

Colorado Probation Research in Brief

Coordination at the Front-End of Sentencing: The Judiciary, Probation, and the Pre-Sentence Report

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Summary/Conclusions

In 2008, the Stanford Criminal Justice Center convened California Probation Chiefs, representatives from the Administrative Office of the Courts, and judges to discuss the front-end of sentencing, focusing on the pre-sentence report (PSR) process and information distribution. A survey was distributed before the actual meeting, and its results were used in the discussions. In addition, three other states provided information on their PSR processes. The working group explored possible improvements to the front-end of sentencing, with discussion of PSR best practices. The working group also noted barriers or obstacles to improving their current process.

Limitations of Information

The authors note that “the survey was not statistically valid” but the responses contributed to the discussions. In addition, it is unclear what the purpose of PSR’s is in California, as this question was left unanswered. Without knowing its purpose, it is difficult to recommend best practices. Some practices may or may not be essential depending on the agreed upon utility of these reports.

Caveat: The information presented here is intended to summarize and inform readers of research and information relevant to probation work. It can provide a framework for carrying out the business of probation as well as suggestions for practical application of the material. While it may, in some instances, lead to further exploration and result in *future* decisions, it is not intended to prescribe policy and is not necessarily conclusive in its findings. Some of its limitations are described above.

PSI Best Practices

This article reports the activities of several criminal justice personnel in California, and their efforts to improve the front-end of sentencing. The working group participants completed a survey, discussed the state of the pre-sentence report (PSR) process, explored the processes in three other states, shared the potential barriers to change, and made recommendations to move forward.

Currently, California experiences several issues with the pre-sentence process. First, there are significant challenges to accurate and timely information gathering, when completing a PSR. Second, although statute mandates the contents of PSR’s, much like Colorado, each county decides how to format that information. Unlike Colorado, the PSR process does not integrate a valid risk/need assessment.

Some of the survey highlights include:

- PSR quality is dependant on the accuracy of the information in it
- Standardizing content does not translate into standardized format, which creates information sharing problems
- PSR’s should use a valid assessment to introduce evidence-based practices
- PSR’s should incorporate evidence-based principles
- Resources and budgets should prioritize allocations for EBP’s

The working group heard from speakers representing Virginia, Pennsylvania, and Arizona. Each state highlighted strengths of their PSR process. Virginia’s PSR’s are standardized in content and format; Pennsylvania relies on

the PSR as an information sharing device; and Arizona’s PSR’s have been integrated in their case management system.

The survey results, as well as the information gained from other states, assisted the working group in developing best practices and improvements for the pre-sentence process in California. Some of these ideas appear below.

Practical Applications

- √ Improve information sharing by collaborating with local system partners, such as law enforcement, human services, and treatment providers, to develop structured protocol to request and receive records in an efficient and timely manner.
- √ Incorporate the results of assessment tools into the PSR. Remember that the high risk offender should receive more intensive services, while low risk offenders should need limited interventions.
- √ PSR’s should include conclusions or recommendations which address the offenders’ criminogenic need areas, while giving priority to the “Big Four.”
- √ Consider relating all recommendations for additional conditions to a criminogenic need area.
- √ Ensure that PSR recommendations are made for programs the are evidence-based or show compelling research results.
- √ Review Strength-based PSI example at: <http://judicialnet/prob/ResearchinBriefs/Strentghbased%20PSI.pdf>.

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Emmanuel, Case 1

Emmanuel is a 15-year-old Hispanic male. He has been adjudicated for Theft (M) and Use of a Controlled Substance (F6). Emmanuel presents as a resistant and defiant youth, who is unresponsive to attempts to engage him and who shows little remorse for his crime. He states that he does not have a substance abuse problem, however, he had marijuana in his system at the time of arrest. Emmanuel has had a long history of systems involvement in his life. He has had repeated out-of-home placements due to his family's dysfunction: mother's substance abuse and recent relapse from a brief period of recovery which culminated in a heroin overdose in which she almost died, as well as criminal activity by the father. During his out-of-home placements, Emmanuel was sexually abused by an older youth in the program, as well as an adult living in the home. He has a history of running away and truancy. Due to his lack of involvement in school, Emmanuel has not completed even the equivalent of his freshman year of high school. He appears to have difficulty reading. These problems appear to seriously impair Emmanuel's ability to trust others and engage them in positive ways. He does not make eye contact, holds himself rigidly while being interviewed, and does not appear to have any interest or commitment to a treatment or rehabilitation process. Emmanuel presents as a serious risk to the community and faces a future of progressively more intensified antisocial behavior.

