

# PRE-SENTENCE INVESTIGATIONS

NEVADA DEPARTMENT OF PUBLIC SAFETY

DIVISION OF PAROLE AND PROBATION



# Nevada Revised Statute 176.135

The Division of Parole and Probation is authorized to conduct Pre-Sentence Investigations by Nevada Revised Statute (NRS) 176.135

1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a Presentence investigation and report to the Court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to or is found guilty of a felony.
2. If a defendant is convicted of a felony that is a sexual offense, the Presentence investigation and report:
  - a. Must be made before the imposition of sentence or the granting of probation; and
  - b. If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

# Nevada Revised Statute 176.135

3. If a defendant is convicted of a felony other than a sexual offense, the Presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:
  - a. A sentence is fixed by a jury; or
  - b. Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.
  
4. Upon request of the Court, the Division shall make Presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to or are found guilty of gross misdemeanors or category E felony offenses.

# Nevada Revised Statute 176.145

1. The report of any Presentence investigation must contain:
  - a. Any criminal record of the defendant;
  - b. Information concerning the characteristics of the defendant:
    - Financial condition,
    - The circumstances affecting his/her behavior and
    - The circumstances of his/her offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;
  - c. Information concerning the effect that the offense committed by the defendant has had upon the victim, including,
    - Physical or psychological harm or
    - Financial loss suffered by the victim,
  - d. Information concerning whether the defendant has an obligation for the support of a child, and if so, whether he is in arrears in payment on that obligation;
  - e. Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290;

# Nevada Revised Statute 176.145 (cont.)

- f. The results of the substance abuse evaluation of the defendant conducted pursuant to NRS 484.3796, if such an evaluation is required pursuant to that section;
  - g. A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;
  - h. A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;
  - i. If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110, and
  - j. Such other information as may be required by the Court.
2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

# Nevada Revised Statute 176.153



## Disclosure of report of presentence investigation.

- Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 14 calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division. The defendant may waive the minimum period required by this section.

# PURPOSE OF THE PRESENTENCE INVESTIGATION REPORT



- The fundamental purpose of the investigation and report is to:
  - Provide accurate information to the Courts to aid Judges in pronouncing sentences, keeping all concerned parties in mind.
  - The report is utilized by the Nevada Department of Corrections in the classification process, and by the Nevada Board of Parole Commissioners in making parole decisions. And by the Honorable Board of Pardon Commissioners when determining worthiness for pardon consideration.
  - The report is used by Parole and Probation officers to assist them in supervising offenders.
  - In addition to providing a wealth of information to the Court, the report provides the Division an avenue to recommend an appropriate sentence and special conditions that should apply if the defendant is granted probation. These special conditions establish the basic framework from which a supervision officer may build an effective supervision program.

# OVERVIEW OF INVESTIGATION AND REPORT PREPARATION PROCESS

- The defendant either enters a plea or is found guilty by jury trial and a date is scheduled for sentencing. The Division is directed to complete a pre-sentence investigation.
- Once the defendant has completed a PSI questionnaire, he/she is interviewed. The Division does not conduct interviews for some category E felony cases or gross-misdemeanor cases.
- Information is obtained regarding the offenders':
  - Social and environmental background
  - Employment history
  - Education
  - Stability/Support systems
  - Finances
  - Criminal history
  - Known drug or mental health issues
  - Military experiences and other information
- The above information is obtained from various sources to include:
  - Defendants' questionnaire / interview
  - Official police reports
  - District attorney's files
  - Official criminal history statements (RAP sheets)
  - Prior records of the Division
  - Mental health and substance abuse evaluation
  - Psychosexual and psychological evaluations



# OVERVIEW OF INVESTIGATION AND REPORT PREPARATION PROCESS (cont.)



- The specialist will initiate contact with the victim(s) in the case.
- The specialist will establish as clearly as possible the actual loss to the victim(s), including restitution and any physical or emotional impact of the crime.

