

15TH DISTRICT COURT PRE-SENTENCE REPORT

NAME:

CASE NUMBER:

DOB:

SENTENCE DATE:

ADDRESS:

OFFENSE:

PHONE:

VICTIM:

SEX:

JAIL:

RACE:

BOND:

ATTORNEY:

JUDGE:

DEFENDANT'S VERSION:

What happened on the night of the offense?

What does the defendant think his sentence should be and why?

Does he take ownership for his choice to use violence to get what he wants? How ingrained is his beliefs of entitlement?

INVESTIGATOR'S VERSION:

See the attached copy of the police report.

PRIOR ARREST AND/OR CONVICTIONS:

Date/year (case #, court, city, state) charge, and outcome.(look for probation completion, jail time, Bench Warrants and Person Protection Orders)

The most important single factor that predicts future violence, is past violence; the more frequent and recent it has been, the greater a risk it will happen again. Prior criminal history for any crime correlates with increased re-abuse. Failure to comply with past probation requirements or PPOs indicates the defendant is unable, or more likely unwilling, to change his behavior. Incarceration of such defendants may be the most compassionate intervention the court can offer.

FAMILY BACKGROUND:

Who did the defendant grow up with-biological parents or stepparents, siblings, any other significant figures?

Where was he born? Where did he continue to live?

Did he have a happy/sad/messed up childhood? (Explain why he feels this way)

Did he witness DV while growing up? (Who was the perpetrator?)

When his father/mother/parental figure would get angry, or not get what they wanted, how did they express themselves, or what would they do?

FAMILY BACKGROUND: Continued

Did he experience any abuse (emotional, physical, sexual, or otherwise) when growing up? (Who was the perpetrator, was it ever reported, is it an issue that still needs to be addressed?)

Did he experience any childhood traumatic events? (Being in a fire, seeing a murder etc?)

Is there a family history, especially concerning biological relatives, of substance abuse/mental health problems/incarceration/suicidal or homicidal ideation?

What we are looking for is how has the defendant's family upbringing effected his adult functioning. Was he taught that violence was an acceptable way of communication? How has the family dealt with stressors? Often we see family patterns of alcoholism, substance abuse, mental illness, suicidal ideations, incarcerations, and violence.

MARITAL HISTORY:

How long was the defendant's longest relationship?

How many times has he been married?

How long was the defendant with the victim?

How long has defendant been with his current partner, if different from the victim?

What is the defendant's level of relationship/marital satisfaction?

Has anyone ever filed a personal protection order against him?

How long was it before the defendant was willing to use any kind of abuse (emotional, verbal, physical, or otherwise)?

If defendant admits to verbal abuse only at first, ask specifically for other types of abuse, especially physical.

Once abuse started, how often did it occur (ask specifically for each type of abuse admitted to)?

Ask question from power and control worksheet.

Ask questions from risk/lethality worksheet.

You are looking for a pattern of coercive behavior. Most men will admit to verbal abuse and minor pushing. If he has had more than one partner you generally will find that the time it took for each level of abuse by severity has decreased in time. If the defendant is being honest he will admit to increased frequency and severity.

CHILDREN:

- How many children does the defendant have?
- Who is the child(ren)'s other parent?
- What is the quality of defendant's relationship with the child?
- Did the child witness the domestic violence that led to the defendant's arrest?
Has the child witnessed DV at any other time?
- Has protective services ever been involved with any of the children? (Who and why?)
- If not living with the child: Who does the child live with?

CHILDREN Continued:

- How much contact does defendant have with the child?
- Is there court ordered visitations. How is the exchange conducted?
- Does the defendant pay child support, and if so, how much?

What we are looking for is what risk is the child at for abuse? Has his behavior negatively affected the child? Is he being accountable for the child financially? Does he have any legal restraints prohibiting his involvement with a child? If he does not know where a child lives, ask yourself why might that be?

EDUCATION:

Did the defendant graduate high school? If so, where? If not, was a GED obtained?(Where and when?)

What was the defendant's high school GPA?

Did the defendant have a history of discipline problems in school? (especially for violence)

If the defendant dropped out, why did he/she do so?

