DEPARTMENT OF CORRECTIONS

Policy Number: 200.010
Title: Pre-Sentencing Activities
Effective Date: 1/15/19

PURPOSE: To ensure timely, thorough, and accurate completion of confidential pre-sentence reports for the courts to use in making informed decisions about the release and sentencing of offenders, and to provide pre-trial monitoring and supervision of defendants when directed by the courts.

APPLICABILITY: All field services staff.

DEFINITIONS:
Pre-Sentence Investigation Report (PSI) - a confidential report ordered by the court and completed prior to sentencing that contains a factual and evaluative description of an offender's personal and criminal history and character.

Pre-Trial Assessment Tool – an instrument approved by the Judicial Council that aids the court in determining the degree to which an offender presents a threat to public safety and a risk to not appear for subsequent court proceedings, and used by the court in deciding whether to release a defendant or convicted offender on bail, conditional release, or personal recognizance.

Pre-Trial Monitoring/Supervision – surveillance of offenders who are court-ordered to comply with pre-trial release conditions pending final disposition.

PROCEDURES:

A. Pre-Trial Responsibilities

1. Supervision agents must complete a pre-trial assessment on offenders when an assessment is statutorily required and when directed by the court.

2. Supervision agents provide pre-trial monitoring as determined by the pre-trial assessment tool and ordered by the court.

B. Pre-Sentence Investigations (PSI)

To ensure PSI reports are complete and accurate, and timely submitted to the court:

1. Supervision agents must use the current approved template for PSI reports and include all required information and timely, relevant, and accurate data.

2. Supervision agents must objectively assess each offender to identify offender programming needs, risk of reoffending, level of supervision needed, and provisions for review. The assessment process must include:

   a) Conducting an initial assessment using one or more of several available standardized and validated assessment tools;

   b) Conducting additional assessments or evaluations;

   c) Conducting a personal interview with the offender;

   d) Developing objectives that address offender needs and community safety such as:

(1) Services and opportunities that encourage the offender to make restitution to the victim(s) and the community; and
(2) Encouragement for the offender to take responsibility for the offender's actions; and

e) Documenting all assessment and reassessment results electronically in the case record and sharing the results with the offender.

3. Supervision agents must contact the victim(s) and:
   a) Obtain a victim impact statement from each victim who elects to submit one for inclusion in the PSI report; and

   b) Explain to the victim(s) how to access the victim notification system and that it notifies registered victims prior to any type of hearing about the offender's sentence, prior to any release from confinement or supervision, immediately after the offender escapes from custody or supervision, and when the offender is apprehended and returned to custody.

4. Supervision agents must also include recommendations in their PSI reports. In making their sentencing recommendations, supervision agents must consider sentencing alternatives that match the offender's characteristics and needs while still ensuring public safety.

5. The supervision agent must provide the finished PSI report to the district supervisor or designee for approval prior to submission to the court.

C. Investigations and Reports
1. The confidentiality of pre-sentence investigations and reports must be safeguarded consistent with law and privacy policies.

2. The agency must promptly provide PSIs and reports to other criminal justice agencies when the offender is transferred to them for confinement, consistent with applicable laws and regulations.

3. The agency must periodically review the PSI process, in consultation with the courts.

INTERNAL CONTROLS:
A. Reports and forms are documented electronically in the case record system.

B. Case audits are retained in the employee's supervisory file.

ACA STANDARDS: 4-APPFS-1A-04, 4-APPFS-1B-01 through 4-APPFS-1B-10, 4-APPFS-2A-02, 4-APPFS-2F-01, 4-APPFS-2F-02

REFERENCES: Minn. Stat. §§ 609.115; 609.135; 609.1351; 611A.037; 611A.04

REPLACES: Division Directive 200.010, "Pre-Sentencing Activities," 7/26/16.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support