# SENTENCE RECOMMENDATIONS

- Sentencing guidelines are utilized to assist in determining probation success probability and length of sentence, based on a number of factors.
- Sentence recommendations: Various recommendation options are available to the specialist.
- They may include:
  - Regimental Discipline Program (Boot Camp)
  - Prison
  - Jail
  - Probation
  - Extradition Expenses
  - Special conditions
  - Sex Offender Special Conditions
  - Restitution
  - Fines/Fees which may include:
    - Administrative fines and fees, which may be mandatory or optional,
    - Chemical/Drug Analysis fees,
    - DNA fees
    - Domestic Violence fees (applies to NRS 200.485 offenses only)

# Statistics

PSI Completed FY17										
Category	Carson	Fallon	Reno	Elko	Winnemucca	Ely	Tonopah	Vegas	Pahrump	Statewide Total
A	12	3	23	2	2	0	2	99	2	145
B	185	56	509	63	67	9	16	2,505	103	3,513
C	98	23	260	53	19	2	6	1,775	60	2,296
D	67	22	190	51	23	2	10	1,470	38	1,873
E	121	48	143	46	72	21	12	472	98	1,033
OTHER	11	2	3	8	0	0	1	16	3	44
GM	38	21	276	120	37	4	11	685	39	1,231
<b>Total</b>	<b>532</b>	<b>175</b>	<b>1,404</b>	<b>343</b>	<b>220</b>	<b>38</b>	<b>58</b>	<b>7,022</b>	<b>343</b>	<b>10,135</b>
*OTHER* Category was not entered										
PSI Referred FY17					Concurrency Rate FY17					
Northern	Rural	Southern	Statewide Total		Prison Rec	4478	Prob Rec	4034		
2834	999	7350	11183		Prison Act	3023	Prob Act	3522		
					Percent	68%	Percent	87%		

# GLOSSARY OF TERMS

**Extradition Expenses** : Expenses incurred in returning the defendant to Nevada from another state. Out of State extradition costs are specifically addressed by statute.

**Fine** : Depending on the offense, a fine may either be mandatory or optional.

**Jail**: Optional for Gross Misdemeanor convictions. An offender can be ordered to serve up to 364 days in jail

**Prison**: Option available for Felony convictions and will result in a sentence term of one year minimum to life without parole. In cases involving multiple counts or when the defendant is already serving a prison sentence, the recommendation must address if the counts should be served concurrent or consecutive to other counts or sentences. Per NRS 176.035 and 176.055, if the new crime was committed by a PAROLEE, and was a felony, the recommended sentence must run consecutive to the sentence from which paroled.

**Probation**: Category E Felonies mandate probation unless NRS 176A.100 applies . The recommended sentence is referred to as the “underlying term”. Except for crimes in which a prison term is mandatory, the underlying term can be suspended and the defendant can be granted probation, for a period up to three years (for a Gross misdemeanor) or five years (for a felony). However, if the offender subsequently violates his/her probation, the probation officer will take them back to Court and seek revocation.

# GLOSSARY OF TERMS

Regimental Discipline Program (Boot Camp) : This option can only be used in lieu of prison for male defendants over the age of 18 who have committed a non-violent felony offense, unless the DA stipulates to participation of a defendant who has committed a violent offense. It is only applicable for subjects who are being sentenced on their first felony, AND who have not served more than 6 months in custody, whether as a Juvenile or as an Adult.

Restitution : It can be recommended that amounts are to be shared jointly and severally with co-defendants or co-offenders if appropriate. Statutes and case law specify what expenses are acceptable for restitution repayment.

Sex Offender Special Conditions: A recommendation for probation for a sex offender must include additional conditions in accordance with NRS 176A.410. The Court can modify any of the required conditions but must state on the record the “Extraordinary Circumstances” which warrant modification.

Special conditions : A recommendation for probation should include special conditions that are appropriate for the offender and fit the crime. The special conditions should be obtainable and achievable for the offender and the Division. Courts may modify the conditions any time prior to the offender’s discharge.