Pre-Sentence Investigations and Sentencing Recommendations for Domestic Violence–Related Misdemeanors

A Model for Corrections Agencies
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Pre-Sentence Investigations and Sentencing Recommendations for Domestic Violence-Related Misdemeanors

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April, 1997
Arrowhead Regional Corrections is a five-county regional corrections agency in northeastern Minnesota. The matrix in this booklet was developed by an interagency working group from ARC-Probation, the Women's Coalition, and the Domestic Abuse Intervention Project. This working group has reviewed the area of domestic violence–related sentencing recommendations.

Effective sentencing of criminal offenders in misdemeanor domestic violence–related* cases requires a clear picture of the crime committed, in accordance with the Pre-Sentence Domestic Abuse Investigation Law (M.S. 609.2244).* A comprehensive assessment will distinguish an offender who has engaged in very little violence and who does not pose a great threat to the victim from an offender who has established a serious pattern of violence, intimidation, and coercion, and whose victim(s) are in great danger. These distinctions are necessary to meet three crucial goals of sentencing: protecting the victim, creating a deterrence for a specific offender, and creating a general deterrence to this kind of violence in the community.

The following are key tools to provide that picture to the court:

1. **Dangerous Suspect Assessment.** Through interviews with the victim and the suspect, police officers elicit information that highlights the level of danger the suspect poses to the victim.

2. **Arrest Follow-up Assessment.** With permission from the victim, the women's shelter on call advocate faxes the probation office this form which includes a history of abuse. The advocate has visited the victim immediately following the police call to provide and collect information.

3. **Pre-Sentence Investigation.** A pre-sentence investigation is conducted by a corrections agent before sentencing an offender.

4. **Domestic Violence Related Supplement to Pre-Sentence Investigation.** The pre-sentence investigation domestic violence supplement assists in documenting a pattern of battering.

5. **Conditions of Probation.** Probation officers include specific conditions of probation for domestic violence–related cases.

6. **Domestic Abuse Intervention Project Referral.** The probation officer sends this form and the probation agreement to the local nonviolence education program.

All of these tools assist in the provision of timely and accurate information for practitioners within a coordinated multi-agency response to domestic violence.
The PSI domestic violence supplement identifies the sources of information used for the assessment, including police, dispatcher, advocate, victim, offender, and rehabilitative agency reports and civil and criminal court records. The PSI supplement then focuses on these key areas:

- the level of violence of the incident
- past violence/pattern of abuse
- the victim’s perception of isolation and attempts to separate from the offender
- the defendant’s social history, attitude and arrest, conviction, and OFP record
- the needs of any children involved.

Once the information is analyzed, the probation officer uses the sentencing matrix to place the offender into one of four broad categories. The sentencing recommendation matrix places the assault within the context of the overall battering and facilitates the appropriate recommendation by the probation officer. The categories help the probation officer and the judge effectively address victim safety by assessing the dangerousness of the offender, the likelihood of repetition and/or escalation of the violence, and the offender’s amenability to programming. The matrix relies on general categorizations rather than rigid point value systems. General categorizations allow the probation officer to apply her or his expertise and discretion to the particular circumstances of each case.

- **Category 1** includes low-level offenders with no history of violence and little risk of recidivism, such as victims of battering who fight back. Few offenders fit into this category.

- **Categories 2 & 3** include most misdemeanor offenders who are convicted of domestic violence–related charges. These categories include batterers who have established clear patterns of abuse but differentiate between moderate and more serious battering.

- **Category 4** offenders, while few, have demonstrated that they pose a severe risk of harm to their victims and to the community.

