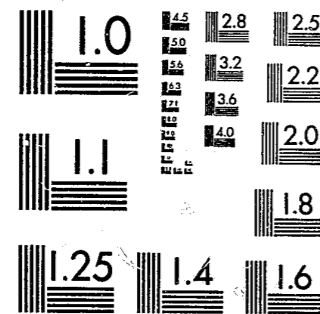


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

9/26/83

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STATE OF NEVADA DEPARTMENT
OF ADULT PAROLE & PROBATION

PRE-SENTENCE INVESTIGATION
REPORT MANUAL

U.S. Department of Justice
National Institute of Justice

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DEPARTMENTAL POLICY MANUAL FOR PRESENTENCE INVESTIGATION REPORTS

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ACQUISITIONS

DEPARTMENTAL POLICY MANUAL FOR PRESENTENCE INVESTIGATION REPORTS

Nevada Revised Statute 176.135 requires that "the probation service of the district court shall make a pre-sentence investigation and report to the court upon each defendant who pleads guilty or Nolo Contendere, or is found guilty before the imposition of sentence or the granting of probation."

Nevada Revised Statute 176.145 further provides that "the report of the presentence investigation shall contain:

1. Any prior criminal record of the defendant;
2. Such information about his characteristics, his financial condition and the circumstances affecting his behavior as may be helpful in imposing sentence or in granting probation or in the correctional treatment of the defendant;
3. A recommendation of a definite term of confinement, amount of fine or both; and
4. Such other information as may be required by the Court."

Nevada Revised Statute 176.156 states "1. The court shall disclose to the district attorney, to counsel for the defendant and to the defendant, the factual content of the report of the presentence investigation and the recommendations of the probation service and afford an opportunity to each party to comment thereon. 2. The sources of confidential information shall not be disclosed."

GENERAL POLICIES

Assignments: Assignments will be made by the Supervisor or his authorized representative. No PSI writer will trade cases with another; ask another to do his work, or do another's work, without the knowledge and express written permission of the Supervisor.

Deadlines: All reports shall be prepared and turned in for typing well in advance of the due date, at least 5 working days before sentencing. Reports are to be distributed to Courts and Attorneys at least three days prior to sentencing. Central is to receive their copy in that time frame as well. Depending on the particular needs of a District, this time frame may be modified and staff advised by memo, with a copy to Central, of earlier due dates.

Continuances: It is the policy of this Department that there be NO continuances at our request. It is the responsibility of the writer and the supervisor that we be ready for sentencing at all times. Approval to deviate from this policy must come from Central in all cases. Any continuances as a result of staff of this Department are to be immediately reported to Central. Under no circumstances--even legitimate ones--will an officer request or solicit a continuance without the approval of the Unit or District Supervisor.

Dispositions: It is the responsibility of the Court Officer to report the disposition of each case to the designated record officer of each District, or according to established procedure in each District.

Dispositions include complete information regarding what happened to a case in Court which was calendared. If it was continued, so note, and show the reason for the continuance (i.e., request of defense; to get mental health evaluation; for further investigation by this Department; for the convenience of the Court; defendant not present, etc.)

The sentencing information must be recorded and reported accurately.

For example, if a sentence is straight prison, record how many years, if multiple counts, and whether concurrent or consecutive. If you are unclear as to what was said, request clarification right then, or if concurrent or consecutive was not addressed, ask the Court to indicate its intent. In those instances where there are multiple cases, clarify if the instant sentencing is concurrent or consecutive to another case or a sentence already being served in any jurisdiction.

If it is a prison suspended, so show, list the number of years, the probation term, and all special conditions which may be ordered. Be sure specials are clear, i.e. if an alcohol or drug program is ordered, list for duration and department. In class of monetary considerations, get the amount ordered, so note.

If jail time is ordered, be sure you are clear whether it is a straight sentence (g.m.) or as a condition of probation (for g.m.) and, listen for bench instructions regarding counts.

Supervisors are responsible for the instruction of officers as to the proper reporting of dispositions and to insure they understand the possible intricacies that may be involved.

Court Officer Responsibilities: In addition to the above, all officers in Court are representing the Department. There is only one recommendation, that of this Department, and all officers are reminded that they support reports as submitted.

The above policies will be written into staff's work performance standards. Deviation from the above will result in departmental disciplinary action of a nature determined by the severity and frequency of such deviation.

POLICY AND PROCEDURE MANUAL FOR
PRESENTENCE INVESTIGATION AND REPORTING

The probation investigation and its written results, the report to the Court, are the basis of the probation process. They are essential to a sound Court decision, to constructive probation supervision, and to successful work by treatment agencies.

Probation is a form of "community treatment" carried out through protective and casework services. As applied to adults, it seeks to accomplish the reformation and rehabilitation of persons convicted of crime by returning them to the community during a period of supervision rather than subjecting them to incarceration in jails or prisons. Adult probation may be further defined as a procedure of social investigation and casework treatment used by the Courts for selected offenders by which they are returned to the community under conditions imposed by the Court and subject to the supervision and guidance of the probation officer.

As a form of community treatment, probation can be defined as a means of protecting society by assisting individual offenders in making a more satisfactory adjustment to their environment. Adjustment can come about in two (2) ways:

1. By integration and adjustment of the person;
2. By the relief of detrimental social pressures.
The two are enmeshed.

To these ends, understanding of the individual and the environment is necessary. This understanding must come from expert investigation. Without it, the Court cannot make sound decisions and the probation process is stymied. The probation officer is charged by law with the responsibility for these investigations.

A probation officer is evaluated largely on the basis of investigations and reports prepared. An officer may be experienced, trained and possessed of natural talents for the work, but if the results of his efforts are not communicated, work will be negated.

The probation officer is an arm of the Court, its eyes and ears, doing the work a Judge has no time to do. Acting for the Judge, an officer must conduct planned, skillful investigations and must clearly communicate the results of the work.

The main purpose of the investigation is to prepare for writing a report. The value of the report will be in direct ratio to the care, diligence, and skill that is used in the investigation. The investigation is social, not a criminal one. It should be remembered that rehabilitation can be achieved only by treating the offender rather than the offense. The investigation must disclose the following:

1. What happened?
2. What are the circumstances bringing the subject before the Court?
3. What kind of person is the subject?
4. What are the physical, emotional, mental, cultural, familial, and economic forces in his background?
5. What are the person's present abilities, limitations, and attitudes?

How can the above facts and observations be analyzed in a way in which significant material is related and synthesized and in which extraneous matter is eliminated?

How can the foregoing be developed into a logical plan and recommendation?

A poorly done investigation can be worse than none at all. Such is a travesty and can do positive harm to the subject, the Court, the probation department and the general public. Probation Officers work under pressure, and therefore, the most careful planning of investigations is necessary. The following is a plan for conducting a probation case investigation:

UTILIZE CHECKLIST

1. Examine what information you have; the arrest report, criminal complaint or information, preliminary hearing transcript, intake reports, your own files, prior probation reports, prison summaries where available and verbal and written complaints. These will indicate what course the investigation may take and what must be done immediately.

2. Start on items which will take time. What citations and notices need to be sent to distant points? Arrest records and dispositions take time and must be requested immediately. Is a psychological test needed? Dictate any correspondence which must go out of town. Are some Agencies slow in furnishing the information? If this is true, get your requests in early.
3. Set yourself deadlines. What should be done first? Who should be interviewed? Why? When? Where? In what order? Make appointments and itinerary in accordance with the plan of the investigation.
4. Selection is the key to good probation investigation. From the mass of information you find as you conduct your investigation, the important and significant points must be identified. Much of what you discover is not important. What should be treated casually, what should be explored? Your investigation and subsequent treatment will be guided by your identification of what is crucial and essential. An investigation need not be exhaustive to be valid.

TASKS AND TIME FRAMES

1. Within three days of receiving referral, check departmental records to determine whether there is an active or dead file on the subject. There could possibly be one active in another District.
2. Within three days of receiving referral, check the District Attorney File for a current rap sheet and review particulars contained within the file which can assist you in your investigation.
3. If no current rap sheet is available in the District Attorney File or local agency records, request one the same day you review DA File, and chrono.
4. Within three days of receiving file, an appointment is to be scheduled with the subject. This appointment must be made keeping in mind that you require sufficient time to accomplish the investigation based on information you may receive from the subject. The appointment then must be within the first five to seven working days after receipt of referral.

5. Make a list of questions you wish to ask the subject, based on information you have gleaned from the DA File and other available records. This should be done prior to the appointment with the subject.
6. Send out necessary letters requesting information, documentation, etc., especially those out of state, immediately following the initial interview.
7. Make contacts with local agencies as indicated in each particular case or other local sources (mental health clinics, investigator from the District Attorney's office, court referral, etc.) within two working days following initial interview.
8. Contact appropriate local sources such as employers, family, schools, etc., within two working days following initial interview.
9. Schedule second interview wherever possible, once you have gathered sufficient data to discuss further the offense, or social history or confront regarding conflicting data.

Out of State walk-in subjects are difficult to fit into the interview schedule, but every effort is made to accommodate them in the interview setting. Additional information can be contributed on the questionnaire and in the first interview, by requiring that the subject telephone you at his/her expense at a specific time with specific additional data.

10. Follow District policy regarding the dictation of the report, and receive, review and incorporate all data and plan dictation of report well in advance of "typist" due date. In all cases reports shall be distributed to the Court, defense, prosecution and Central three days prior to sentencing, or sooner.

INTERVIEWING

Most of your case investigation is by interview. The following are suggestions basic to probation interviewing. Make sure an Application For Probation has been supplied and he or she has had time to fill it out.

1. Listening is better than talking. We will not learn much if we keep our mouth open and do all the talking. We are conducting an investigation, not an interrogation.

2. Sometimes a person will "give", sometimes he will not. We cannot force significant information out of him. While it is true we are pressed for time, we must cultivate the interview situation in such a way as to allow our subject to express himself. Let him talk at his own speed. We will need to ask questions for needed information, however, other questions should be for the purpose of directing the subject's conversation into productive channels. Utilize the subject area included in the questionnaire as a tool. Go over it with the applicant.
3. The location of the interview is very important and privacy is a necessity. Our subject is not likely to "open up" if others are present.
4. Asking questions and writing down the answers verbatim is not interviewing, and if this were so, a tape recorder would do a better job. The officer should apply himself completely to the interview, then write down his notes immediately afterwards.
5. Generally, only one person should be interviewed at a time, and exceptions occur (where a family conference is conducted for example), but usually the purpose of an interview will be defeated if more than the interviewer and the subject are present. Using an interpreter is an exception.
6. "Who does what" should be made clear. The interviewer should explain who and what he is, what his purposes are and where he stands in relation to the client, noting that doubts, surmise, and suspicion negate an interview.
7. We hear much of "acceptance" and "being accepting". How can we be expected to accept unsocial behavior? We cannot of course, yet the other alternatives will make us judgmental and prompt us to lecture and to moralize. The resolution of this dilemma lies in defining "acceptance" and we can accept without condoning and/or approving. That is, we can hardly disapprove of the subject's behavior at the same time actively and positively seek to understand his problem. According to this definition of acceptance, we are saying, in effect, "I want to help you because what you are doing is not good for you and society will not put up with it."

8. Our subject is not seeking assistance, although we may bring him to accept it and initially, we are going to him. Our interview will be built around this fact but it must be remembered, we are not conducting an interrogation. Our aim is to achieve insight into his problems, and the best way to do this is to help him bring out his problems in his own words.

9. To understand our subject, we have to be able to see things from his point of view, and we must communicate without "talking down" to him. We should use language he can understand, and much valuable information can be gathered by correspondence and telephone; however, personal interviews are basic to securing the kind of information and insight which are necessary for preparing an adequate report.

We must remember and keep in mind that the primary purpose of a presentence investigation is selecting for probation those defendants who appear to be favorable risks for supervision in the community, and the Court will want to have before it all the information necessary for a clear understanding of the individual and the factors underlying his difficulties with the law.

10. In determining what treatment plan to select and what sentence to impose, the Court relies to a great extent on the probation officer's inquiry into the character and personality of the defendant and his problems. The more thorough and comprehensive the investigation the less likelihood there is those persons who are poor risks will be granted probation.

The secondary purposes of a presentence investigation are as follows:

1. It is a useful resource for the probation officer during probation supervision or later if the defendant is placed on parole.
2. It will assist the classification committee in the designation of maximum or medium security in case of commitment.
3. The report is used later by the institution in planning for parole release.

4. It is helpful to the State Board of Parole Commissioners in deciding on parole releases.

5. It is helpful as a basis of surveys and research.

The effectiveness of probation supervision is in direct proportion to the extent to which the presentence investigations are made and their findings utilized. The investigation and supervision activities of the probation officers are inseparable. The one suffers from the neglect of the other and therefore a balance between the two should be maintained at all times. It is well to keep in mind the treatment of the probationer begins with the first contact during the course of the investigation and continues throughout the investigation and the period of probation supervision.

Our most important source of information is likely to be the subject himself, and the first interview shall be soon after the case is referred, usually within twenty-four (24) hours after referral if the subject is detained. At this time we are seeking facts, interpreting our own functions, and establishing a working relationship, covering the following points:

1. Previous difficulties and how they relate to the present offense. What pattern of behavior and how does the present trouble fit into it? Is there a record of juvenile arrests?
2. In discussing the subject's offense, a good approach is to start with material which reflects a personal interest to the problem. The person we are interviewing likely knows very well why we are there, therefore we should not cause anxious suspense by unnecessary postponement of direct discussion of the offense.
3. Subject's role in the offense, was the subject a leader and planner, an active follower, or a passive and casual participant? How does the subject feel about his companions? Who were associates and what are they like?
4. An observation of the person's physical appearance, response to being placed in custody and general attitude during the interview is important at this point. For example, if there are physical abnormalities, what are subject's feelings about this? Does this have anything to do with the present trouble?

5. What is general health and have there been any recent illnesses? Are there chronic complaints? Can there be any connection between health and behavior? Any connection with the use of intoxicants or narcotics? If so, ask to check arms for old or new track marks. If subject refuses, so state.
6. The subject's emotional state at the time of interview is often revealing. Defiant, withdrawn, stoic? Can you discover anything about basic attitudes towards authority?
7. In connection with social adjustment, it is valuable to learn what the subject's attitude towards teachers and fellow students was. This is probably only appropriate when dealing with a youthful offender.
8. Religious affiliations and their meaning to an offender are often an important clue to future treatment by contacting persons in church who may provide information or help with a treatment plan.
9. Questioning concerning leisure time activities often brings out special recreational interests such as sports, hobbies or significant lack of same.
10. Work history, experience and skills, present job, and future employment plans are extremely important and should be explored fully. The information might reveal much about the client's personality; for example, attitudes towards bosses and others in authoritative positions, and also tolerance for frustration. Has the subject shown ability to "stick", or is there a pattern of the subject drifting from job to job?
11. Family Relationships: What are the subject's feelings about parents, spouse or other members of the family? Who actually raised the subject? What are the family customs, attitudes? How do these things relate to present difficulties?
12. In relation to the preceding points, can the subject formulate and express an interpretation of the trouble and how it came about?

Conduct a second interview wherever necessary, as to allow subject to bring documentation if not provided initially, or to confront regarding contradictory statements or clarify discrepancies.

