

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	28-01-01	4
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	December 16, 2011	May 4, 2012
Authority/References KRS 61.876(1)(a), 196.030, 196.035, 196.075, 218A.275, 218A.276, 439.340(1), 439.470(2), 439.480(1) & (7), 439.510, 532.050(1) & (2), 533.010 P & P ACA 1B-01, 1B-03, 1B-08, 1B-10	Subject <b>PROBATION AND PAROLE INVESTIGATION REPORTS, CONFIDENTIALITY, TIMING, AND GENERAL COMMENTS</b>	

## I. DEFINITIONS

"Corroboration" means contacting a third party in an attempt to confirm that some statement or fact is true. An example may be the lack of verification of an offender's educational attendance and achievement and a family member's statement supporting the offender's claim. Corroboration does not mean verification.

"Custody time credit" means a calculation of jail credit to be submitted with all investigation reports.

"Postsentence investigation report" means a written report prepared on an offender who has waived formal sentencing.

"Presentence investigation report" means a written court ordered report prepared by the probation and parole officer after adjudication of guilt.

"Probation revocation investigation update" means a written report prepared for Department of Corrections at the time of an offender's revocation. This report is completed to assist the probation and parole officer, the adult institution, classification, records, and the parole board. The report contains information reflecting the history of supervision and updated offender information.

"Supplemental postsentence investigation report" means a report prepared for an inmate incarcerated with the Department of Corrections at the time of final sentencing which includes identifying data, legal information and the official version of the offense.

## II. POLICY and PROCEDURE

The presentence investigation report shall be a record of information reflecting the offender's background to assist the court and other criminal justice agencies in determining an effective program for the offender including an analysis of the history of delinquency or criminality, physical and mental condition, family situation and

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background, economic status, education, occupation, personal habits, and any other matters that the court directs to be included. (1B-01)

A. The primary purposes of the presentence investigation report is as follows:

1. provide the sentencing court with current relevant and accurate data to aid the court in determining the appropriate sentence, (1B-03)
  - a. provide the sentencing court with an assessment of the defendant's risk and criminogenic needs,
  - b. assist the court in determining evidence-based supervision and treatment programs available to address the offender's risk and needs,
2. aid the probation and parole officer in supervising a person on probation, parole, diversion, or while an inmate is in a community center,
3. assist Central Office and institutional staff in institutional classification, records, treatment, and release planning,
4. assist the Parole Board in its consideration of parole,
5. provide information for systematic research, and
6. assist in the consideration of executive pardon or commutation of sentence.

B. Presentence Investigation Timing

A presentence investigation or other investigation shall not be conducted until the defendant is adjudicated guilty of an offense. The only exception shall be if:

1. the court has ordered an investigation prior to the adjudication of guilt,
2. the defendant, on advice of counsel, has consented to the investigation, or
3. the defendant and counsel have BOTH signed a consent form allowing the investigation to proceed before determination of guilt.

C. Utilization of Staff

1. Clerical staff, student placements, and student interns, may be used, if feasible, to compile information for a presentence investigation. The

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investigating probation and parole officer shall be responsible for the accuracy of the final report.

2. Prior to sentencing, a court may request the Division of Probation and Parole to perform a risk and needs assessment pursuant to KRS 218A.275 and KRS 218.A276 for the purpose of a substance abuse assessment. The social service clinician shall make a recommendation to the court regarding appropriate treatment options.

D. Presentence Investigation Report Content Review with Sentencing Judges

1. The District Supervisor shall meet at least annually with the chief or sentencing judges in the district to review the content of presentence investigations and reports submitted to the courts. District Supervisors and their superiors shall explain Corrections position to and attempt to obtain cooperation from the sentencing courts, prosecutors, defense attorneys and other court personnel. District Supervisors shall report meetings with court officials within the body of their monthly reports. Within Department policy, the District Supervisor shall make any necessary changes to better serve the needs of the court. Changes that effect Department policy and procedure shall be submitted to the Director of Probation and Parole for consideration. (1B-08)
2. All probation and parole personnel shall be sensitive and responsive to a reasonable request for information by judges and court personnel. A situation involving a difference of opinion between any court and the Division of Probation and Parole shall be referred to the District Supervisor and the Director for resolution.

E. Verification and Corroboration

Information contained in any probation and parole investigation report may be verified or corroborated. Information verified or corroborated shall be noted in the presentence investigation report.

F. Confidentiality (1B-10)

The presentence investigation report shall be treated as confidential pursuant to KRS 439.510. The Director of Probation and Parole may determine whether to waive the privilege established by KRS 439.510.

All other investigations, including presentence reports, shall be confidential, privileged documents to the extent allowed by law:

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1. Employees shall refrain from discussing investigative information in public or with those without authorization to obtain the investigation.
2. Case files shall be kept in an officer's immediate possession or in a file cabinet. Case files shall only be given to authorized personnel.
3. Employees shall sign an authorization for release of information. A release of information shall be forwarded with requests for social history data.
4. The requesting officer shall identify the specific information requested. (for example criminal history check for out of state offenders, employment, education, family, medical, and psychological or psychiatric)

Pursuant to KRS 532.050(6), the court shall provide the defendant's counsel a copy of the presentence investigation report.