* terminology on page five
### Domestic Violence-Related Misdemeanor Sentencing Recommendation Matrix

<table>
<thead>
<tr>
<th>Category one</th>
<th>Category two</th>
<th>Category three</th>
<th>Category four</th>
</tr>
</thead>
<tbody>
<tr>
<td>The offender commits an offense against the victim but there is no evidence to suggest the offender is battering the victim. The offender has no history of battering.</td>
<td>The offender engages in battering behavior against the victim, but there is no indication that the battering is escalating in severity or frequency, or that this offender has battered another person.</td>
<td>The offender has established a clear pattern of battering with this or past victims. The PSI indicates the battering will likely continue and possibly escalate in severity and frequency.</td>
<td>The offender’s PSI demonstrates that the heightened, obsessive, and/or unrelenting nature of the battering poses a high risk of serious harm to this or other victims.</td>
</tr>
<tr>
<td>This category may include offenders who commit an act uncharacteristic of their typical behavior. It may also include victims of battering who use illegal violence or activities to control or stop violence used against them.</td>
<td>This category may include batterers whose histories include using low levels of violence and activities which threaten or intimidate the victim.</td>
<td>This category may include batterers whose histories include multiple domestic violence–related contacts with the police; demonstrated harassing behavior toward the victim; violation of an OFP; or repeated threats or assaults against this or other victims. The victim may be in fear of serious bodily harm.</td>
<td>This category includes offenders with histories similar to those of category 3 offenders but may also include stalking behavior,* threats to seriously harm or kill; use of weapons or threats to do so; and injuries that require medical attention.</td>
</tr>
<tr>
<td><strong>Considerations:</strong> If the offender in this case is experiencing ongoing battering by the person assaulted, the probation officer considers safety measures for both parties. Specialized programming is recommended, and the probation officer does not consider executed jail time unless the assault is severe.</td>
<td><strong>Considerations:</strong> The recommendation focuses on victim safety and rehabilitation programming rather than sanctions.</td>
<td><strong>Considerations:</strong> Victim safety recommendations are combined with more sanction-oriented sentencing, such as the maximum probationary period, some executed jail time, and rehabilitation programming.</td>
<td><strong>Considerations:</strong> Recommendations include the strongest victim safety measures possible, including working with child protection on children's safety. A substantial jail term and long-term probation may be combined with programming if offender is amenable.*</td>
</tr>
</tbody>
</table>

### Incarceration or other correctional programming*

<table>
<thead>
<tr>
<th>30 days stayed jail</th>
<th>60 days stayed jail</th>
<th>60-90 days stayed jail</th>
<th>30 days stayed, 60 executed or 90 days straight time</th>
</tr>
</thead>
</table>

### Gross misdemeanor incarceration or other correctional programming*

<table>
<thead>
<tr>
<th>91-120 days stayed jail</th>
<th>91-120 days stayed jail</th>
<th>120-180 days stayed jail</th>
<th>180-365 days stayed jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-45 days executed jail</td>
<td>45-120 days executed jail</td>
<td>120-180 days executed jail</td>
<td>180-365 days executed jail</td>
</tr>
</tbody>
</table>

### Probation duration (Gross misdemeanor convictions routinely receive 2 years probation)

<table>
<thead>
<tr>
<th>1 year</th>
<th>1 year</th>
<th>2 years</th>
<th>2 years</th>
</tr>
</thead>
</table>
Victim safety recommendations

Limited or no partner contact: When it is a condition of OFP; victim requests it, or victim does not request it, but the probation officer believes there is an extremely high risk of serious harm to victim (typically a category 4 case).

Safety of minors in household: Emergency safety concerns are reported to the appropriate agency. In cases where minors appear to be impacted, the probation officer will address protection issues with child protection services.

Compliance with orders for protection: All probation contracts include language that the offender obey all conditions of family court orders.

Limiting possession of weapons: When the probation officer considers there is a high risk of a weapon being used against the victim, e.g., offender used firearms in the incident or has threatened victim with firearms, or the victim believes the offender may use firearms against her/him.

Notification of probation officer: When the offender is a party in any criminal court action or family court which includes issuance or modification of an order for protection; when the offender has further contact with law enforcement; when there is any change in living arrangement between offender and victim.

Other probation officer tasks: Contact victim upon any further evidence of offending, e.g., police contact, advocate's specific concerns, other credible information of offending behavior.

Frequency of contact with probation officer: All categories have minimum monthly in-person reporting when there is no evidence of harassment or reoffending with victim, and the offender is complying with probation conditions. The probation officer works closely with batterers' program staff to ensure close monitoring of offender's compliance and partner safety reports. Monitoring increases to weekly (or more often) if any evidence of further victim harassment or noncompliance with probation conditions.