INTERVIEW WITH PARENTS OR SPOUSE
AND/OR OTHER RELATIVES

A successful probation program may require the cooperation of the parents or parental substitutes, or the spouse. Interviewing techniques previously discussed apply with equal force to interviewing relatives.

Such questions as these should be in our mind as we try to bring parents or relatives to realize we are attempting to assist them with their problems:

1. Are the parents or relatives hostile towards authority?
2. Do they feel they are being attacked?
3. Do they have feelings of shame and guilt about the difficulties of the relatives?
4. Do they reject their relatives openly, deviously or unconsciously?
5. Does the wife or husband plan any immediate changes in their marital status?
6. Is this the "last straw", and are they now "giving up?"
7. Is there a supportive family environment to which a defendant can return?

In addition to reviewing points from the interview with the subject, the following should be covered.

DEVELOPMENTAL HISTORY

This will include serious illnesses, family movement, consequent changes of schools, employment and other environmental influences.

A history of behavior symptoms.
What plans and goals are seen for the subject?
What resources are available, which might be used to formulate a sound plan?

CRIMINAL JUSTICE AGENCIES

In addition to clearing with the regular identification bureaus and the juvenile records (when available), we should communicate with agencies which might have information,

i.e., District Attorneys, prior parole and probation officers, arresting agency, prison and jails adjustment records, etc.

VICTIM CONTACT

From victims, you shall obtain the following information:

1. A direct version of the offense.
2. Details of the offender's conduct, favorable or unfavorable which may influence future plans.
3. Is there a relationship of victim to offender.
4. A version of damages, losses, and injuries.
5. Hints as to the offenders motivations and general personality.
6. Impact on victim's life, i.e., financial, emotional, medical, etc.

EMPLOYERS

Employers can be valuable in the investigation and treatment plan; but here again, good judgment must be exercised in making use of them. Our subjects return to employment or the present job of some member of the family, can be jeopardized by our approaching an employer. Ask if present employer is aware of present situation and pending Court date, etc. Contact with most current employers, or employers of long term duration will provide the most useful data for our purposes.

If a direct contact is made with the employer, the following information should be solicited:

1. Work experience and skills.
2. Employment dates and regularity of work history.
3. Work habits.
4. Earnings.
5. Relationship with employer and fellow employees, including his attitude towards supervision.
6. Reason for leaving, possibility of re-employment.

SCHOOL AUTHORITIES

The schools are one of our most important resources, particularly in cases of the younger offender. We can look to the school for the following information: (Determine necessity for waiver)

1. General behavior.
2. Social relationships (with teachers, students, and others).
3. Scholarship achievement, i.e., grades, level attained.
4. Abilities and disabilities.
5. Aptitudes and interests.
6. Attendance data and problems in this connection.

OTHER INTERVIEWS

Friends and neighbors should be interviewed only if absolutely necessary. These cases would be where neighbors have been listed as witnesses or references and in cases where they are the only source of information. They should of course be interviewed in cases where they are likely to be involved intimately in the treatment plan. However, those listed on the questionnaire as personal references should be contacted.

Accomplices or co-defendants should be interviewed in order to determine their version of what happened or to secure other information. If another probation officer is assigned to the case of the co-defendant, you will naturally consult with that officer. Ideally, co-offenders will be assigned to the same officer.

WRITING THE PRESENTENCE REPORT

What and how we write is important. Reports must be accurate, objective, based on documentation. We must be conscious of the rights of the accused as well as our responsibility to the system and the Department as professionals. Since we are dealing with the lives and liberty of people, we must give attention to the accuracy of our facts. In addition to being accurate, we must present our facts simply and clearly so as to minimize misunderstanding. We are all aware that undue significance frequently is attached to the written reports, and a person's reputation as a probation officer is often based on the quality of the written report. Poorly written reports have a habit of haunting their authors for many years. In this vein lies the fact that the written report is the sole criteria many people have for evaluating a probation officer's work.

MUST BE ONE HUNDRED PER CENT ACCURATE

FY# _____

PAGE:

DEFENDANT: Full name SOCIAL SECURITY:
CRIMINAL CASE NUMBER: Court Case Number DEPARTMENT:
COURT: Judicial District DATE:
COUNTY: Appropriate
JUDGE: The Honorable etc.

OFFENSE: List only the offense of which defendant is convicted. Include count number from information.

STATUTE: NRS _____. Be certain you check the statute given, as it is sometimes in error. Also be certain the statute is current.

PENALTY: Appropriate Statute. Above remarks apply. Occasionally several Statutes interrelate. List them.

CONVICTED: Date of plea or verdict. Add "By Guilty Plea" or "By Jury Verdict" or "By Plea of Nolo Contendre."

INFORMATION DATE: Date of most recent information. If amended, be certain this is stated. If indictment, so state.

CO-DEFENDANT: List all co-defendants charged. A co-defendant is a person charged with the same crime on the same information whether or not legal procedures have been completed or are still in a pending status before the District Court. Any deviation from the above will be explained by the investigating officer as part of the offense report. Do not use names of juveniles unless certified as adults. Instead show "Juvenile Males" or "Two Juvenile females" etc.

DATE OF OFFENSE: Date the offense occurred. If no specific date known, show period of time involved, i.e., June 12, 1979 to July 15, 1979.

DATE REFERRED: Date of arraignment or of referral from District Court.

SENTENCING DATE: Self-explanatory. Be certain you list the time of day as well as the date of sentencing.

CUSTODY STATUS: Jail? Prison? Custody? Released on bond? Amount? Released on own recognition? Date?

DATE OF BIRTH: Also include the age of defendant. (July 18, 1943, age 36)

LEGAL RESIDENCE: List complete address (not county jail) of last or current residence. Show non-resident or resident. Nevada State Prison may be address in selective cases. Occasionally use "Transient" where appropriate, i.e. no permanent residence.

COUNSEL: Name. If Deputy Public Defender, so state. If retained or court appointed, so state, together with correct business address. (For mail delivery purposes)

DISTRICT ATTORNEY: Name and title. (Criminal Deputy, Chief Criminal Deputy) (Name and title of District Attorney of record)

MUST BE ONE HUNDRED PER CENT ACCURATE

PAGE:

IDENTIFYING INFORMATION: List name again.

CII NUMBER: If none available, show date requested, no response to date.

FBI NUMBER: If none available, show date requested, no response to date.

POLICE JACKET NUMBER: The number designating the current arrest on the rap sheet: 16421 RPD; A-23412 WCSO

ARREST REPORT NUMBER: The report number of the arresting agency: i.e., 1546F73 RPD; 73927 WCSO

DATE ARRESTED: As shown on the arrest report.

ORIGINAL CHARGE: Include all charges for which defendant was originally charged on the criminal complaint or indictment.

FINGERPRINT

CLASSIFICATION:

From the rap sheet (CII, FBI, etc.) or the arresting agency. Be certain source is designated here.

DOB: July 18, 1943

POB: City and State

RACE: WMA, WFA, MMA, OMA, OFA, BMA, IMA, IFA (Denote special groups, i.e., Puerto Rican, West Indian, Paiute, etc. in parenthesis following abbreviation)

HEIGHT:

WEIGHT: Use present weight. Weight fluctuates when incarcerated or since originally booked, etc.

HAIR: Color (check for wigs and dyes).

EYES: Check the color yourself. Good opportunity to check for drug symptoms. Ask about contacts.

SCARS, MARKS, TATTOOS: If visible, state as fact. If not, state unverified. Be certain to characterize unusual or significant type. Give location and describe. (Abbreviate when possible, e.g. left forearm = LFA) Whenever possible do verify.

ALIAS: Include nickname. (AKA) List any rap sheets, maiden and married names, etc.

JAIL TIME: Exact number of days spent in custody as the result of the present offense, up to and including sentencing date. Include a disclaimer when it appears that the defendant is not entitled to credit for time served.

| | |
|---|---------|
| Example: 9-13-79 to 9-14-79 (WCJ) | 1 |
| 9-30-79 to 10-14-79 (FTA Free in Community) | 0 |
| 9-15-79 to 9-30-79 (On OR) | 0 |
| 10-7-79 to 10-14-79 (WCJ til sentencing) | 7 |
| | 8 days |
| OR | |
| From 9-14-79 to 9-30-79 (CCJ) | 16 days |

Since the defendant was on Nevada parole at the time of his incarceration, he is not entitled to credit for time served on the present offense.

NOTE: Use Julian Date Calendar for all Jail Time calculation.

PRIOR RECORD:

From the official records available, the Department interprets as follows:

Number of adult arrests.....
 Number of prior convictions: Felony...Misdemeanor...Total...
 Number of adult probation.... Completed...Failure...Current...
 Number of prior jail sentences....
 Number of prior prison sentences....
 Number of prior paroles.... Completed...Failure...Current...
 Subsequent Arrests: See narrative...

A. PRIOR RECORD COMPUTATION

It is not the policy of the Department to furnish the prior record computation to the Courts, because of the difficulty in presenting 100% accurate data in this critical area. However, for those jurisdictions that specifically request this from the Department, the computation shall be provided, with the disclaimer statement as previously set forth. Computation must be included on Central's copy for statistical purposes.

NOTE: When compiling the computations, be sure to account for all felonies and misdemeanors. Any sentence in excess of one year, count as a felony. Any jail sentence up to one year count as a misdemeanor. Make sure you do not confuse straight time with time as a condition of probation.

When in doubt, contact the arresting agency or Court Records. Do not count informal or summary probation. Do not count as a probation term, any periods of supervision resulting from deferred sentences or diversion supervision. Do discuss these in the narrative.

Correctly interpreting criminal record information, whether retrieved from the FBI, CII, Scope or NCIC, etc. remains a problem area. Frequently, entries and dispositions are unclear. Offenses may appear as felonies, but are disposed of as misdemeanors. Probations may be revoked but reinstated, thus not to be counted as a failure. Names of institutions where offenders are incarcerated may appear to be a prison where in fact it may be a jail. A one year term, therefore, may be unclear as to felony or misdemeanor. Errors in reporting can be serious and often later a basis for writs or possibly suits against the State, the Department, or you. Therefore, it is mandatory that data be presented factually.

B. NUMBER OF PRIOR ARRESTS

This figure cannot be determined by simply counting the number of entries on a rap sheet. A significant number of rap sheets will show numerous entries concerning the same offense, and the officer must be careful to not credit the offender with more arrests than there actually are. Commonly, errors in arrest counting occur when a subject is arrested by a jurisdiction other than where the crime took place, and rebooked by the authorities in the original jurisdiction. This results in two (2) booking entries on the rap sheet when, in fact, there was only one arrest. Be alert regarding possible rebookings for the same offense.

When a prisoner is in transit and is temporarily lodged in jail, the rap sheet will show a booking entry in each instance. Do not count these as separate arrests. (This situation is commonly found when an offender is in Federal custody.)

There is frequently a lapse of time between the initial arrest and the date of sentencing. Often the offender is OR'd or on bail. Additional arrests can occur in the interim. Check additional entries to insure duplication in counting does not occur. The writer must accurately coordinate disposition with arrest.

Similar errors shall be avoided in cases where an offender has been sentenced to prison (or jail). The writer will not count the entry of the receiving institution as an arrest.

C. NUMBER OF PRIOR CONVICTIONS

In this section, the possibility for error increases.

1. Felony: The officer shall be sure that the offense was, in fact, adjudicated as a felony before making any entries here. If any doubt exists in the writer's mind, he must not make the entry on a "best guess" basis simply because the arrest entry on the rap sheet says "burglary" and burglary is a felony in Nevada. In cases where you are not sure, the computation will show an asterisk and the fact that you are not sure of the disposition must be spoken to in a narrative.

A good example of instances where the writer might not be sure of disposition occurs when the rap sheet charge column reads say, "burglary", and the disposition column reads "one year Massachusetts House of Corrections". Provisions for sentencing may differ greatly from state to state and, unless you definitely knew that only felons were incarcerated at the Massachusetts House of Corrections, or had notification from the sentencing Court that the matter had been adjudicated a felony, you could not certainly count the offense as a felony.

2. Misdemeanor: To a lesser extent, the writer has the same problem here as reflected above. An additional problem arises because rap sheets frequently show no dispositions for more minor misdemeanor offenses. Disposition is normally indicated, however, for serious misdemeanors, (in Nevada Gross Misdemeanors). If you are not sure of the disposition, you will show an asterisk in the computation and will mention it in the narrative. Minor misdemeanors can usually be covered in a brief statement in a narrative designed to show a pattern of misbehavior.

For counting purposes, no distinction is made between minor and serious misdemeanors; but certainly there will be a distinction in a narrative analysis. Traffic offenses (arrests, not citations), although misdemeanors, should be addressed separately in the narrative.

3. Military Arrests and Convictions: The only time military arrests are to be reflected in the computation is in cases when an offender was actually sentenced and served time in a Federal Prison. The conviction will be shown as a felony. Civilian arrests and adjudication of military personnel will be handled in routine fashion.

The writer will, on occasion, observe rap sheet entries showing military arrests for AWOL wherein the offender is lodged in a civilian jail during transport. These instances will not be counted as arrests unless the initial arrest was by civilian enforcement (usually on a civilian misdemeanor charge).

Instances where a rap sheet shows something to the effect that an Offender served say, ninety (90) days in a disciplinary barrack and was subsequently returned to duty, or even dishonorably discharged from the service, are not to be counted in the computation. In other words, you will never make a "misdemeanor" entry for a military offense. The key is that the offender must have served time in a Federal Prison.

Certainly, military misbehavior will be spoken to in the narrative.

4. California Rap Sheet Entries: Because of the frequency of cases this Department handles which have California arrests, and because of the confusion which arises in trying to determine what happened to the offender due to adjudication options available to California Courts, the following guidelines will be followed:

(a) Any time a County Jail sentence is imposed or suspended, the offense is considered adjudicated as a misdemeanor and will be reported as such, regardless of how the charge column of the rap sheet reads.

(b) Care must be taken in differentiating between jail as a sentence and jail as a condition of probation. If the disposition shows jail imposed as a condition of probation, it can be either a felony or a misdemeanor. However, if a suspended county jail sentence is imposed as a condition of probation, it is considered a misdemeanor regardless of the offense.

(c) Civil addict commitments will not be reported as either felony or misdemeanor. The commitment is just what the name implies civil. What is confusing here is that a term of commitment normally appears in the disposition column, usually seven (7) years. Civil addict commitments can be revoked and a prison term imposed; but until that time, no criminal conviction exists. The same holds true when counting probations. For purposes of counting, civil addict commitments are not probations or paroles. Here again, the importance of the narrative is pointed up.

(d) Any time an offender is committed to the California Youth Authority, we will consider the offense has been adjudicated as a misdemeanor. The offense will be reported as a misdemeanor, regardless of the arrest charge. This will hold true even if the subject is committed to a Youth Authority institution. Offenders in California can be committed to the Youth Authority up to age 21, and the Youth Authority can maintain the jurisdiction up to the age of 25.

(e) In cases where a disposition shows "diversion" or "deferred sentencing", do not count, as it is not a conviction of guilt at that point.

D. NUMBER OF ADULT PROBATIONS

The writer should have no difficulty in determining whether or not a subject has been placed on probation. The difficulty lies in the fact that there is considerable latitude in determining if a probation has been successfully completed or not. The tendency is for an evaluation to count a probation as unsuccessful if the subject sustains arrests of any kind between the time he is placed on probation and the time he is discharged. The same is true if subject's adjustment was extremely marginal, or if he was given only a general discharge where such discharges are available. These are highly subjective determinations, and have no place in the prior record computations. The narrative will be used to qualify any figures which you think do not accurately reflect the situation.