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Emmanuel, Case 2

Emmanuel is a 15-year-old male who refers to himself as Latino. He has been adjudicated for Theft (M) and Use of a Controlled Substance (F6). Emmanuel presents as a powerful young man who is careful whom he opens himself up to. Given his history of being betrayed by trusted adults, this appears to be an appropriate self-protective device. When asked to scale what he's like when he's really doing well and what he's like when he's doing badly, he responded that when he's doing well, he is going to school, playing music (he is apparently very talented with the guitar), and "not getting into it" with his mother and father. He says that there have been some times in his life recently (during the last two years) when he felt like things were really going well – but when his dad violated his probation when he was caught with a gun in his possession, Emmanuel said it all went crazy. In reference to the other end of the scale, how things look when he's not doing well, he said "you're looking at it..."

Emmanuel sees the world as a place that is not safe unless you defend yourself and that can really hurt people. He admits that now people see him as dangerous and this bothers him. Emmanuel also notes he doesn't necessarily have to be a dangerous person to keep himself safe and that he's willing to explore ways of protecting himself without getting violent. He says he knows that he has been hurt in ways he describes as "really personal" and that he has to deal with it someday but doesn't want to talk about it now. He reports that he has used multiple drugs and alcohol in the past in large amounts, but that during the last year, he has quit doing everything but pot because he doesn't like feeling "out of control." He states that he uses pot to "relax" and "chill out" because he gets really stressed out. He says that he doesn't think that he has a problem. He reports missing his parents and being upset that they have not been able to get to the family services yet – but also states that they have been able to talk on the phone and have done so regularly. His father says that he feels very afraid for Emmanuel and doesn't want him to go down the road he has. He expresses interest in getting involved with the family program as well as going to family treatment with his wife. Emmanuel says that he is worried that his siblings –ages 5, 7, and 12 won't "do the right thing" if he's not there to guide them – and said that he is proud of the fact that they haven't gotten into any trouble with the law. He says that it is important to him that they do well.

He has had multiple visits from the a priest who he has become friends with from his neighborhood, and says that this guy is very "cool" and has really "hung in there" with Emmanuel who said he initially wouldn't have anything to do with him, but gradually came around when he saw that the guy was sincere. The priest has offered to assist his mother and father in getting a ride to the family treatment program on a regular basis. Emmanuel said that he is upset about his mother's recent relapse but that he does love his parents.

He dreams of being a guitar teacher and owning a music store like his older uncle, Jose. This is his mother's brother and is the person who Emmanuel describes when asked to talk about who his hero is. He states that Jose is his hero because he is a good person who takes care of his wife, kids, and mother.

In regard to his crimes, he says that he knows he shouldn't have been in the place he was when "the last big deal went down," and that he wishes he knew of a different way to make money. He does not at

this point appear to express remorse for the harm he caused the other youth, and this needs to continue to be a target for strategic therapeutic work. He had recently broken an association with a group of youth who wanted to involve him in a series of burglaries in a part of town known for providing housing to the elderly – Emmanuel said that he didn't think that was right so some promising evidence of moral development is present.

He really hates being locked up and said that he is very motivated to figure out something else to do, because "this isn't it..." in terms of what he wants for his future. He said that he gets headaches regularly, and has difficulty seeing which makes him particularly paranoid. He said that he has never visited an optometrist – and is open to the idea of getting his vision checked. Emmanuel appears to be a young man with many challenges. He appears to have the capacity to learn from his experiences, from relationships with a caring adult despite fears of doing so, have insights, and envision a future for himself free from systems involvement. While not yet ready to function safely in the community, Emmanuel possesses a lot of attributes of someone who is capable of working towards a better life for himself.

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