Programming recommendations

Correctional programming: Includes jail or equivalent—work farms, community service work crews, work release centers, day reporting. Residential chemical dependency programs may also be included.

Violence Impact Panel: All offenders who appear to have a pattern of violence will attend one panel.

Nonviolence education program: All offenders in category 2 or 3 attend and complete a nonviolence program. Those in category 1 or 4 may have a specialized plan of rehabilitation set by the probation officer.

Offenders who could benefit from education: Offenders who appear to take some responsibility for incident, and the probation officer decides they may benefit from the nonviolence program. Those offenders in denial and those blaming victim for the violence should receive sanctions in addition to being referred to nonviolence program.

Offenders who are not likely to benefit from education: Recidivist offenders who have previously been referred to nonviolence program two or more times, who make no admission of need for change, and/or who have a hostile attitude toward rehabilitation, are placed in category 4. The probation officer considers recommending straight jail time or other correctional programming.

Offenders who have special needs: Offenders who have learning disabilities or illness which prevents effective participation in group-format programs. A specialized plan of rehabilitation may be set by the probation officer.

Drug and alcohol-related assessment: PSI indicates the offender has a drug and alcohol problem, or the evidence indicates excessive use of alcohol or drugs.

Drug and alcohol related conditions: Includes abstain from alcohol or other non-prescribed drugs; complete a chemical dependency program (if residential, complete before nonviolence program); and/or submit to random urinalysis if further drug/alcohol use suspected.
Terminology

**Battering:** A systematic pattern of violent, coercive, and intimidating behaviors toward a current or past intimate partner. The intent is frequently (but not exclusively) to punish, abuse, and ultimately control the thoughts, beliefs, and actions of the victim.

**Domestic assault–related offense:** Any offense directed towards the victim with whom the offender has had an intimate relationship as defined in MN Stat. 518B.01, subd.2(b). Offenses such as assault, criminal damage to property, trespass, and disorderly conduct are included.

**Harassing and stalking behavior:** Intentional conduct that would cause a reasonable person to feel oppressed, persecuted, or intimidated. Behavior may include following, pursuing, or continuous monitoring of victim and making unwanted communication attempts (MN Stat 609.749).


**PSI domestic violence supplement:** The domestic violence–related attachment to the standard probation pre-sentence investigation form.

**Violence Impact Panel:** A panel, similar to a victim impact panel, composed of people who relate stories about the impact of violence on their lives, the lives of other community members, and on the community as a whole.

**Gross misdemeanor:** In Minnesota, a misdemeanor crime committed within 5 years of a previous misdemeanor conviction is enhanced to a gross misdemeanor, which requires a more severe sentence. The matrix is used both for misdemeanor and gross misdemeanor offenses, but the sentences will differ in the amount of stayed and executed jail time and the duration of probation. Residential programming recommendations, especially jail terms, may reflect the length of time and circumstances since the last domestic violence–related offense. For example, an offender who has a domestic–related offense or indication of further abuse within the previous 6 months may draw a longer executed jail recommendation than an offender who has no domestic–related convictions and no indication of further abuse within the previous 4 years.
Sentencing Offenders in a Coordinated Community Response

Arrowhead Regional Corrections (ARC) has developed this Pre-Sentence Investigations and Sentencing Recommendations for Domestic Violence–Related Misdemeanors packet as part of a larger effort to enhance our community’s response to domestic violence. The effort involves ARC, the Duluth Police Department, St. Louis County Sheriff’s Department, 9-1-1 Communications, the City and County Attorney’s offices, court administration, the Women’s Coalition, the St. Louis County Health Department, Lutheran Social Services, and the Domestic Abuse Intervention Project. Agencies screen, assess, document, and disseminate information critical to securing victim safety and ensuring offender accountability.

The sentencing recommendation matrix is most effective when it is a part of a coordinated community response to domestic violence. The attachments in this booklet represent the pool of information participating agencies make available to probation officers, who need comprehensive data in order to make accurate assessments of an offender’s dangerousness and to provide effective victim safety measures. This comprehensive data can only be obtained through significant collaboration with other agencies in the criminal justice system.