(1) Completed: The officer shall count as completed any formal probation that did not result in suspension or revocation.

(2) Failure: The officer shall report as failures any probation that results in suspension due to another offense; or in outright revocation. In cases where a subject is on probation at the time you are preparing a Presentence Report for a new offense, the probation will be counted as current and not as a failure.

(3) Summary - Informal Probations: The officer will not count these in the box score; but they are certainly worth coverage in the narrative.

(4) Supervision as a result of diversion or deferred sentencing should not be counted but are to be addressed in the narrative.

E. NUMBER OF PRIOR JAIL SENTENCES

The writer will include all jail sentences of one day through one year in the box score count. This will include jail terms imposed as a condition of probation. It must be remembered that the period spent in jail was the result of a Court imposed criminal commitment, and not the result of civil protective custody, or time spent in jail while awaiting litigation. If jail time cannot be verified, i.e., \$15.00 or 15 days - the defendant will be given the benefit of doubt and it won't be counted.

F. NUMBER OF PRIOR PRISON SENTENCES

The officer shall count as a prison sentence only those instances where an offender was sentenced to incarceration for in excess of one year, and actually served time on the sentence. On multi-count sentences, sentences being served concurrent will be counted as one; consecutive as separate prison sentences.

California Youth Authority sentences are not to be counted as prison terms, per the rationale set forth in C-4-d above. Even though the offender may have been incarcerated at a California Youth Authority institution for more than a year, it must be remembered his crime was adjudicated a misdemeanor. Narrative coverage is important.

G. NUMBER OF PRIOR PAROLES

The officer shall count only those paroles from adult prison sentences; i.e., paroles from California Youth Authority will not be counted, even though it is important to discuss this parole in the narrative section.

Paroles following a civil commitment will not be counted, but will be discussed in the narrative.

If an offender has been arrested while on parole, and returned to an institution, and is reinstated, that parole will not be counted as a failure. If, however, he is revoked and later paroled, one failure shall be recorded. Care must be taken in trying to distinguish between reinstatements and subsequent paroles.

The comments in D-1 and 2 relate to the counting of paroles as a completion or failure.

PRESENTENCE GUIDELINE MANUAL

PURPOSE: To provide guidelines and standards of investigation, reporting and format of Presentence Investigation Reports, both comprehensive (the standard report) and selective (the short form). All investigation rules apply to both formats. Standardization statewide is required.

Additional entries will be made as they become applicable. In the meantime, all directive memos shall be attached and retained by investigation unit staff; and will have the authority of a unit manual.

CHRONO: A chronological account will be made and retained as the investigation proceeds. Enter all contacts, without exception, as follows: Date, Name of Agency, Name of person contacted, address, telephone number and subject matter.

Use a loose sheet of yellow lined paper. Submit to supervisor together with your report. No report will be complete without the chrono, which will be read and rated together with the Presentence Report. Remember, the chrono is a portion of a legal instrument, and may be read in Court. Avoid levity, slang and shorthand.

In some cases, the defendant will fail to show for a pre-sentence interview. In those cases, do not attempt to submit a full report. Rather, simply write a letter to the Judge indicating that the defendant has failed to report and document the Department's attempts to make contact with the defendant. Utilize letters to the defendant, attempts to locate at the last known address, and request a thirty day extension in which to do the report should the defendant appear at the time of sentencing. The defendant's attorney should be notified.

PRIOR RECORD: If no priors exist, enter a short statement so indicating and note those sources consulted. National record history, (FBI, etc.), is especially important and should be addressed.

When necessary, use form letters, teletype or telephone to get disposition and details of offenses where not noted on rap sheets. Behavior patterns which emerge from the arrest record are to be addressed in the evaluation.

Criminal history is to be reported as illustrated in a following section. Convictions are to be listed in a chronological, columnar fashion, showing date and place of arrest,

offense date, and disposition details. This will be divided into juvenile and adult sections. Elicit information regarding the offenses from available records and/or ask the defendant to give you the details. Utilize data as shown on the sample.

Arrests which are to be dismissed at time of sentencing pursuant to plea bargaining are to be addressed.

IMPORTANT: Details of all assaultive offenses and those involving weapons must be reported. Get as much documentation as possible from arresting agency. Summarize the reports so that the circumstances of the incident and the defendant's behavior are clearly visible; look for patterns which can be addressed in the evaluation.

Get details of local convictions where appropriate. Prior local reports are readily available. If the old case is still active to us, or if this Department was ever involved, your investigation is not complete until you have checked with the supervising officer; and your report is not complete without a re-cap of defendant's performance under prior supervision.

On any prior record similar to the current offense, outline the details so that the significance is unmistakable. Stick to the facts---avoid observations or opinions at this point. The similarity, or the indication of a pattern should be pointed out in your evaluation.

PRIOR RECORD

| <u>Juvenile Offense Date</u> | <u>Offense</u> | <u>Disposition</u> |
|-------------------------------------|--|--|
| 7-3-65 (L.V.M.P.D.) | Petty Theft. (Took neighbor's bicycle from yard, abandoned it on playground). | 8-10-65, counseled, represented and released. |
| 8-20-65 (Henderson P.D.) | Unlawful Taking of a Motor Vehicle. (Took teacher's car from school parking lot, drove to Henderson, collided with a taxi cab, no injuries). | 9-30-65, 3 years probation, pay restitution. Honorably discharged. |
| <u>Adult Offense Date</u> | <u>Offense</u> | <u>Disposition</u> |
| 11-10-68 (St. George, Utah P.D.) | Grand Larceny, a felony. (Took auto from car showroom, drove to Utah, m.j. in possession traffic stop). | 12-15-68, PG to Unlawful Taking of a Motor Vehicle, G.M. 3 yrs. probation (CTS 44 days) Rev. 2-70. Sent 1 yr. C.J. |
| 4-18-74 (L.V.M.P.D.) | DUI, a misd. (Driving borrowed vehicle, went out of control, no damage, 1.5 B.A.) | 5-1-74 \$100.00 fine. |
| 5-30-75 (L.V.M.P.D.) | Poss. of a Cont. Substance, a felony. (Routine traffic stop, baggie on floorboard, two more baggies found during search). | 10-20-75, 3 yrs. NSP Paroled 11-15-76, Hon. Discharged, 5-10-78. |
| 10-15-79 (L.V.M.P.D.) | Sale of a Controlled Substance, a felony. | Present Offense (on bail). |
| 10-25-79 (L.V.M.P.D.) | Burglary, a felony. (Entered Aunt's home through window took \$175.00 in coins). | Pending D. Ct. Dept. 8 (Sentencing, 12-5-79) |
| 11-10-79 (Henderson P.D.) | Escape, a G.M. (While trustee walked away from jail while mowing lawn). | Pending, Justice Court |

In addition to the above, the defendant has been arrested as an adult on seven prior occasions, all locally, for offenses including battery, disturbing the peace (3), petty theft, possession of a controlled substance and burglary, none of which resulted in convictions, or for which dispositions are unknown. Criminal record information is attached. Address general time frames involved.

Supplemental record data narrative: If clarification is required for any computation data, it should be done in a short narrative here. For example, military discipline, civil addict commitments and supervision and major offenses which show no dispositions are to be discussed as well as deferred sentencing supervision, and CYA commitment data.

DRIVING HISTORY: Traffic offenses are to be included for traffic related offenses such as voluntary manslaughter, felony DUI, hit and run with bodily injury, etc. Also include all moving violations, FTA and states of driver's license.

Should a prior conviction have resulted in a probation grant or prison sentence, a record of adjustment must be obtained. Utilize an optional section following criminal history to show adjustment, i.e.:

Probation, Parole, or Institutional Adjustment: The probation grant of 1968 resulted in revocation and sentencing to NSP of February, 1970 based on a new misdemeanor conviction as well as technical violations. The prior supervising officer reports he was unable to maintain a good attitude and conformed superficially with other conditions.

While in prison on this offense he adjusted well, was involved in educational and vocational programming and related well to staff and other inmates.

He was released on parole when first eligible and made a satisfactory adjustment and received an honorable discharge on August 23, 1973.

Do the same as briefly yet as thoroughly as possible for all such entries.

PLEA BARGAINING: Briefly outline basic conditions of any plea bargaining or negotiations. Often a memorandum of plea bargain is included in the District Attorney's file for your

easy reference. If not available, ask for a verbal explanation of any negotiation. A plea of guilty to a lesser included offense is very often the case, and at times multiple charges may be disposed of by a plea to one (1) count, and the remaining counts to be dismissed upon sentencing. Be informative as to what these charges to be dismissed are. Note: Plea Bargaining refers to any reduction of charges from those charged in the original complaint, not the arrest report or booking sheet.

Under no circumstances shall the officer involved in the case enter into any plea bargaining or negotiation, nor shall he or she indicate displeasure or disagreement with such action. This Department is not bound by the bargain made and it shall not influence our determinations.

OFFENSE REPORT: Outline a concise chronological account of the arrest situation. Use a "leader", i.e., "the following information was obtained from the District Attorney's files, or Churchill County arrest reports, or the Preliminary Hearing Transcript on file with the Court", etc. If you address yourself to the basic investigative precepts (who, what, when, why, where, how) your report will be thorough, yet concise. Delete extraneous material.

Note all concurrent arrests, including misdemeanors. Include all persons arrested (do not use juvenile's names). Address kinds and quantities of evidence seized. In drug cases, convert grams to ounces, using 28 grams to the ounce as a guide. State street value of the substance, and the source of this information (i.e., LVMPD narcotics division indicates...) Include data reiterated in the accompanying laboratory report.

IMPORTANT: All cases in which firearms or weapons are used include as complete a description as possible of the weapon such as: Type, model, make, serial number, whether loaded, any unusual characteristic, registration and ownership data, how acquired by the defendant, and if it has been cleared through an agency. Where is the weapon now? Districts may modify this section, depending on local needs and accessibility of information.

CREDIT CARD OFFENSES: Always list credit card number, issuing company, name of cardholder. Determine which is the victim, the individual cardholder, the company, or the merchant who honored the card. Check with card company for any use since date of loss or theft of the card.

DRUG CASES: In all offenses where the original charge involved sales, sales behavior, furnishing, dispensing or

similar behavior, you will contact the arresting agency (narcotics section) and determine whether or not the defendant is active in the drug sub-culture. In addition, other narcotic agencies should be contacted to determine whether subject is known to be involved in other narcotic activity on local, state or federal level. Without exception, your report will reflect this assessment.

If a nonresident is involved in a major sales case, check with appropriate police intelligence units in area of residence to determine possible drug activity in that area.

GAMING: In all offenses where the original charge involved gaming offenses, contact will be made with Gaming Agents to determine what information they have on the individual. Their files are usually complete and detailed and their agents have knowledge as to suspected other illegal gaming activities. Without exception, your report will reflect this assessment.

WELFARE FRAUD: These crimes can usually be identified by charges such as "Receiving Money Under False Pretenses" or "Forgery". The body of the report will indicate if it is a welfare fraud. In these cases it is particularly helpful to make a home visit to determine the standard of living that has been achieved, possibly as a result of the fraud. Restitution is a major thrust. The Nevada State Welfare Division, Fraud Unit, has been extremely interested in cooperating with this department in the investigation of these cases. The individual fraud investigator listed on the complaint in the District Attorney's File should be contacted. This person usually has a great deal of data regarding the defendant, not otherwise reflected in records available through the District Attorney. Also, it is possible that monies have been collected subsequent to the filing of the complaint. It is also possible that monies are being deducted from a current welfare grant and applied to the fraud. These figures are necessary in order to determine the actual amount of restitution that is owing, for inclusion in the recommendation of repayment.

VEHICULAR: (i.e. Felony DUI, Manslaughter, etc.). Check and report local traffic record. Check outside agencies via teletype. Contact Department of Motor Vehicles for additional information and suspensions. If suspended, be certain you note that in the body of the report and determine how defendant is getting around now. If conviction results from violation of motor vehicle laws, fill out and attach to your report a "Report of Conviction of Motor Vehicle Laws." Forms are available, use four (4), DLD-17.

CHECK OFFENSES: List in columns, showing check number, date cashed, payee, where cashed, bank and account number. This is helpful for further possible investigation of other checks involved. This may be done collectively for individual victims, i.e. eleven checks payable to Safeway totaling X amount.

DEATH PENALTY CASES: In the cases where there is an automatic death penalty, special care must be taken to insure that a thorough investigation is made and a complete and factual report is prepared. In these cases, this report will receive a great deal of attention. The case will be the subject of many appeals through to the Supreme Court. It is possible that many civil rights attorneys will become involved. The Pardons Board also will be involved. Therefore, where the tendency may be to prepare a superficial report because of the mandatory penalty, it is imperative that the ultimate effort be made.

SUPPLEMENTAL INFORMATION: This section is utilized for any necessary and relevant information not included in offense report or other offense sources, such as late developments, anything that has happened regarding the case subsequent to the arrest or hearings. The disposition of co-offender charges should be noted here.

VICTIM INFORMATION: As one of the primary objectives of the Department is the protection of the community, an integral part of which is the protection from permanent loss or damage, the victim is an important part of our process. As the victim is that member of the community who has been hurt and feels the direct results of the offense or crime, it always has been the concern of the Department to assist the victim in obtaining redress as far as it is feasible to do within the framework of the Department's actual responsibility.

It will be incumbent on all investigating officers to make contact with the victim in person or by telephone, and discuss the extent of the injury. Victims will be informed of the plans of the Department concerning their restitution, and of the victim's rights to proceed with civil action in seeking redress from loss and distress resulting from the action. This section of the report shall contain the officer's findings regarding the crime and its impact. If the officer is unable to contact the victim, he should document and explain what attempts were made to do so.

In cases of rape, a man/woman team of interviewers is preferable. In cases where the victim is a juvenile, parents or guardians of the victim should be contacted. Juvenile victims

shall not be contacted. The ultimate of good judgment and taste are to be utilized in those sensitive offenses. Where the victim is an individual party, or multiple parties, the following areas should be explored, to determine the loss to the victim, and to determine the actual impact the crime had on the victim's life.

Injuries--What were the victim's injuries? Has the victim recovered? How long did recovery take? Were any injuries permanent? Was there psychological trauma resulting in a need for therapy? Losses--What are victim's medical costs? Be sure to include ambulance, rape examination, hospital, prescriptions, doctors and specialists, dentists, X-rays, and psychological counseling, if appropriate. How much time was victim out of work? What is estimated loss of take home pay? Was any of victim's property stolen, lost, damaged, or destroyed? What is cost of repair/replacement? In the event of homicide, who paid for the funeral? What was the cost? Resources--What resources may apply to victim's medical expenses? These may be medical insurance, determine what portion of the full medical cost will be offset by those benefits. What sources of recovery are available for victim's lost income? These may include sick pay, income or disability insurance, union benefits, welfare, Social Security, NIC, etc. How much is NIC interested in recovering their losses? How much of the lost income will be offset by those benefits? What insurance or other source is available for repair or replacement of property lost? How much of the property loss will be offset? In the case of funeral expenses, are there applicable Social Security, V.A. and/or funeral burial insurance benefits? How much of the funeral bill is offset by those benefits?

