


<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.04.06</p>	<p>Date Revised: 11/01/01 02/01/07 03/31/08</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date of Issue 03/17/08</p>
<p>Subject PROBATION SERVICES PRE-SENTENCE INVESTIGATION REPORTS</p>		<p>Effective Date 08/10/16 <b>PUBLIC</b></p>

I. AUTHORITY

The board shall make pre-sentence investigations **and reports**, when requested to do so by the court. **Prisons and Parole Code, 61 Pa. C.S. § 6131(a)(1)(7), § 6133(b) and 37 Pa. Code § 65.1**

II. PURPOSE

The purpose of this procedure is to set forth **written** agency protocol for the acceptance, preparation, and submission of pre-sentence investigation reports.<sup>1</sup>

III. APPLICABILITY

This procedure is applicable to all board employees who are involved with the administration, acceptance, preparation, and submission of pre-sentence investigation reports, and all courts having criminal jurisdiction.

IV. DEFINITIONS

**All definitions are located in Procedure 4.01.01**

V. POLICY

The board shall provide the sentencing judge of the court having criminal jurisdiction with pre-sentence investigations and reports that **contain** timely, relevant, and accurate **data** to assist the court in determining the most appropriate sentencing alternative or correctional disposition **pursuant to Pa. Rs. Crim. P. 702.**<sup>2</sup> **These procedures will be updated, as needed, to meet the needs of the court.**<sup>3</sup>

VI. PROCEDURE

A. Court Responsibilities

1. With the exception of Mercer and Venango Counties, the court having criminal jurisdiction may request **that** the board prepare a pre-sentence **investigation** report by completing the Request for Pre-Sentence Investigation (PBPP-302) and submitting **the PBPP-302** to the Bureau of Probation Services, Division of **Grants, Standards, and Court Services**.

2. Upon receipt of the Pre-Sentence Investigation (PBPP-302), the Bureau of Probation Services, Division of Grants, Standards, and Court Services shall review the **request** to determine if it meets board acceptance criteria **pursuant to 37 Pa. Code § 65.1**. Acceptance of a case for pre-sentence investigation from a county, which, on December 31, 1985, maintained adult probation offices and parole systems, will be at the board's discretion. The board will ordinarily accept a case that meets the following criteria:

(2) For pre-sentence investigation:

- i) A felony conviction.
- ii) A case otherwise under the Board's jurisdiction.

3. Request(s) for Pre-Sentence Investigation (PBPP-302) originating from the Mercer County Court of Common Pleas, 35<sup>th</sup> Judicial District, and the Venango County Court of Common Pleas, 28<sup>th</sup> Judicial District, shall be sent directly to the Mercer District Office. **The board will accept all requests for pre-sentence investigation reports originating from the Mercer County Court of Common Pleas, 35<sup>th</sup> Judicial District, and the Venango County Court of Common Pleas, 28<sup>th</sup> Judicial District.**

B. Request for Pre-Sentence Investigation **Report** - Accepted

1. The Master Name Index on the PBPP Client Server shall be checked to determine if the **offender** is currently under the jurisdiction of the board or has previously been under the jurisdiction of the board. If a board record is found, the PBPP parole number shall be placed on the Request for Pre-Sentence Investigation **Report** (PBPP-302). If no record is found, a PBPP Parole Number shall be assigned and included on the PBPP-302. **If the offender is currently under PBPP supervision, the assigned agent is noted on the PBPP-302.**
2. Controls shall be maintained and include the **offender's** name, assigned PBPP parole number, **parole auditor or parole auditor supervisor** to which the pre-sentence investigation **report** is assigned, and deadline for submission of the completed pre-sentence **investigation** report.
3. The deadlines for submission of **the** pre-sentence **investigation** report to the court are as follows:
  - a. Court established submission deadline - The board deadline **for submission to the court** shall be the same date.
  - b. Court established sentencing date - The board deadline for submission **to the court** shall be a minimum of **five (5)** business days in advance of the sentencing date, **unless specified otherwise by the court.**
  - c. Court does not establish a submission deadline or sentencing date – The **board deadline for submission to the court shall be established as sixty (60) calendar days from date of receipt.**

**4. The Request for Pre-Sentence Investigation Report (PBPP-302) will be forwarded to the Bureau of Standards and Accreditation.** The Board will allocate the resources necessary to meet submission deadlines of pre-sentence investigation reports to the court having criminal jurisdiction.<sup>4</sup>

D. Request for Pre-Sentence Investigation - Not Accepted

If the review of the Request for Pre-Sentence Investigation (PBPP-302) indicates that board acceptance criteria is not met, written correspondence shall be sent to the requesting court having criminal jurisdiction **no later than one (1) business day** by the Bureau of Probation Services, **Division of Grants, Standards, and Court Services**, refusing acceptance of the **PBPP-302**, including the reason(s) for the decision.