An effective coordinated community response must be guided by these five core principles:

1. Whenever possible, the burden of confronting abusers and placing restrictions on their behaviors should rest with the community, and not with the victim.

2. Fundamental changes in a community’s response to domestic violence occur only when individual practitioners work cooperatively, employing practices guided by victim safety and offender accountability concerns.

3. A community response must be directed at the totality of harm suffered by a victim, rather than remaining incident-focused.

4. The protection of the victim must be the primary goal of every practitioner.

5. A coordinated response must reflect a community’s sense of its own accountability to victims of domestic violence, as well as an acute awareness of the impact a community’s efforts have on victims.
Attachment 1

Dangerous Suspect Assessment

Police officers carry the dangerous suspect assessment card while on duty, using the card as a guide when interviewing victims of domestic assaults. The police officers recognize that the victim is often most willing to talk immediately following an incident. The officers use the card to elicit information from the victim which indicates the level of danger the offender poses to the victim. The officers then include the dangerous suspect assessment in their police reports. Probation officers use the police reports in determining their sentencing recommendations and conditions for pretrial release.
Sample of a two-sided laminated card police officers use when dictating domestic violence-related reports.

Developed by the Duluth Police Department, Duluth City Attorney’s Office, and the Domestic Abuse Intervention Project. Updated 2/97

**Domestic Abuse Arrest/Incident Report Writing Checklist**

Duluth Police Department

1. State times (incident, arrival, statement).
2. Identify parties present.
3. Describe emotional state of victim and suspect.
4. Describe injury to victim.
5. Describe injury to suspect.
6. Describe scene.
7. State relationship of victim and suspect.
8. State if children present, not present, witnessed, or involved. Describe involvement.
11. Describe medical attention and identify facility.
12. Note the presence any of the following: OFP, probation, victim/suspect intoxicated.
13. List where suspect lived during past 7 years.
14. State witnesses’ names, addresses, phones, workplaces.
15. State how Detective Bureau or others can reach victim during next 24 hours.
16. State name, address, phone of person who will always know how to reach victim.
17. Include in narrative: victim statement, suspect statement, witness statement, probable cause for each arrested party. Who initiated? Self-defense?

**Dangerous Suspect Assessment**

To be used by court for conditions of release, PSIs for recommendation to court, by advocates providing victim services

Ask the victim several questions to get at the history and context of violence in the relationship. In your narrative try to give specific examples from the victim interview. Also include your impressions which would be useful in determining the level of danger a suspect poses. If possible, record any indications that

- the suspect owns or has access to guns
- the suspect is likely to use a weapon against a family member or others
- the violence is getting more severe or more frequent. How?
- the suspect has threatened to commit suicide or to kill victim or others
- the victim believes suspect could seriously injure or kill her/him
- the suspect is obsessed with or stalking the victim
- children are in the home or involved
- there has been a recent separation, OFP or divorce in past 6 months
- the suspect appears to be reacting to the OFP or divorce in a dangerous way.

Record other information you think is important for others to be aware of.
Attachment 2

On-Call Advocate Form

A women’s advocate interviews a victim within hours of an arrest, documenting the victim’s perception of danger, and the offender’s history of violence, on this form. This form is faxed directly to probation staff in the morning, to be used in determining sentencing recommendations as well as conditions of pretrial release.
ARREST FOLLOW-UP ASSESSMENT

Date ______________________

On-Call Advocate Initials ____________

☐ ARREST  ☐ WARRANT REQUEST  ☐ FORMAL COMPLAINT  ☐ DOUBLE ARREST

VICTIM INFORMATION

Name ___________________________ DOB ______________ Race __________ Sex: F  M
Address __________________________________________ Zip __________
Phone (H) __________________________ (W) ______________
Other info: __________________________________________

Disabilities? yes no unknown  Pregnant? yes no unknown  First contact with Women’s Coalition? yes no
How can we contact you in the morning (or Monday morning if the arrest occurred on the weekend)?