Impact--What is the physical impact of the victim's injuries? Is victim crippled, maimed, scarred, or in some way damaged temporarily or permanently? What is the emotional impact?

Feelings--How does the victim feel about the crime and its impact? Does the victim understand the judicial process and what the victim can expect from the process? How does the victim feel about the defendant? What is the victim's idea of an appropriate disposition in the case? What further assurances does the victim need that could be provided as part of the disposition in this case, such as requesting a special condition that the defendant not associate with the victim or ordering restitution? Have you made an effort to make the victim feel appreciated by the victim's cooperation in the process.

Be sure to address the harm or loss to the victim of the crime, any special facts concerning the vulnerability of the

victim, and any relationship between the defendant and the victim.

There are incidents where victim's are seen as contributing to an offense. Was the victim an antagonist? Is there any mutual responsibility for the act? This may be discussed in the evaluation, as a mitigating or aggravating circumstance. Exercise caution in this area. Quote wherever possible. Cite source.

If the victim is an individual do not list the name and address of the victim in the body of the report or in the recommendation section, as this data is to be considered privileged and not available to the defendant through the PSI. If the victim is a firm, you may indicate name and address. Be sure, however, that this information is easily available in the chronos for purposes of restitution. Ask that the victim keep this Department advised of all address changes for the purposes of restitution, if so ordered.

RESTITUTION: In cases of restitution, ask victim to keep in touch with the department, keeping us advised of address changes as restitution is at times not paid immediately. Follow the guidelines set forth in the victim section and set forth clearly here the simple details as to what the actual loss is and how it is to be repaid. Be sure that some proof of loss has been obtained. This should be clearly documented in your chronos. Efforts to determine restitution should be noted, where same has not been accomplished by the date of sentencing. Again, do not list the name and address of the victim if an individual. If a company, bank, etc., you may list. In the evaluation, the investigating officer should address the subject's ability to pay the restitution in question. In the event of a co-offender's involvement, indicate which portion of the full restitution is to be paid by the instant defendant. If a co-defendant has been ordered to pay an amount of this in a previous sentencing, so list. "Pain and suffering" or loss of wages or earning power are not to be included for restitution purposes.

DEFENDANT'S STATEMENT: Specify date and place of interview. Copy defendant's statement verbatim if short and attach statement to report. Summarize its contents if lengthy. An interview eliciting verbal statements is basic to the investigation, in addition to the written statement. Do not settle for "no comment" from the defendant. A combination of tact, skill and authoritative posture will usually result in satisfactory comments from the subject. Summarize this interview, which must cover the following points:

- a. Defendant's explanation of offense.
- b. Did the defendant know he/she was committing a crime? (In those cases where this consideration is relevant).
- c. Is guilt admitted, and if so, to what extent? What was the subject's participation if a co-offender was involved? If subject does not admit guilt, reporting officer must elicit and report defendant's rationale regarding his guilty plea.
- d. Defendant's attitude to be noted due to observations: Rationalizes, minimizes, shows anxiety, cried, showed contrition, etc.
- e. Motivation: Impulsive or premeditated? Factors contributing to offense: Lifestyle, anger, hostility, stress, indignity, environment, under influence of drugs or alcohol, etc.
- f. Discrepancies between defendant's account and official version.
- g. Discrepancies between defendant's account and that of co-defender.
- h. Anything else the defendant desires to bring to the attention of the Court.

In the event the defendant refuses to give a written or verbal statement, (and this should seldom occur given good investigating tactics by the officer), the investigator will report this circumstance in a factual manner. Close this section with a brief summation, keeping in mind that whatever the defendant says regarding the offense and his part in it must be presented understandably. In cases where the written report is to be summarized, be sure you are stating the defendant's ideas, and not your own.

The defendant's statement can be an extremely useful tool in the interview situation. It shall, therefore, be submitted at the time of the interview. If, for example, the subject states he committed First Degree Burglary, because he was broke, this can be a good take off point in understanding the underlying problem of subject. Simply put, the matter can be processed with the simple use of "Why were you Broke?" (i.e., poor judgment, re: jobs, etc. is basic problem.) "Because I didn't have a job." "Why didn't you have a job?" "Because I don't have a trade." "Why don't you have a trade?" "I don't read very well." "Why don't you read very well?" "I dropped out of school in the 7th grade." etc.

Discussion of basic problems should be in the evaluation, but basic problems can often be located in defendant's statement where clues can be uncovered.

CO-OFFENDER'S STATEMENT: Whether listed on the information or indictment as a co-defendant, or simply a co-participant in the instant offense, the co-offender's input should be solicited. Every attempt should be made to contact those other parties involved in the offense, whether they have pending charges, or whether charges have been dismissed, or whether they have already been sentenced. Ask the co-offender what happened, from their viewpoint and interpose relevant questions. Compare this version with the official version and with that of the defendant in order to ascertain any discrepancies and to clarify some issues. If no statement is obtained, document efforts to do so and include in the report. Note any charges made or dropped, and disposition of related charges if known or date of hearing if pending. Names of co-offenders should not be used unless the individuals have been charged.

SOCIAL HISTORY: Avoid repetitious use of "the defendant." Vary with Mr., Mrs., Ms., Miss, the applicant, etc. Do not refer to the defendant by first name, Use synonyms for words such as "says," "states," "informs," "commented," etc. Avoid use of accusatory verbs such as "denies" use of narcotics, etc.

Commence with this sentence: "The following social history is as reported by the defendant and is unverified unless otherwise noted." This disclaimer is not a substitute for investigation. Every effort is to be made to verify the information contained throughout this report. Information is often available in old presentence reports from ours or other departments and from prison records.

BRIEFLY OUTLINE FAMILY SITUATION: Where is the defendant in line with other siblings? Is the parental marriage intact? If divorced, when? Who is responsible for the defendant's upbringing? Have any other members of the family ever been convicted? Get particulars. How does defendant typify family relationship and lifestyle? Evaluate the relevance of use of extensive family background in each case. For instance, usually more relevant with young offenders, or those still residing in the family home, than with the older offender. Depending on extent of data needed, the writer can opt for either a "Family Background" heading for short versions, or the use of Father, Mother and Siblings. The officer has some discretion in this regard. Whether utilizing the general heading or the individual ones, it is necessary to get the pertinent information about the family

members, including current address, telephone number and occupation. Ask if they know about the defendant's arrest, and what is their attitude. Talk to those who have a major role in the life of the subject. Get the present name of the mother, as often mother has remarried. Show employment of family as well.

MARITAL: State number of marriages and number of children. List marriages chronologically. Describe relationship. If cohabitating, so state. Contact current spouse or spousal substitute. Get their feelings on the defendant's status, and determine whether or not it is a supportive environment.

If there has been a recent divorce or separation, contact partner and determine reason. It may be drug related or due to finances or patterns of violence, etc. Keep in mind, the defendant is the one on trial. If the defendant resides with another, be careful not to make unsubstantiated negative remarks about this person, ie... "the defendant resides with John Jones a known drug abuser"... yet Mr. Jones has never been arrested or convicted, etc.

IMPORTANT: Is defendant obliged by Court to pay child support? Does defendant furnish child support, even if not Court ordered? How much? Is it current? Where are children living now? Who supports them? Request proof of support payments.

MILITARY: List type of service, date entered, date and type of discharge. Try to verify from Form DD-214. If no service, simply state "None." Address if defendant was involved in ROTC in school, or is a member of a reserve or national guard unit, etc. What was military occupation? Defendant's criminal pattern often begins in the military. Look for any behavioral problems. AWOL? Court Martial? Incarcerations? Section 8? Alcohol or drug program? Other disciplinary action.

HEALTH: Physical: Address current, acute or chronic conditions. Ask about recent hospitalizations; current problems; current medications; allergies, especially penicillin. Mental: Recent problems; list in detail; hospitalizations, treatment, etc. Current involvement? Ask if ever involved in mental health counseling or in a mental institution. If psychiatric report has been ordered and not finished, make your recommendation conditional upon receipt of same. Request hospital and doctor records. If involved with current therapist, solicit their input and include in report. Verify any program participation.

NARCOTICS: What substance has subject used? Experimental or long term usage? Most recent usage? How significant is involvement. Check arms for track marks where appropriate. List cost of habit, and how one supports the habit. Check record for drug related offenses. Question whether under the influence at time of offense. If in a program, ascertain the particulars, and make contact with counselor and get current report and include in report. If none, so state.

ALCOHOL: Attempt to determine if alcohol is a problem. Ask about current use, frequency, last time drunk, etc. If defendant says no use, or no problem, so state. Balance statement with factual statement of his record of involvement. Check prior DUI or CPC, etc. Inquire regarding alcohol program or treatment, antabuse, etc. Verify same. If in treatment, get current report from program or therapist. Avoid the use of the word "alcoholic".

EDUCATION: Attended when and where, completed how much? Graduated? GED? When and where? College? Trade School? Certificates of Completion? Licenses? OJT? Vocational Rehabilitation involvement? Verify wherever possible, and note any relevant particulars, such as scholastic ability, adjustment to school, reasons for leaving, interest in furthering education at present, etc.

RELIGION: In some cases, church affiliation may have a bearing on subject's life. If so, ministers or lay members may assist in future placement planning, and give some useful information regarding subject.

RESIDENCE: Maintain strict chronology for a minimum of five (5) years back. List current address. Then address where subject has been located previously. It is not necessary to list each individual address. List with whom lived until left home? Always obtain license numbers of all vehicles used by defendant and co-residents. Do not project thoughts of your own here. If residential pattern is brief and/or sporadic and reflects irresponsibility, leave that observation for the evaluation section. If subject is an alien, check with Immigration regarding their intentions in the matter. Is there a hold? Check for a Visa or Passport or Alien registration card during interview.

ECONOMIC STATUS: Employer, address, dates, earnings, reason for job termination all must be addressed in chronological narrative form, listing current first, and working backward. If subject has more than three (3) years employment, cover at least the last three (3) years. On current employment, have the defendant furnish documentation: Pay stubs, etc.

If no verification is forthcoming, the officer should contact employer for verification. Be sure not to jeopardize current job. Ask defendant whether employer knows of the instant case and pending sentencing, etc. Solicit comments from employer about the subject's work habits, dependability, performance, etc. Get comments from past employers as well. In hardship exceptions, consult your Supervisor. Never fail to account for earnings, or earning ability. Press for union. Be specific. When did subject last work from the local? Check the Board at the local, the steward will do that for you. Be sure that spousal income is addressed.

EXPENSES: The financial statement which is a part of the application for probation will contain most of the data required for this section. Total of debts and assets must be addressed in narrative form. Check this against the statement of income and expenses. Insure that the financial statement is filled out completely. Ask for proof of assets and liabilities. Determine whether defendant is living within his means, or is overextended financially.

ASSETS: List all relevant assets as detailed on the financial statement. Determine equity in assets such as real estate, mobile homes, vehicles.

BANK ACCOUNTS: Savings and Checking accounts should be listed by branch of bank, where, balance in account, who else can sign or withdraw.

VEHICLES: As shown on the financial statement, the make, description, year, registration data, license number, etc. must be listed. Accurate information here can be of much help to the supervising officer. List value. Verify license number and ownership.

Make an evaluation of total assets, including stocks, bonds, home, vehicles, furnishings, etc. This section is of great importance especially in restitution cases, and where a fine is being considered. Verify wherever possible.

PLACEMENT PROGRAM: This is a most important area and should be FULLY VERIFIED. If defendant intends to live in the parental home, parents must be contacted. If with spouse or commonlaw partner or roommate, these parties must be interviewed. It is recognized that this is a sensitive and often difficult area. Nevertheless, the effort must be made and the results reflected in your reports and your chronos. Wherever possible, actually check out living quarters. This can be especially appropriate in cases where there was great

financial loss/gain. Check for possible noticeable assets at this time. This section should also include details about what the defendant plans to do with his/her life if granted probation, including employment, schooling, drug or alcohol or vocational rehabilitation programming, etc. This program must be realistic and verified. It can be a determining factor. What is listed in the placement program can be a very useful tool for the supervising officer to determine if the defendant is actually following through with these things he indicated he was interested in doing prior to sentencing.

State verified or unverified. Discuss any unverified program with your Supervisor before the report is submitted.

COMPACT PROGRAM: As a general rule, the program must be documented and verified. Exceptions will be cleared through your Supervisor. Interstate Compact definition of residence must be adhered to except with prior approval of receiving State.

AGGRAVATING AND MITIGATING CIRCUMSTANCES: The following should be considered and addressed when preparing for the evaluation. Aggravating circumstances include, but are not limited to:

- d. The crime involved multiple victims;
- e. The defendant induced others to participate;
- f. The defendant occupied a position of leadership or dominance over other participants;
- g. The defendant threatened witnesses or prevented or dissuaded witnesses from testifying, suborned perjury, or illegally otherwise interfered with the judicial process;
- h. The crime indicated premeditation;
- i. The crime involved a degree of planning, sophistication or professionalism;
- j. The defendant involved minors in the commission of the crime;
- k. The crime involved an attempted or actual taking or damage of great monetary value;
- l. The crime involved a large quantity of contraband;

- m. The defendant took advantage of a position of trust or confidence;
- n. The defendant has engaged in a pattern of violent conduct;
- o. The defendant's prior convictions or adjudications as a juvenile are numerous or of increasing seriousness;
- p. The defendant has served prior prison terms;
- q. The defendant was on probation or parole when he committed the crime;
- r. Prior probations or paroles were unsatisfactory.

Mitigating factors include but are not limited to:

- a. The defendant was a passive participant or played a minor role;
- b. The victim was an initiator, willing participant, aggressor or provoker;
- c. The crime was committed because of an unusual circumstance which is unlikely to recur;
- d. The defendant participated due to coercion or duress;
- e. The defendant was induced by others to participate;
- f. The defendant exercised caution to avoid harm to persons or damage to property;
- g. The defendant believed he had a claim or right to the property taken;
- h. The defendant was motivated by a desire to provide necessities for family or self;
- i. There is no prior record, or an insignificant record;
- j. The defendant was suffering from a mental or physical condition that significantly reduced his culpability;

- k. He voluntarily acknowledged wrongdoing prior to arrest or at an early stage of the criminal process;
- l. Restitution has already been made to the victim;
- m. Prior performance on probation or parole was good.

EVALUATION: Writing the evaluation is the most demanding task in the preparation of the report; nonetheless, if you completed all of the sections adequately, the evaluation should almost write itself. It is here that the probation officer focuses on those factors, social and personal, that resulted in the defendant's presence before the Court. All positive and negative factors MUST be addressed. Consider the defendant's potential and total behavior; as the report develops the officer should note and maintain a tally of positive and negative factors at the end of each category. The preponderance of positive or negative factors should indicate the recommendation. Do not preface with such remarks as "on the positive/negative side" or "to the defendant's credit" etc. The closing paragraph of an evaluation will give a concise, though brief, restatement of the pertinent factors in the body of the report; and from those relative subjective factors the officer should arrive at a prognosis. This is your opportunity to point out behavior patterns, spotlight problem areas, discuss discrepancies, attitude, etc.

Although evaluations will normally support the recommendation, the officer should never use language which in effect would make the Judge appear to be wrong if in fact the Court disagrees with our recommendation. For example, we should not use phrases such as, "The granting of probation in this case would be a travesty of justice", "The Court has no choice but to grant probation in this case", or similar more subtle statements. As indicated the evaluation should give a good picture of the risk factors involved in a case but should not attempt to "lock in" the Court.

