



STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Pretrial, Probation and Parole		PAGE: Page 1 of 3
	CHAPTER: 901	NUMBER: 901.01	P&P TYPE: Public
	TITLE: Presentence Investigation and Report		
	APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: 12/20/2019
ATTACHMENTS / FORMS: A. Presentence Report B. Updated Presentence Report		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 44.28.030 AS 33.05.010 AS 33.05.050 AS 33.16.180 Criminal Rule 32.1	

POLICY:

- I. It is the policy of the Department of Corrections (DOC) that presentence investigations and reports be completed by a Probation Officer (PO) following an order of the court.

APPLICATION:

This policy and procedure will apply to all Division of Pretrial, Probation & Parole employees.

PROCEDURES:

Following receipt of a court order, a presentence investigation and report will be completed.

- I. Intake:
The supervisor or their designee shall:
 - A. Assign the case to a PO in accordance with DOC P&P 902.01 (Case Assignment);
 - B. Create a case record in accordance with DOC P&P 603.01 (Division of Probation and Parole Case Record Management) or, if a case record already exists and is available obtain the existing record.
- II. Pre-Sentence Investigation:
 - A. The PO shall gather information and conduct interviews regarding the defendant's characteristics, prior criminal convictions and findings of delinquency, financial conditions, and circumstances affecting the defendant's behavior that may aid in fashioning a sentence.
 - B. If the crime involved a victim, the PO shall in accordance with DOC P&P 1000.01 (Victim Notification) obtain a victim impact statement and provide notice to the victim or their representative with their rights.

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- C. For cases where restitution may be ordered, the PO shall gather information that details the identity of any victims or other persons seeking restitution; and if known, whether any victim or other person expressly declines restitution, the nature and amount of any damages along with any supporting documentation, a restitution amount recommendation, and the names of any co-defendants and their case numbers.
- D. The PO's recommendation needs not be consistent with the parties' plea agreement, if one exists.
- E. If the court-ordered filing date cannot be met, an extension must be requested as follows:
 - 1. The assigned PO completing the report shall request an extension from their supervisor. The extension request shall outline the reason(s) for the request of extension and the anticipated completion date of the report if available.
 - 2. If approved by the supervisor, the assigned officer shall submit the extension request to the sentencing judge and provide the prosecuting attorney and defense attorney with notice of the request for extension.

III. Administrative Review:

- A. Presentence reports shall be reviewed for quality, approved and signed by the supervisor prior to filing with the court.
- B. The Chief Probation Officers shall contact the presiding judge in their region on an annual basis (at a minimum), to discuss the Department's completion of presentence reports for timeliness and quality of information.

IV. Distribution:

A. Required Distribution:

- 1. Before sentencing, the assigned PO shall provide the original or an electronic copy of the presentence report to the court and one (1) copy each to the prosecutor and defense attorney. The PO may **not** make further distribution of the presentence report prior to sentencing without first obtaining permission from the court.
- 2. In cases where the defendant is sentenced to imprisonment which exceeds ninety (90) additional days, within five (5) working days following sentencing, the assigned PO shall ensure delivery of the probation case record to the institution housing the offender in accordance with DOC P&P 602.01 (Prisoner Case Record Management) and DOC P&P 603.01 (Division Of Probation and Parole Case Record Management).

B. Discretionary Distribution:

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Following sentencing, unless the court orders otherwise, Department staff may distribute all or part of the approved presentence report to agencies having charge of the offender's rehabilitation as necessary to implement or oversee the rehabilitation in accordance with Criminal Rule 32.1(b) and a release of information signed by the offender where necessary.

V. **Approved Presentence Reports**

Upon receipt of an approved version of a presentence report, the probation office shall maintain a copy in the offender file and upload a copy in the offender management system.

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