ASSAILANT INFORMATION

Name ___________________________ DOB ______________
Sex: F  M  Race __________ Relationship to victim __________________________
Charge(s) __________________________________________

Do you know if your partner/former partner (referring to the person who has just been arrested):
Yes  No

____  has been convicted of assaulting you in the past five years?  When? __________________________
____  has been convicted of domestic assault in another county or state?  Where? __________________________
____  has been convicted of assaulting another victim in the past two years?  When? __________________________
____  is currently on probation?  Where __________________________ P.O. Name __________________________
____  was abused as a child by a family member?
____  witness the physical abuse of his mother?
____  shows remorse about violence towards you?
____  commits nonviolent crimes?
____  has a history of violence to others (besides family members)?
____  experienced any unusually high stress in the past 12 months (loss of job, death, financial crisis)?
____  abuses alcohol
____  uses street drugs? If yes, what kind? ___________________________________________________________
____  ever been to alcohol/drug treatment?
____  Do you think the court should consider ordering an alcohol/CD evaluation/treatment?
Why? __________________________________________

INCIDENT

Description of incident: __________________________________________
                                                                 ______________________________________________________________________
                                                                 ______________________________________________________________________
Yes  No

____  Did you have injuries?  ☐ Visible  ☐ Not Visible  ☐ Both  Description: ______________________________________________________________________
                                                                 ______________________________________________________________________
____  Was a weapon involved?  What kind? ___________________________________________________________
____  Does your partner/former partner own, carry, or have ready access to a firearm?
____  Did the children witness the incident?
____  Were children involved in any way?  If so, how? __________________________________________________
____  Were pictures taken?  By whom? ____________________________________________________________
Page 2 Arrest Follow-up Assessment

Victim Name: ________________________________ Assailant Name: ________________________________

The following questions are designed to help assess the dangerousness of the situation. Answering these questions can help both you and the court decide what safety measures should be put in place to help protect you and will be helpful in providing rehabilitation for the offender.

Please describe past violence and/or injuries (worst incident, type of injuries, frequency): __________________________________________________________

During the course of your relationship, has your partner (the person who has just been arrested):

**Yes**  **No**

1. ___ ___ become increasingly more violent, brutal, and/or dangerous to you?
2. ___ ___ caused injuries to you which required medical attention?
3. ___ ___ choked you?
4. ___ ___ injured or killed a pet?
5. ___ ___ threatened to kill you?
6. ___ ___ forced sex or used sexual coercion?
7. ___ ___ used a weapon against you or threatened to use one?
8. ___ ___ seemed preoccupied or obsessed with you (following, or stalking, very jealous, etc.)?
9. ___ ___ increased the frequency of assaults upon you?
10. ___ ___ ever threatened or attempted to commit suicide?
11. ___ ___ assaulted you while you were pregnant?
12. ___ ___ Do you believe that s/he may seriously injure or kill you?
13. ___ ___ Have you separated or tried to separate from your partner in the past twelve months?
14. ___ ___ Have you sought outside help (OFP, police, shelter, counseling) during the past 12 months?
15. ___ ___ Do you feel isolated from sources of help (car, phone, family, friends, etc.)?
16. ___ ___ Have you ever tried to protect your partner from the court system (trying to drop charges, reduce bail, change your statement, etc.)?

Please elaborate on ‘yes’ answers: __________________________________________________________

________________________

Other information you would like the court to know about the danger you may be in (an event, a specific threat, a feeling you may have) __________________________________________________________

**Yes**  **No**

___ ___ Would you like the court to order the assailant to have limited or no contact with you?
___ ___ Would you be interested in a protection order?
___ ___ Are you interested in attending education/support groups?
___ ___ Would you like to receive our monthly newsletter and group calendar?