Similarly, when preparing an evaluation on those cases which are to be staffed prior to a recommendation being made, the evaluation should be reviewed by both the presentence writer, as well as the Supervisor, to assure that statements made in the evaluation are not diametrically opposed to the recommendation itself.

Discuss the present, past and future.

PRESENT/PAST: The Evaluation should address patterns of the present and past as they relate to the individual at the

time of sentencing. This should address a lifestyle. The reader of the Evaluation section of the report should be able to visualize this person--what he has done, what he does now, and with whom. What constitutes a normal day for the defendant? Concentrate on the last five years. In most cases this is the crucial time. Reference to and emphasis on what has occurred in distant past, as opposed to the recent past is to be avoided. This material has no place in the evaluation if it has no impact on the last five years of the person's life. The objective of the evaluation is to address what is in the applicant's life at the time of the pre-sentence interview.

The writer is cautioned against placing any emphasis on unverified information, especially to support a recommendation one way or another.

The evaluation should include a brief review of the significant position and negative factors that relate to the defendant. Remember, what we are interested in are those factors that can be related to the defendant as he appears today.

FUTURE: Opinions of the writer are of course valid here; but be certain that an opinion is stated as such and not as fact: "In the opinion of the undersigned..." Never make a factual statement that cannot be clearly related to factual material. Address defendant's possibility of success if placed on probation and address department responsibility to serve and protect the community. In other words, address the benefits versus the risk involved.

RECOMMENDATION: ONE HUNDRED PER CENT ACCURACY REQUIRED. Utilize the risk factor table and the "General Guidelines for Presentencing Evaluation and Recommendation."

PAROLE ELIGIBILITY: In the past, where prison is recommended reference has been made to parole eligibility. This is set by statute. Due to recent legislative changes, parole eligibility depends on the July 1, 1979 date. There is some disagreement within the system as to what point in the process this date applies--offense, plea, or sentencing date. Therefore, the one-fourth sentence vs. one-third sentence eligibility less good time credits is a question in many cases. To avoid any misunderstanding or misinterpretation of the statute, the Department no longer will present the eligibility as part of the report. Should an officer be asked in Court as to the eligibility, indicate to the best of our information, eligibility will be _____, or defer to the prosecution to respond.

PLANNING TOWARD THE RECOMMENDATION: Consider a fine or suspended fine in lieu of or in conjunction with incarceration, or as a condition of a probation grant. Keep in mind that we may recommend in appropriate cases, an indeterminate period of probation not to exceed five (5) years, where termination occurs upon achieving certain goals. Append appropriate special conditions: Restitution may be requested to include losses listed in a previous section. The department will not recommend repayment of public defender or court appointed attorney fees. Fines are to be addressed as a condition, unless the intent is that the full sentence be a fine. A review of the offense and the alcohol section will determine whether total abstinence from alcohol is required and whether there is a need for a defendant to be evaluated for possible alcohol counseling or alcohol program involvement. The same comments hold true for drug program involvements. There must be adequate justification to request a search and seizure clause. Appropriate circumstances include drug use offense, no alcohol conditions, weapon possession offenses, possession of stolen property, credit card offenses, etc. If an offense is seen as a one-time isolated deviant act, discretion must be used in requesting a special second condition. When in doubt, a supervisor shall be consulted. Special conditions should be used in conjunction with the placement plans to encourage adherence and follow through on the part of the defendant. The recommendation for all drug cases in which the initial arrest indicated sales behavior shall include a punitive condition: jail and/or fine as a condition of probation. For first offenders under the age of 21, a recommendation against deferred judgment may serve as the punitive clause. Address appropriateness of deferred judgment where applicable. Utilize any other condition aimed at assisting in the rehabilitation of the offender and for the protection of society (mental health, alcohol or drug program, etc.)

Pursuant to Chapter 176 of the Nevada Revised Statutes, it is possible to recommend commitment to the Nevada State Prison for a period of not more than 120 days for further evaluation prior to final sentencing hearing. A person is eligible if he has been convicted of a felony for which he may be sentenced to imprisonment and if he never has been held in any detention facility for more than thirty (30) consecutive days. For this Department's purposes of selecting those eligible, we have determined that if the only time in custody over thirty consecutive days is spent on the instant offense, this person can be considered eligible.

There is a wide latitude in the utilization of this 120 day recommendation. No specific offenses are exempted or

prohibited. Even in non-probationable cases it can be recommended, as the information obtained by prison personnel which is made available to this Department, can assist in making the final recommendation of the exact term of the sentence.

The following wordage is to be used: "It is the recommendation of the Department of Parole and Probation that the defendant, (name), in accordance with NRS Chapter 176, be committed to the Director of Prisons for an evaluation period not to exceed 120 days, during which time a more complete evaluation under close supervision can be made." No further comments regarding sentencing recommendations should be made at this time. The actual sentencing recommendation will become a part of the supplemental report which will be prepared by our Department following the prison evaluation, to which we will have access.

RESTITUTION: Recommend an amount and to whom it should be paid. In cases where a firm, business, company or corporation is the victim, list the name and address of this lossee. Do not list names and addresses of individuals who are victims to insure their protection. This information will be contained in the restitution forms before submitting to Central. The defendant is not to have access to this data. Do not make specific recommendation as to frequency or the amount of installments. Attempt to finalize restitution by determining the actual amount owed and to whom. Avoid the statement, "restitution to be determined by the Department of Parole and Probation at a later date." Consider subject's attitude toward restitution, is he willing to accept part-time employment to affect restitution. Ability to pay should also be considered in cases where large amounts of restitution may be involved and a reasonable recommendation is to be made. In certain select cases recommendations for release and discharge upon payment of restitution may be made.

GENERAL GUIDELINES
FOR
PRESENTENCE EVALUATION AND RECOMMENDATION

In order to avoid disparities and formulate a more equitable and standardized procedure for recommending probation or periods of incarceration, the Parole and Probation Department has adopted a set of general guidelines which will serve to assess the severity of a particular offense and the prospects for an offender altering his criminal behavior patterns after successfully completing a term on probation

or in prison. The guidelines for governing the Presentence evaluation process are standard policy throughout the State. At the same time they have been designed to remain flexible enough so that the individual probation officer will not be prevented from contributing his or her own good judgment to a report.

Briefly, the guidelines are in the form of a two axis chart with four (4) categories of offense severity on one axis and four (4) categories for offender characteristics and risk factor on the other. The severity of an offense should be measured according to the severity scale supplied in the chart.

Occasionally, there will be mitigating or aggravating circumstances in a particular case which may suggest an offense is less or more severe than the chart indicates. When an officer, in conducting a Presentence Investigation, encounters such a case, then he or she should make a recommendation that falls outside the general guidelines. In doing so, the officer must also include along with the recommendation, a narrative summary supporting his or her findings and citing all the factors which necessitate making a recommendation outside the general guidelines, and submit a memo, attached to Central's PSI to so substantiate.

The offender character evaluation is structured on the basis of a point system which helps to classify the offender's potential risk to the community into one of four general categories: VERY HIGH, HIGH, MODERATE or LOW. In determining this evaluation a simple eight (8) element examination table of the offender's background and current offense behavior will be made by the investigating officer.

How many points the officer awards to the subject under examination will determine in which of the four (4) categories the offender's risk factor actually belongs. In order to assess more accurately the future conduct of any offender, it is essential that the probation officer follow certain established criteria. The use of this short table of test elements and the guidelines of which they are a part will serve as adequate criteria. The guidelines themselves should function as an aid and guide for an officer in making an evaluation and should be received as such and not as a rigid pattern of methodology from which the officer must never vary.

No predictive method based wholly on statistical criteria will be one hundred per cent accurate in gauging the success probability of a human behavior. Most experts agree, however, that statistical methods can be very helpful to investigators once they have learned to temper them with the

product of their working experience, i.e., their professional opinion. Statistics then, as they are employed in this guideline, should not be regarded as an end in themselves or as something of a final authority which will act to hinder or fetter the discretionary powers of the individual probation officer. General guidelines, such as the one at hand, best work to create a framework within which the professional is better able to make decisions that stand in harmony with a sense of fair play and good judgment. It also contributes to statewide standardization.

It is especially important that this manual remain contemporary with the progressive aims of society as well as continuing advancements made in the practice of corrections. To insure this end the Chief Parole and Probation Officer, his Deputy, and one officer from each of five (5) Districts within the State and/or anyone else the Chief Parole and Probation Officer may so designate will meet once annually, or as it becomes necessary, to provide for the review, revision and modification of Presentence Guidelines.

RECOMMENDATION FOR OR AGAINST PROBATION

The Department has traditionally recommended for or against the suspending of the sentence being recommended. This portion of the recommendation has been a traditional courtesy provided by the Agency and is not mandated by law, although a specific recommendation of time and fine are required by statute. Nevertheless, because this portion of the recommendation is probably the most useful to the Court, and controversial in the sentencing process, great care must be taken to assure that the recommendations are consistent both on a local and statewide basis. While statewide consistency is important, it is probably even more important that this consistency is obtained on a local or district level in order to adequately address crime problems in a given area of the State.

Obviously, no degree of consistency could be achieved if all officers, each with their variety of experience and feeling regarding offenses, submitted recommendations without a full understanding of agency policies, local problems, input from other staff, and supervisory and administrative review.

To a lesser degree, this is true of all recommendations made by the Department. They are Departmental recommendations rather than individual recommendations and should always be viewed as such. Any incidence of individuals publicly declaring their disagreement with a stated recommendation is subject to department censure of a serious nature.

In order to achieve the highest degree of consistency in our recommendations for or against probation, the following procedures will be followed in all District Offices.

STAFF RECOMMENDATIONS

In certain instances, cases will be staffed in total before the inclusion of a recommendation for or against probation is incorporated into the Presentence Report.

This staffing shall include three (3) professional persons from the Department and must consist of a minimum of:

1. The officer submitting the report.
2. A Supervisor of the Court Services Division.
3. One other nonprobationary officer and/or staff psychologist.

The District Supervisor may enhance the size of this group either by requiring the staffing to include a higher ranking District Officer, or a larger representation.

It shall be mandatory that the following types of cases are staffed prior to the submission of a recommendation for or against probation.

1. All cases will be staffed where the officer preparing the report has less than six (6) months experience with this Department in Court Services.
2. No recommendation for probation shall be submitted on any person who has previously, or is currently on probation as an adult, or has previously been convicted of a felony, until such case has been appropriately staffed.
3. No recommendation shall be submitted for the denial of probation for any person who has not previously been convicted of a felony nor received the benefit of probation on the adult level.

EXCEPTIONS TO PARAGRAPH NUMBER 3 SHALL INCLUDE

- A. Non-probationable offenses.
- B. Offenses where actual violence has occurred, regardless of whether or not the violence is charged.
- C. Cases depicting an unusual degree of criminal sophistication i.e., organized crime figures, major drug dealers, persons who allegedly committed additional felony acts while on bail where proof was substantial.

MAJOR EXCEPTIONS

District Supervisors may waive the above requirements where the officer preparing the report holds the rating of Senior Officer or above. Furthermore, District Supervisors in rural offices may reduce the size of the staffing committee where the appropriate numbers of staff are unavailable.

OFFICER RESPONSIBILITY

Professional persons will, even given the same set of facts, often disagree with what disposition is most appropriate in an individual case. However, it is the responsibility of the individual officer to represent the agency in total once a case has been staffed and the recommendation approved by both the staffing committee and District Supervisor.

Subordination of this recommendation in any manner, will be viewed as unprofessional conduct, and staff will be subject to censure.

CONFLICT OF INTEREST

Any conflict of interest shall be reported to the Supervisor and to the Court in cases where the reporting officer is well acquainted with the subject or family and friends of subject. In this vein, anything that can possibly be construed by others as a conflict of interest shall be reported to the Supervisor and the Court. This would include school chums, friends, relatives, other persons in Criminal Justice System, police officers, wives, employees or former employees.

At any time, when an officer is assigned a case, either for investigation or supervision, and these conditions exist, the officer shall report the matter immediately to the

Supervisor and the case shall be reassigned. If a situation exists, such as could occur in the rural counties, which make it impossible to reassign the case, the matter will be discussed with the sentencing Judge prior to the submission of the report to the Court.

METHOD OF REPORTING CONFLICTS

Conflicts must be reported in writing in the Presentence Report. In this manner, all parties reviewing the report will be aware of all circumstances. For example, if an officer in the Reno Office is doing a report on a relative of one of our staff in Las Vegas, this will be duly reported in the appropriate section of the Presentence Report. The appropriate section would depend on the matter involved. In some instances it could be reported in the family section, in other instances in the evaluation. Where it does not seem appropriate to report it in any of our normal headings, a special heading labeled Supplemental Information, will be inserted in the report and the information provided therein.

Officers and Supervisors must use extreme caution in deciding that such information is not relevant enough to include in the report. In effect, that decision should not be made. It is more desirable to include such information and allow the Courts to decide the relevancy.

The officer, or Supervisor, failing to report any possible conflict of interest will be deemed at fault and shall suffer reprimand, suspension, or more drastic measures as the situation may demand.

SELECTIVE PRESENTENCE REPORT

(SHORT FORM)

| | |
|------------------------|--|
| FACE SHEET: | Same as standard Presentence Report. |
| PRIOR RECORD: | To be identical with the Prior Record used for the standard comprehensive report. |
| PLEA BARGAINING: | Same. |
| OFFENSE REPORT: | Identical with the Offense Report used for the standard comprehensive report, condensed wherever possible. |
| VICTIM'S STATEMENT: | Include under Offense Report. |
| RESTITUTION: | Include under Offense Report. |
| DEFENDANT'S STATEMENT: | Briefly paraphrase in your own words. Attach written statement. |

PERSONAL PROFILE:

The headings in the comprehensive report are guidelines as to the personal background areas that are to be investigated. However, only relevant information is to be included in the report, that which will assist the judge at the time of sentencing or is utilized in the normal supervision of the individual on probation. This means that addresses and occupations of family members, license plate numbers of vehicles and other extraneous data are not to be included. This data is available from the questionnaire which becomes a permanent part of the applicant's file and is available for reference should the need arise in the future. For instance, if a subject has no alcohol or drug problem and it does not relate to the offense committed, no mention is to be made of these areas. The same applies for those who lack military or marital histories. Only list relevant data and do so in a condensed form. As economics often relate to the motive for committing a crime, some reference to economic stability, ability to pay a fine or restitution or indications that one is living beyond their means is relevant, as are current employment particulars. Verification and evaluation of the placement program is expected. EXTRANEIOUS DETAIL and irrelevant data is to be avoided.

EVALUATION:

There is no need to reiterate the information from the Personal Profile here, rather sum up the pertinent factors affecting the case in question in a brief yet graphically clear manner.

RECOMMENDATION:

Same.

NOTE: REVIEW YOUR TAPE OR REPORT BEFORE SUBMITTING FOR TRANSCRIPTION. CAREFULLY REVIEW COMPLETED REPORT BEFORE SUBMITTING TO SUPERVISORS.

GUIDELINES FOR THE USAGE OF THE
SELECTIVE PRESENTENCE INVESTIGATION REPORT

Following an initial interview with the defendant, the probation officer will determine whether the standard comprehensive report or the selective report is to be completed. Unless the Court directs otherwise or unless the probation officer determines the longer form is necessary, the selective Presentence Investigation Report will be completed for the following categories:

- (1) All gross misdemeanor offenses.