Did the defendant attend college? If so, ask above questions for college.

Does the defendant have any other educational/vocational certificates of any kind?

- Does/did the defendant have any serious reading or math difficulties?

WORK HISTORY/FINANCIAL SITUATION:

Where does the defendant currently work?

Is the defendant satisfied with their current job?

What is the longest job the defendant ever held?

If not working at the same profession as his training, why not?

Has the defendant ever been written up, suspended or fired? (When and why?)

Is the defendant earning what he could be earning given his credentials/skills/intelligence?

What is the defendant's net monthly income? Outgoing bills- rent, car payment, child support, etc.?

Employment or economic instability increases the probability of failure to complete probation and increases the probability of violence. There is some anecdotal evidence that employment instability when linked with paranoia is the primary ingredient in multiple or mass homicides. Every avenue to help a defendant find and maintain employment should be considered and mandated as part of probation.

MILITARY/WEAPONS HISTORY:

Has the defendant served in the military?

If so, was the defendant honorably or dishonorably discharged?

What training did the defendant have? (tactical training, SWAT team, Navy SEALs, etc.)

MILITARY/WEAPONS HISTORY Continued:

Did the defendant experience any traumatic experiences while serving and/or in combat?

Has the defendant ever owned or possessed a weapon?

Has he been trained in the use of weapons?

Does he practice his skills?

Does he own or have access to weapons now?

Does he visit gun shops, gun expos, read military or gun magazines?

We are looking for training that would let us know what he is capable of doing if he so chooses. Also look for an obsession with weapons, or special attachment to weapons. People who were honorably discharged may be eligible for services at the local VA Hospital.

PHYSICAL HEALTH:

Does the defendant have any serious health problems, chronic or not?

What medication is the defendant taking? Does he take his medication?

Would these health problems interfere with the defendant's ability to carry out the terms of probation?

Is the defendant incurring significant costs due to a medical condition?

Does the defendant have a life threatening condition?

Often when a Defendant has a life threatening condition, the court feels sorry for the defendant and shows leniency therefore not mandating intervention. The agent must keep in mind the safety of the victim, which may decrease when considering whether the defendant does not see incarceration as a deterrent.

MENTAL HEALTH:

Does the defendant have a history of mental health problems/disorders?

Is the defendant currently suffering from a problem/disorder?

If there is a history of mental health problems, has the defendant been hospitalized, received inpatient care of any kind, or received any other treatments?

Is the defendant currently on any psychiatric medications?

Pay attention to mental health conditions requiring medication. Does the defendant stay on his medication, who monitors it? Learn to assess for depression as this is linked to increases risk of homicide and/or suicide.

SUBSTANCE ABUSE:

- Does the defendant have a history of substance abuse problems?
- If so, what is their drug of choice?

SUBSTANCE ABUSE: CONTINUED

- Is the defendant currently suffering from substance abuse problems, or in recovery?
- What types of treatment has the defendant undergone in the past or present? Did they find treatment effective or not? (How long did he stay sober or clean?)
- Is the defendant attending AA/NA, and have they made a commitment to a meeting (getting a sponsor, volunteering to greet/make coffee etc.)
- Were alcohol or other drugs involved in the arrest incident?
- If unsure: How many drinks does it take to feel an affect?
 - o How often does the defendant use alcohol or other drugs?
 - o How much will the defendant have when drinking? What could the defendant tolerate when he/she was drinking the most?
 - o Has the defendant experienced withdrawal symptoms from alcohol or other drugs?
 - o Has the defendant ever tried to stop his use? (Why and for how long?)
- Has the defendant ever forgot a part of the evening after a night of drinking?
- Has drinking or drug use ever negatively affected any part of the defendant's life? (work, relationships with others, finances, health,)
- Has there been an increase in tolerance?
- Has the defendant ever received a criminal charge as a result of alcohol or drug use? (Include OUIL, OWI, drunk and disorderly, urinating in public, larceny, or retail fraud with the goal of obtaining \$ for substance)

Studies of batterers consistently conclude many are under the influence of substances when they abuse their partners, regardless if they are addicted or not. No studies have conclusively determined substance abuse to be a factor causing domestic violence. However it is considered a contributing factor. Many batterers as well as victims claim drugs or alcohol as an excuse for his choice to use violence to alleviate his responsibility for his abuse. Many courts are taking away that excuse by making a standard condition of probation to be: No use or possession of alcohol or illegal drugs. Alcohol or drug counseling should never replace batterer intervention but may be required prior to BIP if sobriety cannot be maintained.