This information is used to assist us in providing services to you and to evaluate our services. We ask your permission to give this information and photos to other agencies who hold offenders accountable and provide protection for victims. Can we share this information with

___ Supervised Release Agents/Probation Officers (for setting conditions of release from jail and sentencing recommendations)
___ Prosecutors
___ Domestic Abuse Intervention Project (for rehabilitation purposes)

Signature ________________________________ Date ________________________________

Form developed by Women’s Coalition, Duluth, MN
Attachment 3

Pre-Sentence Investigation

A probation officer completes a pre-sentence investigation of an offender of a misdemeanor crime. The probation officer documents general information about the offender, including the offender's personal, educational, and employment background.
Misdemeanor

ARROWHEAD REGIONAL CORRECTIONS

CLIENT LEVEL: Max Med Min Admin THE HONORABLE

PROSECUTOR DEFENDER

OFFENSE DATE: SENTENCING DATE:

CASE NO.: CHARGE:
CASE NO.: CHARGE:
CASE NO.: CHARGE:

ARRESTING AGENCIES: AGENT:

ACCOMPILCES:

PERSONAL

Name: Place of birth: DOB: / Age:

AKA:

Address: City: State: Zip Code:

Phone: S.S.#: / D/L #:

How long at this address? Previous Addresses:

Sex: □ M □ F Race: Hair Color: Eyes: Hgt: Wgt:

Marital Status: □ Single □ Married □ Separated □ Divorced

Spouse: DOB: / Ex-spouse (if relevant):

Names and ages of children:

Employed: Yes No Where employed:

Hours per week: Amount earned: Job title:

Other sources of income: Amount:

Education: Highest Grade completed: Specialized Training:

Military: Branch In date Out date Type Discharge

Family: Father/Stepfather: Phone

Address: City State Zip

Mother/Stepmother:

Address: City State Zip

Siblings:

CASE DISPOSITION:

<table>
<thead>
<tr>
<th>RESTITUTION</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim I:</td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td>Phone:</td>
</tr>
<tr>
<td>Amount:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>City: State Zip</td>
</tr>
<tr>
<td>Insurance Co:</td>
<td>Address:</td>
</tr>
<tr>
<td>Policy #: Amount:</td>
<td></td>
</tr>
</tbody>
</table>

| Victim II: | Amount |
|           |       |
| Address:  | City  State Zip |
| Insurance Co: | Address: |
| Policy #: Amount: |
VICTIM INFORMATION:
Name: ___________________________ DOB __ / __ / ___ Age ______ Phone ___________________________
Address: _________________________ City: State Zip ___________________________
Relationship to defendant __________ Victim comments: ___________________________

LEGAL STATUS
Are you or have you ever been on probation or parole? Yes___ No___ If yes, when? __________________________
Probation/Parole Officer: ______________________ City/State __________________________
Other charges pending? _________________________ Wanted on a warrant? __________________________

PHYSICAL AND MENTAL HEALTH
Physical Condition: __________________________
Psychological or psychiatric care: ______________________ Meds: ______________________ Doctor: ______________________
How much do you spend gambling: ______________________ Gambling treatment? Yes ___ No ___ When: ______________________
Alcohol/Drug usage: ______________________ Treatment: ______________________ When: ______________________
Victim of incest, domestic violence, or sexual assault? ______________________
Ever thought of or attempted suicide? ______________________

DEFENDANT'S STATEMENT AND ATTITUDE:

PRIOR RECORD

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>DATE</th>
<th>PLACE</th>
<th>DISPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

ADDITIONAL INFORMATION:

RECOMMENDATION:

Respectfully,

Title
Arrowhead Regional Corrections, Probation Department
100 N. 5th Avenue West, Room 319
Duluth, MN 55802

mispri rev 7/95, 9/96
Attachment 4

PSI Domestic Violence Supplement

In accordance with Minnesota Statute 609.2244, probation officers use the PSI domestic violence supplement form in determining the dangerousness of an offender and the appropriate sentencing recommendations. The form encourages probation officers to consider seven points: 1) the level of violence and/or intimidation of this incident; 2) past violence and pattern of abuse; 3) victim's perception of danger; 4) offender's attitude; 5) offender's social history; 6) arrest, conviction, and OFP record; and 7) impact on the children. The probation officer completes this form using information gathered from offender and victim interviews, the police reports, the on-call advocate form, the offender's criminal history, and the offender's history with education and treatment programs.
DOMESTIC VIOLENCE–RELATED SUPPLEMENT TO PRE-SENTENCE INVESTIGATION

☐ Misdemeanor PSI       ☐ Gross Misdemeanor PSI       ☐ Felony PSI

Name:

SOURCES OF INFORMATION (Check all that you were able to use.)