The standard comprehensive report will be completed for:

- (1) All felonies.
- (2) Any case where an offender would require statutory psychiatric certification as to whether or not he presents a menace to the morals and safety of the community.
- (3) Complicated or serious gross misdemeanor cases at the direction of the Department.

RAP SHEETS

Supervisors shall verify entries in the Presentence Investigation Report concerning prior records.

Supervisor shall have rap sheet at time of reviewing PSI's. The officer in attendance at a sentencing shall, when asked by the sentencing Judge if there are any remarks or additions by the Probation Department, ask that the Judge place in the record, ascertaining if subject and his attorney have reviewed the PSI, only if the Court has not already done so.

Many inmates claim they or their attorneys had never seen the PSI and in many cases disagree with entries in the PSI after they have been sentenced. Thus, if it were a matter of record, such claims could be put to rest.

Officers will note that Nevada Revised Statutes indicate the Judge shall give the defense and his client an opportunity to review the PSI and make their claims as to false entries at the time of sentencing.

PRESENTENCE INVESTIGATION UNIT SUPERVISOR'S RESPONSIBILITIES

The unit supervisor is directly responsible for the entire content of presentence reports, and shall, at all times be aware of all aspects of such reports, and those other specific duties discussed throughout this manual.

Such areas as county jail credits, flow of presentence reports, correct Nevada Revised Statutes charged and general application of rules governing the production of presentence reports, shall be the sole responsibility of unit supervisors.

Assignment of presentence reports is the duty of the Unit Supervisor or District Supervisor in the smaller districts. This person is responsible for reviewing cases prior to assignment, making a determination as to whom should do the particular investigation. Should this duty be delegated to another, the final responsibility is that of the Supervisor.

No officer may trade reports with another, solicit more reports from another or have another do their assigned report. To do so without supervisory knowledge and consent will result in severe departmental sanction.

Supervisors must insure that staff is assigned and available for all court duty. Should there be an overflow of courts or reports, coordination with supervisors of other units to insure coverage is required. NO officer may request a continuance. To do so will result in severe departmental sanction. All requests for continuances must be approved by a Unit or District Supervisor prior to the sentencing hearing.

Staffing of recommendations is to be done as outlined in the manual and it is incumbent upon the supervisor to see that it is done.

COUNTY JAIL CREDITS

Why does this area of presentence reporting cause so much difficulty? The answer is rather simple in most cases. A Nevada parolee incarcerated in county jail is not eligible to receive credit for time served in connection with a new offense. The person is already receiving credit for time served on his original sentence.

Unit supervisors shall always check the areas of county jail credits very carefully.

SUPERVISION OF UNIT SYSTEMS AND QUALITY CONTROL OF REPORTS

It is the responsibility of the Unit Supervisor to insure that all cases referred are logged, assigned, written, approved, critiqued, and finally produced and distributed as required. The specific systems utilized within the Unit, even though often delegated to a Senior Officer or other court services officer, continue to remain the specific responsibility of the Unit Supervisor. This includes the recording of calendaring sentencings, recording dispositions, and tracking continuances, etc.

The review of reports, including the staffing procedure, is the ultimate responsibility of the Unit Supervisor, although often delegated to staff. It is up to that supervisor to insure that problem areas in report writing are identified for each officer, and to take remedial action to correct any problem areas. Training is therefore the responsibility of the supervisor as well. All reports must meet the Departmental Standards.

FLOW OF PRESENTENCE REPORTS

To eliminate to a great extent the continuance of sentencings at defense counsel's request, the unit supervisors shall immediately cause copies of presentence reports to be in the hands of the Court, defense counsel, prosecuting attorney's and Central Office three (3) or more working days prior to sentencing.

This may at first sound unreasonable, however, in the long run could speed up the entire sentencing process, eliminating undue sentence continuances. A record of delivery dates shall be recorded.

VERIFYING AND CORRECTING NEVADA REVISED STATUTES

The unit supervisors shall verify, and if necessary correct the Nevada Revised Statute number appearing on presentence reports. This would have the effect of eliminating any illegal sentences handed down by the Court.

Central Office has discovered a few illegal sentencings. They do occur, and of course must be corrected as soon as possible.

Although very few, most illegal sentencings have occurred because the crime itself was perpetrated prior to enactment of current Nevada Revised Statutes. The sentence itself should conform with the Nevada Revised Statute in effect at the time of the offense.

Unit supervisors shall, therefore, check these areas with diligence, making certain that recommended sentences shall be in conformity with the actual Statute as charged in the information.

The above does not apply to Districts I, III and V inasmuch as there are no PSI unit supervisors in those districts. However, District Supervisors are urged to follow those areas when applicable.

OFFENDER CHARACTERISTICS AND RISK FACTOR TABLE

The form illustrated on the next page is to be used in all cases. The computation derived therefrom is to be used in making specific year recommendations for prison sentences, whether straight or suspended.

The actual table which follows contains a selection of crimes and sentence ranges. The table will be revised regularly to reflect new legislation and current trends in sentencing.

Writers are to determine from the Offender Characteristics form the level of Risk. On the table, under each level of risk will be found a range of sentences, ie. 24(36)48. The middle range is to be used in the recommendation. To use the lower number, sufficient mitigants must be listed in the evaluation. Conversely, sufficient aggravants must be shown to use the higher figure.

Should a writer determine it is appropriate to recommend in excess of or less than departmental guidelines, a memo so justifying this deviation must be attached to the front of Central's copy of the report. Justification must be mitigants or aggravants other than those factors addressed in the Offender Characteristics form.

DEPARTMENT OF PAROLE AND PROBATION

OFFENDER CHARACTERISTICS AND RISK FACTOR TABLE

| | <u>LOW</u> | <u>MODERATE</u> | <u>HIGH</u> | <u>VERY HIGH</u> |
|--|------------|-----------------|-------------|------------------|
| | 10-8 | 7-6 | 5-4 | 3-0 |
| OFFENDER'S NAME: _____ | | | | CASE NO. _____ |
| 1. No Prior Convictions..... | | | | 2 |
| One Prior Misdemeanor Conviction..... | | | | 1.5 |
| One Prior Felony Conviction..... | | | | 1.0 |
| Two or more convictions (Combined felony and/or misdemeanor, exclusive of traffic)..... | | | | 0.0 |
| 2. No Prior incarcerations..... | | | | 2.0 |
| No Prior jail sentence (min. 6 mos.)..... | | | | 1.5 |
| One Prior Prison sentence..... | | | | 1.0 |
| Two or more jail sentences (minimum 6 mos.)..... | | | | 0.5 |
| Two or more prison sentences..... | | | | 0.0 |
| (a) If previously incarcerated in Prison, offender has remained in community for three or more years crime free..... | | | | 1.0 |
| Otherwise..... | | | | 0 |
| 3. Age at first commitment - 18 years..... | | | | |
| or older = 1 point | | | | |
| Otherwise = 0 | | | | |
| 4. Offense did not involve personal injury to..... | | | | |
| victim = 1 point | | | | |
| Otherwise = 0 | | | | |
| 5. Offense did not involve use of a weapon = 1 point | | | | |
| Otherwise = 0 | | | | |
| 6. verified employment (or full time school..... | | | | |
| attendance) for a total of at least six months | | | | |
| during the year immediately preceding offense | | | | |
| = 1 point | | | | |
| Otherwise = 0 | | | | |
| 7. Offender has not been previously convicted..... | | | | |
| of same offense = 1 point | | | | |
| Otherwise = 0 | | | | |
| 8. Never had parole or probation revoked..... | | | | |
| or been committed for new offense while on | | | | |
| probation or parole = 1 point | | | | |
| Otherwise = 0 | | | | |

| OFFENSE BEHAVIOR | OFFENDER CHARACTERISTICS RISK FACTOR: | | | | |
|---|--|----------|----------|----------|-----------|
| | MODERATE SEVERITY | LOW | MODERATE | HIGH | VERY HIGH |
| Accessory to a Felony | 1-5 | 12(18)24 | 18(30)36 | 24(36)48 | 36(48)60 |
| Bigamy | 1-6 | 12(18)24 | 18(30)36 | 24(42)60 | 36(54)72 |
| Concealed Weapon | 1-6 | 12(18)24 | 18(30)36 | 24(42)60 | 36(54)72 |
| Controlled Substance: Possession (value less \$500) | 1-6 | 12(18)24 | 18(30)36 | 24(42)60 | 36(54)72 |
| Controlled Substance or Narcotics: Sales (by dependent user to support own habit-value less than \$500) | 1-20 | 12(24)30 | 24(36)48 | 36(54)72 | 60(78)96 |
| Counterfeiting (value less than \$10,000) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Credit Card (value less than \$2,500) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Defrauding Innkeeper | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Falsifying Evidence | 1-10 | 12(24)42 | 18(30)42 | 36(48)60 | 48(66)84 |
| Felony Non-Support | 1-6 | 12(18)24 | 18(30)36 | 24(42)60 | 36(54)72 |
| Embezzlement (less than \$10,000) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |

| MODERATE SEVERITY | LOW | MODERATE | HIGH | VERY HIGH | |
|---|------|----------|----------|-----------|-----------|
| Forgery (less than \$2,500) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Gambling Fraud (less than \$1,000) | 1-6 | 12(18)24 | 18(30)36 | 24(42)60 | 36(54)72 |
| Burglary (less than \$2,500) | 1-10 | 12(24)30 | 18(30)42 | 24(42)60 | 48(66)84 |
| Grand Larceny (less than \$5,000) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Pandering (without force) | 1-6 | 12(18)24 | 18(30)36 | 24(36)48 | 36(48)60 |
| Statutory Rape | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Stock Fraud (less than \$10,000) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Stolen Property Possession/Receipt/Transfer (value less than \$5,000) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| Theft of Livestock (value less than \$5,000) | 1-10 | 12(24)30 | 18(30)42 | 36(48)60 | 48(66)84 |
| ***** | | | | | |
| HIGH SEVERITY | | | | | |
| Abortion | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |
| Aiding or Concealing Escaped Prisoner | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |

| HIGH SEVERITY | | LOW | MODERATE | HIGH | VERY HIGH |
|--|------|----------|----------|-----------|------------|
| Annoyance or Molestation of Minor Child Under 18 | 1-6 | 24(30)36 | 30(36)48 | 36(48)60 | 42(60)72 |
| Bomb Threats | 1-6 | 18(24)30 | 24(36)42 | 30(42)54 | 36(54)72 |
| Bribing Public Officials | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |
| Bribing Witness | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |
| Soliciting Bribes | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |
| Burglary (value exceeds \$2,500) | 1-10 | 36(42)48 | 42(54)72 | 48(72)96 | 60(90)120 |
| Controlled Substance Possession (value exceeds \$500) | 1-6 | 36(42)48 | 42(48)60 | 48(60)66 | 54(66)72 |
| Controlled Substance: Sales (value more than \$500, less than \$2,500) Non-addicting drugs | 1-20 | 24(48)60 | 36(50)84 | 48(84)120 | 60(120)180 |
| Counterfeiting (value exceeds \$10,000) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Credit Card (value exceeds \$2,500) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Gross or Open Lewdness | 1-6 | 12(18)24 | 18(30)42 | 24(42)54 | 30(54)72 |

| HIGH SEVERITY | | LOW | MODERATE | HIGH | VERY HIGH |
|--|------|----------|-----------|-----------|------------|
| Indecent or Obscene Exposure | 1-6 | 12(18)24 | 18(30)42 | 24(42)54 | 30(54)72 |
| Incest | 1-6 | 18(30)36 | 24(36)42 | 30(48)54 | 36(54)72 |
| Larceny From A Person | 1-10 | 18(30)36 | 24(36)42 | 48(72)96 | 60(90)120 |
| Manufacture and Importation of Deadly Weapons | 1-6 | 18(24)30 | 24(36)42 | 30(48)54 | 36(54)72 |
| (If causes fatal injury) | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |
| Lewd with Minor Under 14 | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |
| Manslaughter Involuntary | 1-6 | 12(24)30 | 18(30)36 | 24(36)42 | 30(48)72 |
| Narcotics: Possession (by dependent user where value exceeds \$500) | 1-6 | 24(30)36 | 30(42)48 | 36(48)60 | 42(54)72 |
| Statutory Rape (defendant over 25) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Narcotics: Sales (by dependent user where value exceeds \$500). Addicting Hard Narcotics | 1-20 | 48(66)84 | 60(84)108 | 72(96)120 | 84(144)180 |

| HIGH SEVERITY | | LOW | MODERATE | HIGH | VERY HIGH |
|--|------|----------|-----------|-----------|------------|
| Narcotics: Sales (by non-user value less than \$500) | 1-20 | 48(66)84 | 60(84)108 | 72(96)120 | 84(144)180 |
| Embezzlement (value exceeds \$10,000) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Escape | 1-10 | 12(24)36 | 18(36)60 | 30(60)90 | 48(84)120 |
| Explosives: Manufacture/ Possession/Disposal | 1-6 | 18(24)30 | 24(36)42 | 30(42)54 | 36(54)72 |
| Explosives: Transportation for Illegal Purposes | 2-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Extortion | 1-10 | 24(36)48 | 36(54)72 | 48(72)96 | 60(90)120 |
| Forgery (value exceeds \$2,500) | 1-10 | 36(42)48 | 42(60)72 | 60(78)96 | 60(90)120 |
| False Fire Alarms (where death or great bodily harm ensues) | 1-5 | 18(24)30 | 24(36)42 | 30(48)54 | 36(48)60 |
| Furnishing Narcotics/ Intoxicants/Controlled Substance to Prisoners | 1-20 | 24(42)60 | 36(60)84 | 48(84)120 | 60(144)240 |
| Ex-Felon in Possession of a Firearm (previous conviction for crimes other than crime against person) | 1-6 | 12(18)24 | 18(24)30 | 24(30)36 | 30(42)48 |

| | | | | | |
|--|------|----------|-----------|------------|------------|
| Gambling Fraud (value exceeds \$1,000) | 1-6 | 24(30)36 | 30(42)48 | 36(48)60 | 42(54)72 |
| Grand Larceny (value exceeds \$5,000) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Pandering (with force) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Perjury | 1-10 | 18(30)36 | 30(42)54 | 48(66)84 | 60(90)120 |
| Robbery (no weapon) | 1-15 | 18(30)36 | 30(48)60 | 42(66)84 | 54(78)96 |
| Setting Spring Gun or other Deadly Weapon (if causes fatal injury) | 1-10 | 48(60)70 | 60(78)96 | 72(90)108 | 84(102)114 |
| Stock Fraud (value exceeds \$10,000) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Stolen Property: Possession/Receipt/ Transfer (value exceeds \$5,000) | 1-10 | 36(42)48 | 42(54)72 | 60(78)96 | 72(96)120 |
| Arson, 1st Degree | 1-15 | 60(78)96 | 72(96)120 | 84(120)144 | 96(144)180 |
| Assault (aggravated) | 2-10 | 48(60)72 | 60(78)96 | 72(90)108 | 84(108)120 |
| Battery | 2-10 | 48(60)72 | 60(78)96 | 72(90)108 | 84(108)120 |

