

BOP ISSUES THE PROBATION OFFICER'S PERSPECTIVE

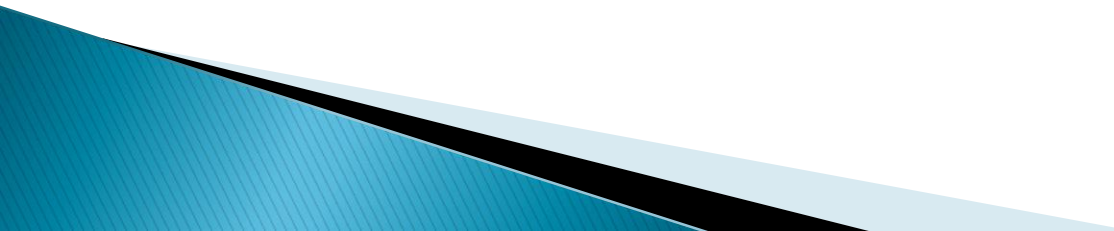
JINEEN M. FORBES

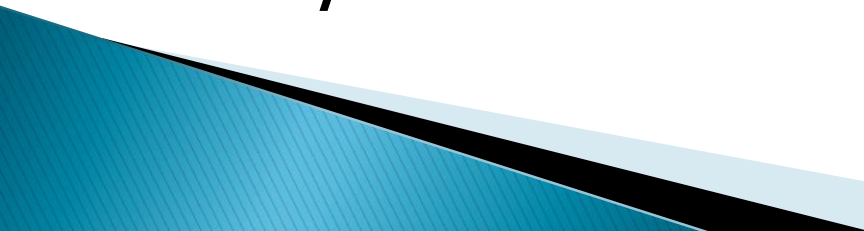
SUPERVISING U.S. PROBATION OFFICER

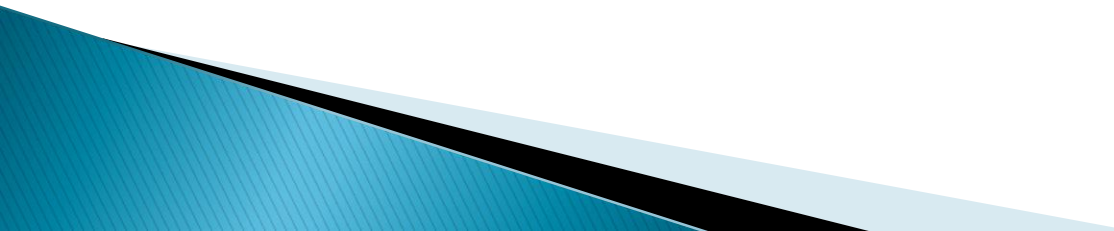
SOUTHERN DISTRICT OF NEW YORK



Functions and Objectives of the Presentence Report

- ▶ The presentence report will follow the defendant through his or her contacts in the federal criminal justice system.
 - ▶ Many decisions – from the type and length of sentence imposed, to the type of correctional institution to which the defendant is designated and the programs for which he is eligible to participate – are made based in part on the information contained in the presentence report.
 - ▶ Officers must therefore make every effort to provide the court with reliable information that is verified or corroborated, since inaccurate information may lead to unfair or unintended results.
 - ▶ As noted in Monograph 107, “The officer’s objectivity and professionalism during the presentence and sentencing phases promote the fair treatment of the defendant and may instill in the defendant the desire to cooperate with corrections and community corrections officials in the later phases of the federal criminal justice system.”
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- ▶ Monograph 107 also notes that the purposes of the PSR include:
 - Providing clear, concise and objective reports that will assist the sentencing judge in determining the appropriate sentence;
 - *Aiding the Bureau of Prisons in making classification, designation and programming decisions;*
 - *Assisting corrections and community corrections officials in managing offenders under their supervision*
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- ▶ Under Rule 32 of the Federal Rules of Criminal Procedure, the presentence report must contain information relating to any circumstances affecting the defendant's behavior that may be helpful in imposing sentence or in correctional treatment.
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Types of Investigations and Reports

- ▶ Among the types of reports prepared by presentence officers are *Supplemental Reports to the Bureau of Prisons*
- ▶ Presentence officers may prepare a supplemental report to the Federal Bureau of Prisons for any defendant who did not receive a presentence report, received a commitment to the Bureau of Prisons, and has at least nine months' imprisonment remaining to be served.

- Information that is especially crucial to the sentencing judge and BOP officials includes:
 - Family and Community Ties
 - Criminal History
 - Gang Affiliations (officers should be aware of tattoos and tribal markings)
 - Mental Health Issues
 - Restitution and other Financial Obligations
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