerable adults.

d. *Defendant Interview:* The PSI Investigator will ask the defendant about their social history, including family history, relationships, employment, medical and health history, and information about drug and alcohol use. 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 a sentencing recommendation decision. 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.

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 a recommendation to 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.
- **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.

9. Pre-Plea PSI Reports

In some instances, the Court may order a pre-sentence investigation prior to an adjudication of guilt. The pre-plea PSI can only be done when the defendant, on advice of counsel, consents to such action.

- a. The PSI Investigator will use the same format, timelines, and peer review process for a pre-plea PSI as for a regular PSI.
- b. When the PSI Investigator completes the pre-plea PSI, **they must not disclose its contents to anyone except the Judge.**
- c. Because a pre-plea PSI is conducted prior to a finding of guilt, the defendant may not wish to discuss the offense.
- d. The Department will *not* provide a sentencing recommendation unless the Court orders the Investigator to do so.

10. Psychosexual Evaluation for Sex Offenders

The Court may order that a psychosexual evaluation be included as part of a sex offender pre-sentence investigation report.

- a. All requests for psychosexual evaluations will be forwarded to the Vermont Treatment Program for Sexual Abusers (VTPSA) Program Director.
- b. The Vermont Treatment Program for Sexual Abusers (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.
- g. The assigned PSI Investigator will consult with the VTPSA Program Director prior to making a sentencing recommendation.

TRAINING

1. Prior to conducting PSIs, DOC staff must receive central level training on this directive, to include database training.
2. Prior to conducting PSIs, DOC staff must also receive central level training on the specifics of conducting a PSI or conducting a PSI on sex offenders. Those individuals who have already completed this training when the directive becomes effective will only need to complete training on the directive.
3. 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

QUALITY ASSURANCE

1. Local Reviews

All PSIs 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 recommendation.

The District Manager/designee will ensure a peer review was held, and that the *Treatment/Assessment Release Letter (Attachment 3)* is attached to the PSI Report.

2. Central Office Review

The Field Services Executive 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) 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.

ATTACHMENT 1 – SAMPLE**PRE-SENTENCE INVESTIGATION REPORT FORMAT**Introductory Headings

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

Defendant: (*name*)

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

POB:

DOB:

States 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:

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

Offense Summary: This is a concise and factual summary of the affidavit. 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 Record: Request and include a current Vermont *conviction* record. Include a record check from other states if the defendant has spent significant time out of Vermont. List the state, name of *convicted* offense, the date, and disposition. Review and summarize any Vermont Department for Children and Families (DCF) records. 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 the Department. 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/unsatisfactorily). Contact previous supervising officer(s) in and out of state.

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. If recommending incarceration or residential treatment, 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.
- *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. 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.

Medical/Health Status: Briefly describe any major medical issues, including mental health, 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.

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.

Summary: Briefly summarize the major points of the report, but do not present new information in this section. Present your conclusions in a logical fashion based upon your research and data.

Recommendation: 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.

- 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.

ATTACHMENT 2 – SAMPLE**SEX OFFENDER PRE-SENTENCE INVESTIGATION REPORT
FORMAT**Introductory Headings

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

Defendant: (*name*)

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

POB:

DOB:

States 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:

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

Offense Summary: This is a concise and factual summary of the affidavit. Do not attach a copy of the affidavit or retype the affidavit in place of summarizing the offense. The summary should include 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 significant 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. Review and summarize any Vermont Department for Children and Families (DCF) records.

Prior Supervision/Incarceration History: Indicate if there is no history with the Department. 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/unsatisfactorily). Contact previous supervising officer(s) in and out of state.

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. If recommending incarceration or residential treatment, 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.
- *Marital or Equivalent:* Indicate marital or long term relationship status, including defendant's satisfaction with this relationship. State how long the defendant has lived with their current partner, and list their previous significant relationships, if applicable. 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. 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.

Sexual History: Describe when and where the defendant first learned about sex, including age of first sexual experience. List major sexual relationships, including the age and first name of the partner (unless already covered under marital history). Indicate how long it lasted, and why the relationship ended. 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, 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, 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.

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.

Summary: Briefly summarize the major points of the report, but do not present new information in this section. Present your conclusions in a logical fashion based upon your research and data.

Recommendation: 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.

- 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.
- 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.
- Title 28 V.S.A., Chapter 5, Section 204a(c)(2) requires that PSIs concerning crimes of aggravated sexual assault, sexual assault, lewd and lascivious behavior with a child or sexual exploitation of children include 1) the availability of appropriate treatment programs within correctional facilities and on an out-patient basis in the community, including a recommendation as to the defendant's eligibility for such treatment programs; and 2) 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 treatment.

ATTACHMENT 3 – SAMPLE

(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