HIGH SEVERITY

| | LOW | MODERATE | HIGH | VERY HIGH |
|--------------------------|------|----------|-----------|-----------------------|
| Robbery (with weapon) | 1-15 | 48(66)84 | 60(84)108 | 72(108)144 84(144)180 |

| | | | | |
|--------|------|----------|----------|----------------------|
| Mayhem | 1-10 | 48(60)72 | 60(78)96 | 72(90)108 84(102)120 |
|--------|------|----------|----------|----------------------|

Controlled Substance:

Sales (where value exceeds \$2,5000)

| | | | | | |
|---------------|---------|--------------|--------------|--------------|----------|
| Non-addictive | 1-20-96 | (108)120-108 | (120)144-120 | (144)180-144 | (192)240 |
|---------------|---------|--------------|--------------|--------------|----------|

Ex-Felon in Possession of Firearm
(where previously convicted of crimes against person)

| | | | | | |
|--|-----|----------|----------|----------|----------|
| | 1-6 | 36(42)48 | 42(54)60 | 48(60)66 | 54(66)72 |
|--|-----|----------|----------|----------|----------|

Manslaughter Voluntary

| | | | | | |
|--|------|----------|----------|-----------|------------|
| | 1-10 | 48(60)72 | 60(78)96 | 72(90)108 | 84(102)120 |
|--|------|----------|----------|-----------|------------|

Narcotics: Sales
(where by non-user and value exceeds \$500)

| | | | | | |
|-----------|---------|--------------|--------------|--------------|----------|
| Addictive | 1-20-96 | (108)120-108 | (120)144-120 | (144)180-144 | (192)240 |
|-----------|---------|--------------|--------------|--------------|----------|

CHECKLIST UPON RECEIVING CASE

FORM LETTERS, TELETYPES, TELEPHONE CALLS

METHOD USE

| NEED | DATE COMMUNICATED | FORM | TT | T/C | INTER |
|--------------------------|-------------------|--|-------|-------|-------|
| <input type="checkbox"/> | _____ | FBI | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | CII | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | SCOPE | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | OTHER ARREST OR DISPO. | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | OTHER AGENCIES (LOCAL, NDIN, DEA, GAMING) | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | DMV RECORD | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | VICTIM CONTACT | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | RESTITUTION | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | EMPLOYMENT (PAST AND PRESENT) | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | MILITARY | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | DRUG & ALCOHOL | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | MEDICAL RECORDS | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | FAMILY AND/OR SPOUSE | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | OTHER CONTACTS | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | INFORMATION FROM DISTRICT ATTORNEY FILE OR POLICE DEPARTMENT | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | INFORMATION OR INDICTMENT SHEET | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | ARREST REPORT (INSTANT OFFENSE) | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | PLEA BARGAIN DATA | _____ | _____ | _____ |
| <input type="checkbox"/> | _____ | CRIMINAL COMPLAINT | _____ | _____ | _____ |

726509

Please complete this questionnaire and bring it with you to the Investigation Unit, Adult Parole and Probation at _____ on the date set for your initial interview with this Department.

DELIBERATE FALSEHOOD OR MISREPRESENTATION MAY JEOPARDIZE YOUR CASE.

All questions you may have will be discussed during interview. Fill in each section as completely as possible. (Additional information may be included on attached sheets.) Bring documents to interview, including wage stubs, school records, military discharge, last income tax record, and marriage/divorce papers.

I

SOCIAL HISTORY

A. FAMILY:

1. Your full name: _____

1a. Address: _____

2. Social Security Number: _____

2a. Telephone Number: _____

2b. With whom do you live and what is the relationship? _____

3. City and State of birth: _____

4. Date of birth: _____

5. Natural father's name: _____

6. Natural mother's (maiden) name: _____

6a. Other Guardianships; list step-parents or foster parents _____

7. Name your brothers and sisters in order of their births, and indicate their present age, occupation, marital status, address, and telephone number:

| | FULL NAME | AGE | OCCUPATION | MARRIED | ADDRESS | PHONE NO. |
|-----|-----------|-------|------------|---------|---------|-----------|
| (1) | _____ | _____ | _____ | _____ | _____ | _____ |
| (2) | _____ | _____ | _____ | _____ | _____ | _____ |
| (3) | _____ | _____ | _____ | _____ | _____ | _____ |

A. FAMILY (continued)

(4) _____

(5) _____

(Add other siblings on additional sheets if necessary)

8. Your father: Present age: _____

His present address: _____

Present job or profession: _____

Telephone Number: _____

Educational Level: _____

Other information (death, current illness, etc.): _____

9. Your mother: Current Name: _____

Present age: _____

Telephone Number: _____

Her present address: _____

Present job or profession: _____

Educational Level: _____

Other information (death, current illness, etc.): _____

10. Home Life: Describe your feelings about your childhood at home and how you got along with your family, step-parents or foster parents then and now:

B. MILITARY
(Furnish a DD214 if Discharged from Military)

1. Have you served in the military? _____

2. Branch: _____

3. Dates of service, from _____ to _____

B. MILITARY (continued)

- 4. Type of discharge: _____
- 5. List your military duties (jobs) and locations of duty assignments: _____

Specialized training or education: _____

- 6. Have you ever received disciplinary action? _____
If yes, explain the reason _____

7. Military Service Number: _____

C. MARITAL

- 1. How many marriages have you had? _____

1a. Number of children: _____

- 2. Present marriage (of last marriage):

Spouse's full (maiden) name: _____

His/her present age: _____

- 3. Date of marriage: _____

Date of divorce: _____

List children born to this marriage, indicate their present age, and with whom they live:

| | FULL NAME | AGE | WITH WHOM THEY LIVE |
|-----|-----------|-------|---------------------|
| (1) | _____ | _____ | _____ |
| (2) | _____ | _____ | _____ |
| (3) | _____ | _____ | _____ |
| (4) | _____ | _____ | _____ |

(Use additional sheets if necessary)

- 4. Describe how successful you feel this marriage is so far: _____

C. MARITAL (continued)

- 5. List previous spouses and date of marriage: _____

- 6. List children born of other marriages and/or other dependents:

| | NAME | AGE | RELATIONSHIP | LEGALLY ADOPTED |
|-----|-------|-------|--------------|-----------------|
| (1) | _____ | _____ | _____ | _____ |
| (2) | _____ | _____ | _____ | _____ |
| (3) | _____ | _____ | _____ | _____ |
| (4) | _____ | _____ | _____ | _____ |

- 7. Are you paying child support? (Bring documents) _____

- 8. Have you ever or are you now living with a girl or boyfriend? _____

Give details of this union (length, any children, future plans, etc.): _____

D. MEDICAL

- 1. Have you any serious, chronic or disabling medical problems at this time? _____ Explain: _____

1a. HT: _____ WT: _____ HAIR: _____ EYES: _____

Distinguishing marks, scars and tattoos: _____ Explain: _____

- 1b. Name and address of your doctor: _____

- 2. List any medication you are currently taking: _____

- 3. Have you ever been involved in Mental Health Counseling or in a Mental Institution? _____

- 4. Has alcohol ever been a problem to you? _____ Explain how long you have been drinking and to what extent: _____

D. MEDICAL (continued)

5. Have you ever had any alcohol related arrests. Explain how many, and circumstances: _____

6. Have narcotics ever been a problem to you? _____
Explain how often and what type of drugs, if any, you have used: _____

7. Have you ever been arrested on a drug charge? _____
Tell about it, date, location and results: _____

8. How recent have you used drugs? _____

9. Have you ever participated in a substance abuse program? _____
Explain: _____

E. EDUCATION

1. Highest grade you completed: _____

2. Name and location of the high school you attended: _____

3. How did you like school? _____

4. What kind of grades did you get? _____

5. Do you have a high school diploma, GED, or vocational certificate? _____
From where? _____

6. Date of graduation: _____

7. If you did not finish, why not? _____

8. Did you ever go to college? _____ Give details: _____

E. EDUCATION (continued)

9. Have you had any other training? _____ Give details: _____

F. RESIDENCE

1. Present or last street address: _____

2. City and State: _____

3. Telephone Number: _____

4. Dates: From _____ To Present

List all previous addresses over past 5 years.

| | EXACT STREET ADDRESS | CITY AND STATE | DATES (FROM-TO) |
|-----|----------------------|----------------|-----------------|
| (1) | _____ | _____ | _____ TO _____ |
| (2) | _____ | _____ | _____ TO _____ |
| (3) | _____ | _____ | _____ TO _____ |
| (4) | _____ | _____ | _____ TO _____ |
| (5) | _____ | _____ | _____ TO _____ |

(Use additional sheets if necessary)

5. When did you first come to Nevada? _____

6. Why did you come to Nevada? _____

7. What other States and Cities have you lived in? When? _____

II
ECONOMIC STATUS

| SOURCE OF INCOME | PAY DAY | DEPENDENTS | GROSS | DEDUCTION WHAT FOR | AMT | NET PAY |
|--|---------|------------|-------|--------------------|-----|---------|
| Take home pay from regular job, UIB or NIC, etc. | : | : | : | : | : | : |
| From extra job | : | : | : | : | : | : |
| From Spouse's income | : | : | : | : | : | : |
| From others in family | : | : | : | : | : | : |
| From other income | : | : | : | : | : | : |
| TOTAL | : | : | : | : | : | : |

EXPENSES

COMMENTS

| | | |
|-------------------------|---|---|
| Telephone | : | : |
| Television | : | : |
| Gas and Lights | : | : |
| Insurance | : | : |
| : Automobile | : | : |
| : health | : | : |
| : Life | : | : |
| : Other | : | : |
| Union Dues | : | : |
| Food | : | : |
| Clothing | : | : |
| Cleaning and Laundry | : | : |
| Water | : | : |
| Gas and Oil | : | : |
| Rent or House Payment | : | : |
| Miscellaneous (Specify) | : | : |
| | : | : |
| | : | : |
| TOTAL | : | : |

A. ASSETS

1. Bank Account: Name/Location Type Amount

2. Own Real Estate, houses, vacation cabin or condominium, and property? Explain where and list value and equity.

4. Vehicles (autos, trucks, motorcycles, boats, trailers, etc.)

| YEAR | MODEL | MAKE | COLOR | LIC. # | LEGAL OWNER | ISSUED BY |
|------|-------|------|-------|--------|-------------|-----------|
| | | | | | | |
| | | | | | | |

5. Do you own stocks, bonds or negotiable instruments? If yes, list type and value.

6. Do you own any personal property valued at \$500 or more? (Furniture, stereo, furs, jewels, tools, weapons) If so, list

7. What was your last year's total income including spouse's income?

D. EMPLOYMENT

1. Present or most recent place of employment or source of income.

2. Telephone Number:

3. Type of duties:

4. Date you started this job:

IDENTIFYING INFORMATION

JESSE EUGENE JAMES

CII NUMBER: A 06219950
FBI NUMBER: 747 025 J1
POLICE JACKET NUMBER: 6493 C (MINERAL COUNTY SHERIFF'S OFFICE)
ARREST REPORT DR NUMBER: C79-109 (HAWTHORNE POLICE DEPARTMENT)
DATE ARRESTED: October 6, 1979
ORIGINAL CHARGE: Count I: Attempted Murder
Count II: Grand Larceny

FINGERPRINT CLASSIFICATION: 0 25 - MIM 12 (FBI)
M 25 U 001 12

DOB: October 3, 1953 **AGE:** 26
POB: City and State: Placerville, California
RACE: WMA
HEIGHT: 5'10"
WEIGHT: 145 pounds
HAIR: Red
EYES: Brown
SCARS, MARKS, TATTOOS: TATTOO: Ribbon with "Hope" and 1973 L.
SCARS: Circular approximately 2" inside R.F.A.; three scars approximately 2" on left wrist (verified)

ALIAS: Joseph Eugene James; Jessie Eugene Jones
JAIL TIME: One Hundred Thirty-Nine (139 Days 10/6/79 to 12/25/79 and 1/1/80 to 2/29 (12/25/79 to 1/1/80 escaped and free in community)

PRIOR RECORD

From Official Records available, the Department interprets as follows:
Number of prior adult arrests.....7

Number of prior convictions: Felony.....1 Misdemeanor.....2 Total.....3

Number of adult probations.....0 Completed.....0 Failure.....0 Current.....0

Number of prior jail sentences.....2

Number of prior prison sentences.....1

Number of prior paroles.....1 Completed.....0 Failure.....0 Current.....1

PRESENTENCE REPORT
JESSE EUGENE JAMES
Criminal Case No. 4680

| <u>Juvenile Offense Date</u> | <u>Offense</u> | <u>Disposition</u> |
|--|---|--|
| 6/5/66 Placerville PD California | Burglary (entered neighbor's residence, took guns) | 7/15/66 Committed to Preston School for Boys - 7/15/67 Released to custody of mother |
| 8/19/67 Placerville PD California | Affray (fight with another youth) | Counseled and released |
| 9/20/67 Placerville PD California | Auto Theft (took mother's car, abandoned in Sacramento, Calif.) | 10/4/67 Placed on formal probation |
| 11/10/67 Placerville PD California | Affray (Fight with another youth) | Released to mother probation continued |
| 3/16/68 Placerville PD California | Assault & Battery Fight with another youth during which he was in possession of, and used bicycle chain. Victim admitted to hospital with numerous lacerations) | 3/20/68 - continued probation |
| 5/12/70 Sacramento SO California | Possession of Marijuana (less than 1 ounce found in vehicle occupied by two other youths and himself) | 5/30/80 - continued probation |

In addition to the above, the defendant was referred to juvenile authorities on a number of occasions for typically juvenile offenses such as, Running Away From Home, Truancy and Violation of Curfew. His juvenile probation was terminated on October 3, 1971 when he reached age eighteen.

| <u>Adult Offense Date</u> | <u>Offense</u> | <u>Disposition</u> |
|--|---|--|
| 6/15/73 Coos Bay PD, Oregon | Theft, 2nd Degree (took butcher knife from hardware store without paying) | 6/17/73 PG - 30 days county jail |
| 10/1/73 Sacramento SO California | Auto Theft (took auto from used car lot - arrested same date - released own recognizance) | 1/22/74 - dismissed in interest of justice (see narrative) |

PRESENTENCE REPORT
JESSE EUGENE JAMES
Criminal Case No. 4630

Page 4

| <u>Adult Offense Date</u> | <u>Offense</u> | <u>Disposition</u> |
|---|--|--|
| 11/20/73 Coquille SO, Oregon | Robbery, Two Counts (with .25 caliber pistol, robbed a supermarket and motel) | 1/22/74 PG - 5 years & 5 years concurrent in State Prison 3/1/78 paroled |
| 2/4/76 State Prison Salem, Oregon | Assault, 3rd Degree (assaulted prison guard with fists) | 2/10/76 PG 6 months consecutive |
| 3/6/78 LeGrand PD, Oregon | Assault, 3rd Degree (fistfight with two other men) | 3/7/78 Released no charges filed (see narrative) |
| 10/6/79 Bridgeport SO California | Fugitive; Attempted Murder; Grand Larceny | Present Offense |

In addition to the above, the applicant was arrested in Santa Rosa, California two times in 1972 for Disturbing the Peace. Dispositions are unknown. Criminal record information is attached.

SUPPLEMENTAL RECORD DATA NARRATIVE

Relative to the robbery arrest of November 20, 1973, official records indicate the victims of the supermarket and motel robberies gave statements to the police indicating the subject's manner was calm and deliberate during the robbery and further, he brandished a .25 caliber automatic pistol, threatening to kill the victims if they failed to comply with his demands.