VICTIM'S STATEMENT:

Send a letter asking the victim to contact you.

Call the victim, and ask them to meet you at your office, their home, or their place of employment.

Create a release form, explaining confidentiality. (Ours is anything they say in the interview can and will be given to the defendant, prosecutors, defense attorneys and possibly the batterer intervention program or domestic violence shelter. They are not on probation and we encourage them to refrain from saying anything that could endanger them. I ask them to say they can not answer if the

VICTIM'S STATEMENT: CONTINUED

question would increase their risk of retaliation from the defendant, I will not document any question that was not answered.)

Go through the victim's view of lethality indicators and the defendant's use of power and control tactics.

Ask for their recommendations, especially concerning their desires for a no contact order.

Ask about restitution and where any money owed should be mailed. (Be sure you have a policy in place to assure the address is not in the court file for the defendant to get if her address is unknown to him.)

Go over safety planning with them, especially planning an escape route from the house and having a help signal. Make sure that they have contact information for the local DV shelter, and that they are aware of their services.

What services does she feel she needs?

Not all victims will be grateful for your involvement in the case. Remember it may be dangerous for her to be cooperative, or she may have been treated disrespectfully by the system before. In such cases the best you can be is an information giver. With correct system information she will be able to make informed decisions. Know your local victim service organization and offer to help link her up with a worker there should she ever feel talking with them could be helpful. Work with the community to have services available like housing, food, substance abuse, general counseling/support, employment assistance, childcare, etc.

SUMMARY:

Interviewer should ask themselves:

Does the defendant accept any personal accountability for his/her actions?

Does the defendant attempt to obfuscate and put the blame for his/her abuse on the victim?

Does the defendant minimize his/her behavior as not being as bad as it was?

If confronted with the police report and/or 911 tapes and/or victim/child statements of abuse, does the defendant still deny that events happened?

Is the defendant a victim who may have broke the law but is not a batterer and may need assistance increasing her own safety?

Highlights of the report should be touched on. The defendant's version should be compared with the police's version. Other risk factors, such as past crimes, power and control tactics, lethality indicators, etc. should be included. Justify your recommendations for substance abuse treatment and the type of batterer's intervention program (BIP) recommended. Use state standards and current research to back up recommendations. Try not to use too much of the victim interview in the summary, as you want the focus on the defendant.

RECOMMENDATION:

Sentencing:

24 mos. Probation; Probation Ofr.:

_____ days jail, credit for _____ days served; to serve an additional _____ days now,
_____ suspended on timely completion of probation;

\$414 F \$ C; Def. to pay _____ today ___EMI

___apply bond ___other_____

\$575 Oversight fees may be paid at \$25/mo. for 23 months;

- Meet with probation when and where directed,
including home visits; weekly phone reports and probation group reporting
- Attend and complete batterers intervention program at _____
____X per week for _____ weeks Plus 8 mentoring sessions.
For a minimum of 64 sessions; at own expense. Starting on _____
- Attend and complete rethink parenting education class at MSU extension office.
- Obtain substance abuse evaluation at _____ and follow
all recommendations as approved by prob.; with in _____ days.
- Submit to, pay and be responsible for random drug/alcohol tests,
as requested by court, any probation/police officer, BIP or any treatment provider.
- Provide monthly verification of compliance and completed conditions to probation.

Cancel conditions of PT release on LEIN.

Enter the following conditions of probation on LEIN:

- No assaultive or threatening behavior with
_____ or anyone else;
- No use/possession of alcohol or illegal drugs or being in the presence of anyone,
possessing /using any illegal drugs;
- No contact with _____.
- No going to _____.
- No possession of any firearms, ammunition or other
dangerous weapons;
- Other: _____.

Review _____ at _____.