E. **Bureau of Standards and Accreditation** Responsibilities

Upon receipt of the Request for Pre-Sentence Investigation (PBPP-302), the **parole auditor** supervisor shall review the PBPP-302 and determine:

1. The type of pre-sentence report requested (full or modified);

a. Full Report

If a full report is requested, the parole **auditor or parole auditor supervisor** shall utilize the Pre-sentence Investigation (PBPP-318). If the PBPP-318 is not appropriate due to case complexities, a more complete narrative report may be substituted.

b. Modified Report

If a modified report is requested, the parole **auditor or parole auditor supervisor** shall note the topics on which information is requested by the court having criminal jurisdiction and prepare the report, including only the information requested, utilizing either the Pre-Sentence Investigation (PBPP-318) or a narrative style report.

2. Whether the **offender** has been adjudicated guilty of the alleged offense(s);

3. The deadline **for submission to the court.**

G. Conducting the Investigation

1. The **parole auditor** supervisor shall assign the pre-sentence investigation **report** for completion of the information requested **and enter as open in investigation entry.**

2. Parole **auditors or parole auditor supervisors** are to conduct the investigations.

3. All persons interviewed during the course of the pre-sentence investigation shall be advised that the pre-sentence investigation report is subject to disclosure at the court's discretion. All pre-sentence investigation reports are confidential and shall only be submitted to the sentencing judge of the court having criminal jurisdiction; the sentencing judge will be responsible for any further dissemination **pursuant to Pa. Rs. Crim. P. 703.**<sup>5</sup>
4. The Authorization for Release of Confidential Information (PBPP-283) shall be utilized, as needed.
5. **When directed by the court having criminal jurisdiction, victim(s) shall be contacted and if the victim(s) elect to make a statement, the statement shall be included in the pre-sentence investigation report.**<sup>6</sup> The Victim Impact Statement (PBPP-84) may be used for securing this information.
6. **When directed by the court having criminal jurisdiction, recommended special conditions are developed and included in the evaluative summary section of the pre-sentence investigation report.**<sup>7</sup>
7. **The parole auditor or parole auditor supervisor** shall consider and include in the pre-sentence investigation report sentencing alternatives **that match offender characteristics and needs and balance those needs with the primary mission of public safety.**<sup>8</sup>
8. If it becomes evident, due to unexpected circumstances, that the pre-sentence investigation report cannot be completed in time to meet the established deadline, the **parole auditor** supervisor shall request an extension for submission of the pre-sentence investigation report from the sentencing judge of the court having criminal jurisdiction. This information must, also, be communicated to the Bureau of Probation Services, Division of Grants, Standards, and Court Services, or Mercer District Office.
9. The **parole auditor** supervisor, **parole manager, or director** shall review and approve by signature all pre-sentence investigation reports and recommendations prior to submission to the court<sup>9</sup> **and enter as closed in Investigation Modify.**
10. The **parole auditor** supervisor shall submit the original and one (1) copy of the completed pre-sentence investigation report to the sentencing judge of the court having criminal jurisdiction, one (1) copy to the Bureau of Probation Services, **Division of Grants, Standards, and Court Services, or Mercer District Office**, and retain one (1) copy. **Where electronic versions are accepted, completed pre-sentence investigation reports shall be forwarded electronically to the court's designee.**

## VII. SUSPENSION DURING AN EMERGENCY

**This procedure may be suspended during an emergency at the sole discretion of the chairman.**

#### VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

#### IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

- A. This procedure does not contain information that impacts the security of board staff or parolees and may therefore be released to the public.
- B. This procedure is to be distributed to the following: all board staff; president judge of each court of common pleas judicial district; chief probation officers/directors; board of county commissioners/county chief executive officer.

#### X. CROSS REFERENCES

##### A. Statutes

###### 1. Federal

None

###### 2. State

- a. **Prisons and Parole Code, 61 Pa. C.S. § 6131(a)(1)(7), § 6133(b).**
- b. **Pa. Rs. Crim. P. 702**
- c. **Pa. Rs. Crim. P. 703**
- d. 37 Pa. Code § 65.1

##### B. PBPP Policies

None

##### C. American Correctional Association Standards

- 1. **4-APPFS-1B-01 (Ref. 3-3213)**
- 2. **4-APPFS-1B-03 (Ref. 3-3211)**
- 3. **4-APPFS-1B-08 (Ref. 3-3215)**
- 4. **4-APPFS-1B-02 (Ref. 3-3212)**
- 5. **4-APPFS-1B-10 (Ref. 3-3226)**
- 6. **4-APPFS-1B-04 (Ref. 3-3214)**
- 7. **4-APPFS-1B-05 (Ref. 3-3218)**
- 8. **4-APPFS-1B-06 (Ref. 3-3219)**
- 9. **4-APPFS-1B-07 (Ref. 3-3225)**

##### D. Management Directives

None

E. Report of the Reentry Policy Council

None