Five days after the subject was released on parole, on March 6, 1978, the subject resumed assaultive behavior when he and an associate went to the residence of two brothers and physically attacked them in their own front yard. Injuries to the two victims included small lacerations and bruises. After the subject's arrest, he gave a statement to police that the victims had previously assaulted his friend (co-defendant in this case, Bob Dalton). The victims of the assault refused to sign a complaint and Mr. James was released from custody.

INSTITUTIONAL ADJUSTMENT:

While confined to the Oregon State Prison, Mr. James made a poor adjustment. He failed to take advantage of any positive programming as offered in academics and vocations, and official records indicate he sustained eighteen disciplinary actions. Major rules violations included three for Assault, four for Disrespect to Staff, Disobedience of a Director and Destruction of Property. Due to above infractions, he lost 608 days of statutory (good) time. One of the more serious infractions involved subject attacking a guard with fists as the guard was attempting to take another into custody for holding contraband. The guard was not seriously injured; however, he suffered facial lacerations and bruises.

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PAROLE ADJUSTMENT:

The defendant's Oregon Parole Officer provided information to the effect that subject's attitude toward parole supervision was poor, although he did manage to avoid serious difficulty with the law prior to his arrest for the instant offense. The defendant was negligent in reporting, failed to keep mental health counseling appointments, and worked only sporadically. On January 14, 1979, an Oregon Retake Warrant was issued. At that time James was a parole absconder. Oregon indicates they will take no further action pending final disposition of the instant offense.

PLEA BARGAINING:

A Memorandum of Plea Bargain filed on January 17, 1980, indicates that in consideration of the defendant's pleas of guilty to both counts of the Amended Information, the original charges of Attempted Murder and Grand Larceny will not be pursued. Additionally, there will be no complaint filed charging him with Escape, and the District Attorney will recommend that any sentence imposed be served concurrently.

OFFENSE REPORT:

The following information was obtained from records of the Hawthorne, Nevada Police Department, the California Highway Patrol, and Preliminary Hearing Transcripts.

At approximately 11:10 p.m. on October 5, 1979, officers of the Hawthorne, Nevada Police Department were dispatched to the Hawthorne Hotel in response to an Assault Report. Officers learned from the victim, a 56 year old woman (proprietor of the hotel), earlier in the evening she had rented a room to two young men, subsequently identified as the defendant and co-defendant, Bob Dalton. The subjects registered under the fictitious names of Joseph James and Bob Brown and attempted to pay for the room with Mexican currency. The victim told the subjects she could not accept the foreign currency, but agreed to hold the money as security for the room until the following day when it might be exchanged for American money.

At approximately 11:00 p.m. the men went to the victim's room requesting to use the telephone. When she refused, James reached through the partially opened room door, grabbed her robe and stabbed at her face with a small knife. The subjects then forced the door open, knocking the victim to the floor, at which time James threatened to kill her. When the victim screamed for help, the subjects fled through a window upon the approach of two other hotel guests.

OFFENSE REPORT - continued

At approximately 9:00 a.m. on October 6, 1979, an officer of the California Highway Patrol in Bridgeport, California observed a vehicle which had been reported stolen the previous night. The vehicle was parked at a service station, and the station attendant indicated the subjects that had been driving the car were in a nearby restaurant. The patrolman, joined by local police officers, took the defendant and Bob Dalton into custody without incident.

Both men waived extradition and were returned to Hawthorne, Nevada on October 8, 1979.

Co-defendant, Bob Dalton, entered a plea of guilty to Conspiracy to Commit Grand Larceny, a gross misdemeanor.

SUPPLEMENTAL INFORMATION:

On December 25, 1979 the defendant and co-offender escaped from Mineral County Jail through an overhead vent in the shower. They were subsequently recaptured on January 1, 1980, after Dalton was recognized by a Hawthorne police officer as he walked from a downtown market. Dalton indicated the defendant, James, was staying with a woman they had met in Babbitt, Nevada. Dalton accompanied officers to the woman's residence where James was taken into custody without incident. The woman, identified as Lucial Luse, was not aware the subjects were fugitives, and was not arrested.

VICTIM INFORMATION:

The victim of the assault was transported by ambulance to the Mount Grant General Hospital where she was treated for multiple lacerations which had been inflicted with a knife wielded by the defendant. Twenty-seven sutures were required to close wounds. She was released from the hospital the same date. The victim has indicated she is recovering satisfactorily and has experienced no negative residual psychological effects. She expressed her opinion the co-offender, Dalton, seemed to be a follower who took no active part in the offense, but further indicated the defendant was "cold-blooded and vicious" and he should be confined for a significant period of time.

RESTITUTION:

The assault victim was insured by Aetna Insurance Company and that company has provided documentation of payment of medical expenses totalling \$495. There was a \$50 deductible which has been paid by the victim. Total medical expenses were \$545.

The victim of the auto theft furnished a written account of \$230 expenses incurred in retrieving his vehicle; and extradition costs of \$350 accrued to the Hawthorne, Nevada Police Department. Additionally, repair of damage to the county jail inflicted during the escape totals \$200.

Should restitution be considered, it should be in the amount of \$1,325.

DEFENDANT'S STATEMENT:

Mr. James was interviewed at the Mineral County Jail on January 28, 1980, at which time he provided a written statement which has been copied and attached to this report.

Substantially, Mr. James indicates the whole affair was spontaneous over-reaction brought on by his own panic. He states he did not intend to hurt the victim and minimizes the incident by stating, ". . . what she got on her was a few cuts. I think they took her to the hospital, put a little iodine on her and sent her home. That's all, it wasn't that serious.

During a second interview conducted February 5, 1980, James indicated while on parole in the State of Oregon, he was unable to keep a job because his employers eventually found out he was an "ex-con" and he would be fired. He absconded parole supervision, went to Mexico with Bob Dalton, and intended to remain there, but became disenchanted with the poor economic conditions and decided to return to Oregon to "face the music".

As perceived by this writer, the defendant was less than candid and made every effort to minimize the offense.

CO-OFFENDER'S STATEMENT:

Mr. Bob Dalton related essentially the same information as above, but did not minimize the offense and even stated it was the defendant's intent to rob the victim. Dalton related he offer no objection to the defendant's plan because he was afraid and several times made reference to the defendant's "bad temper" and propensity for violence.

SOCIAL HISTORY:

The following is as related by the defendant and is unverified unless otherwise indicated.

Jesse Eugene James was born in Placerville, California on October 3, 1953, the first of three children born to Terry and Mary James. According to the defendant and as substantiated by his mother, the subject was raised in an economically poor family environment dominated by an abusive father. Mrs. James reports that in 1959, when the defendant was five, he witnessed his father physically abuse the subject's five year old sister, causing her death. Several years later, when authorities were investigating the abuse of another sister, the foregoing was brought to light and the father was arrested and convicted of Child Abuse and Manslaughter.

Following his father's arrest, his parents were divorced and he and his sister placed in foster homes. The subject was returned to his mother's custody when he was fifteen and, subsequently, experienced extensive serious misconduct leading juvenile authorities to return him to foster homes. The defendant's mother stated she and her son did not enjoy a close relationship and he is not welcome to return to her home.

SOCIAL HISTORY - continued

Father: Terry Delmar James, 46, was granted probation for the above offense in California, but has reportedly absconded and his whereabouts are unknown.

Mother: Mary Ann James, nee Arms, 44 lives at 2605 State Street, Salem, Oregon. She has never remarried and maintains employment as a production worker.

Siblings: Shirley Ann James, 24, has not maintained contact with any family members and her whereabouts are unknown. Linda Fay James died from injuries caused by her father in 1959 at age 5 months.

Marital: The defendant has been married one time. On May 16, 1978, he married the former Bonnie Jean Parker, then age 23, in Salem, Oregon. One child issued. Clyde Eugene James, 11 months, lives with the mother at 109 West First Street in Salem, Oregon. The subject reported the marriage as stable; however, his wife indicates otherwise, noting the defendant is physically abusive and fails to accept any responsibility. She states that reconciliation is impossible and she has filed for divorce. He pays no child support.

Military: James states he enlisted in the United States Army in January of 1973 and was sent to Fort Ord, California for basic training. Prior to completing basic training he went A.W.O.L. due to a dispute with a sergeant. Official military records are available, but institutional records from the Oregon State Prison indicate on March 6, 1974, the subject received a Bad Conduct Discharge by reason of his commitment to that institution.

Health: Mr. James has never sustained seriously debilitating injury or illness. He has, however, had emotional problems as reflected by records of Oregon State Prison. While in that institution, on one occasion he was placed in the Psychiatric Security Unit due to repeated wrist or arm lacerations, but he was not seen as having a major mental disorder and it was noted that, "past records indicate he is recognized as a pathological liar and will often feign mental illness if he believes it to be to his advantage. . ."

Narcotics: Mr. James refutes the use of illicit narcotics but in Dr. Freud's report of December, 1979, at the direction of the court, it is noted James stated he had used marijuana, amphetamines, cocaine, dexedrine, and LSD. Institutional reports also indicate a history of drug abuse although there was no verification of addiction.

Alcohol: Non-problematic.

Education: The defendant last attended public school during his tenth grade at El Dorado High School in Placerville, California. He states he withdrew due to "lack of interest". Official school records indicate failing grades, although testing indicates the subject is well within the normal range of intelligence. His average level of achievement is fifth grade. Mr. James has no further academic or vocational training.

SOCIAL HISTORY - continued

Religion: The defendant indicated he was baptized a Roman Catholic, but over the years has not been active with his faith. Father O'Toole from the Catholic Church in Hawthorne, Nevada has visited the subject in jail at the subject's request. Father O'Toole was contacted by this writer and indicated Mr. James' motivation and/or sincerity tended to be suspect.

Residence: The defendant was raised primarily in the Placerville, California area where much of his time was spent in various foster homes.

From March, 1973, until November, 1973, the subject states he was "on the run" traveling between Northern California and Oregon.

He was confined to the Oregon State Prison at Salem, Oregon from January, 1974, until March, 1978. March of 1978 to May of 1978 was spent with his mother at 2605 State Street in Salem, Oregon and from May, 1978, to July, 1978, he lived with his wife at 109 West First Street in Salem, Oregon.

After absconding parole in November, 1978, the defendant lived in Tijuana, Mexico until September of 1979. He can furnish no specific address.

ECONOMIC STATUS:

Debts: Mr. James indicated he had no significantly outstanding debts. His wife, however, disputes that and provides the following: \$350 owing to Dial Finance Company in Salem, Oregon for a personal loan obtained in June, 1978, payable at \$20 per month (no payments since August, 1978); \$280 owing to Sears, Salem, Oregon, revolving charge account, payable at \$8 per month (no payment since August, 1978); \$8,650 owing on purchase of a 1978 GMC pickup, payable at \$175 per month. Payments are current and being paid by his wife who is in possession of the vehicle.

Assets: He lists as assets a \$40,000 equity in a two bedroom home located at 109 West First Street, Salem, Oregon and \$2,000 in a 1978 GMC pickup. This was again disputed by his wife who indicated she purchased the home prior to their marriage and the current retail value of the vehicle is less than the balance owed.

Vehicles: The defendant and his wife are registered owners of a 1978 GMC half-ton pickup, blue, bearing Oregon license ORG547.

Employment: Mr. James lists employment as follows:

| Date | Employer | Job |
|---------------------|---|--|
| 10/2/78 to 11/12/78 | Triangle Lumber Yard 415 S.E. Timber Way Salem, Oregon | Laborer Terminated for failure to repor |
| 7/20/78 to 9/10/78 | Warehouse Storage Packs 1082 Storage Street Salem, Oregon | Warehouseman Fired over physical alter- cation with |

ECONOMIC STATUS - continued

| Date | Employer | Job |
|------------------|--|--|
| 3/5/78 to 5/1/78 | Elliott's Cafe 311 Main Street La Grande, Oregon | Cook's Helper Quit because he "did not like women's work" |

Above employments are all verified and all three former employers characterized subject as an unsatisfactory employee who was too slow or too lazy and unable to get along with supervisors or fellow employees.

Mr. James further stated prior to 1973 he worked as a store manager, a construction labor foreman and a sales executive. He was unable to provide the names or locations of these employers, or the dates of employment.

PLACEMENT PROGRAM:

The defendant offers no specific placement program, indicating only if he is granted probation he would like to remain in the Hawthorne area. He expresses interest in participating in a mental health program and in establishing and pursuing vocational goals.

Father O'Toole of the Hawthorne Catholic Church has confirmed if Mr. James is placed on probation, he will offer assistance and guidance. Through Father O'Toole's efforts, temporary residence has been offered by Mr. and Mrs. James Jones at 752 Front Street, Hawthorne. Mr. Jones has also offered employment as a service station attendant, paying \$3 per hour plus room and board.

The services of the State Department of Vocational Rehabilitation and Rural Clinics is also available in Hawthorne. These agencies have been contacted and have indicated interviews will be conducted upon subject's release from confinement.

EVALUATION:

The defendant is before the court having entered pleas of guilty to Battery with a Deadly Weapon and Attempted Robbery. By his own account, he also stole a vehicle and escaped from the county jail. In consideration of his pleas, he will not be charged with these offenses.

While his prior arrest record as an adult may not appear to be extensive, he was confined to a state prison for four of his eight adult years and a propensity for violence is clearly evident. He was referred to juvenile authorities three times for offenses involving physical violence, and as an adult he has been arrested four times for such offenses. On one occasion, he brandished a fully loaded pistol, and a knife was used in the commission of the instant offense.

EVALUATION - continued

He was abused as a child and it appears throughout his youth he was denied the advantage of a good family environment. While his learning ability is well within the normal range, he was a poor student academically and withdrew from school prior to receiving his high school diploma. He has completed no additional training and has no vocational skills. His employment history is brief and sporadic. He could no doubt benefit from a program of psychological counseling as well as assistance in establishing and pursuing vocational goals. What is disturbing, however, is he has been given these opportunities in the past and has not taken advantage of it. Now, faced with the possibility of confinement at the Nevada State Prison, he insists that he wants to change his lifestyle and he will accept help. Based on past performance, however, his sincerity must be highly suspect.

The defendant's criminal conduct appears to be impulsive rather than sophisticated or well planned. However, he not only has a history of violence and violence with a weapon, but also appears to have been a leader through at least covert intimidation. He made a poor institutional adjustment and his response to parole supervision was also considered poor. He displays little or no remorse for the victim who will bear physical scars for the rest of her life. Should he be released from confinement at this time, he would, in the opinion of the Probation Officer, represent a serious threat to the community.

Submitted,

By: Joseph B. Private, Officer

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RECOMMENDATION:

It is the recommendation of the Department of Parole and Probation that probation be denied and the defendant, JESSE EUGENE JAMES, be sentenced to a term of seven (7) years for Count I, and a term of seven (7) years for Count II, in the Nevada State Prison, such sentences to be served consecutively.

Respectfully submitted,
ROBERT H. CALDERONE, CHIEF

By: _____
Joseph B. Priver, Officer
Department of Parole and Probation
District V. Fallon, Nevada

REVIEWED:

Richard T. Lieutenant, Supervisor
Court Services Unit

I have read and approved
the foregoing report and
recommendation of the Parole
and Probation Officer.

Thomas R. Captain
District Supervisor

JRM/jf

END