☐ Interview with victim or advocate       ☐ Interview with offender

Collateral Information

☐ Police report       ☐ Watch report       ☐ Past police contact       ☐ Criminal history

☐ OFP history       ☐ DAIP history       ☐ Advocate report       ☐ Other

SEVEN POINTS TO CONSIDER

1. Level of violence and/or intimidation of this incident

☐ Single blow or minor injury

☐ Multiple blows, minor injury

☐ Multiple blows, significant bruising

☐ Multiple blows, severe abrasions/injury

☐ Significant pain

☐ Bodily impairment

☐ Fracture

☐ Victim required medical attention

☐ Caused victim extreme fear

☐ Made terrorist threats

☐ Threatened w/ weapon

☐ Used weapon during incident

Comments:

Is there information to suggest that the following occurred? Check all that apply.

2. Past violence/pattern of abuse—physical, sexual, intimidation

Information for 2 & 3 can be gathered from Women’s Coalition form, police report, and/or interview with victim.

☐ Offender has seriously injured the victim (victim needed medical attention).

☐ Offender’s assaults are becoming more violent, brutal, and/or dangerous.

☐ Offender has choked the victim.

☐ Offender has injured or killed a pet.

☐ Offender has threatened to kill the victim.

☐ Abuse has included sexual coercion or attacks.

☐ Offender used a weapon against the victim or threatened to do so.

☐ Offender is assaulting the victim more frequently.

☐ Offender has attempted to intimidate the victim. How?

Describe the most severe violence victim has experienced from this partner.

Comments:

3. Victim’s perception—isolation, victim attempting to separate

☐ Victim believes the offender may seriously injure or kill her/him.

☐ Victim appears extremely protective of the offender (trying to reduce bail, charges, etc.).

☐ Victim has separated or tried to separate from the offender in the past 12 months.

☐ Victim has sought outside help (OFP, police, shelter, counseling) during the past 12 months.

☐ Victim seems isolated from sources of help (car, phone, family, friends, etc.).

Comments:
4. **Offender attitude**

- Offender lacks remorse about the incident.
- Offender denies responsibility for behavior.
- Offender seemed preoccupied or obsessed with the victim (following, monitoring whereabouts, very jealous, etc.).
- There is information to suggest that offender is stalking the victim.
- Offender blames victim for the violence.

Comments: ___________________________________________________________

5. **Offender social history**  (If checked, comment below.)

- Offender drinks excessively/has an alcohol problem.
- Offender uses street drugs (speed, cocaine, steroids, crack, etc.).
- Offender has had alcohol/drug treatment.
- Offender has had psychiatric treatment in the past.
- Offender was abused as a child or witnessed the physical abuse of his/her mother.
- Offender seems seriously depressed or has threatened to commit suicide.
- Offender has had homicidal thoughts.
- Offender has committed non violent crimes.
- Offender has been exposed to institutional violence: __________________________
- Offender has a history of violence to others (besides family members).
- Offender has experienced unusually high stress in the past 12 months (loss of job, loss of children, death, financial crisis, etc.).

Comments: __________________________________________________________

6. **Arrest/Conviction/OFP record**—(violent acts and domestic related)

________________________________________________________

________________________________________________________

7. **Impact on children**—safety needs of children during visitation, abuse of children

- Were children present during this incident?
- Were children involved in any way in the incident?
- Have children been abused by offender?
- Has offender ever attempted or threatened to abduct children?
- Are children afraid of the offender?

Comments: __________________________________________________________

________________________________________________________
Attachment 5

Conditions of Probation

During the probationary period the offender agrees to abide by a set of standard conditions of probation. In domestic assault-related crimes, specific sentencing conditions must be included in the offender’s probation contract in order to ensure the victim’s safety. These conditions should address: 1) the offender’s compliance with the nonviolence education program; 2) the offender’s abstention from drug or alcohol use; and 3) the frequent contact between the offender and the probation officer to ensure effective monitoring of the offender.
On the ____ day of 19__ you appeared before the Honorable ______________ Judge of District Court, _____________ County for the offense(s) of ___________________________ and were sentenced as follows:

Your anticipated expiration date is: ________________.

I. GENERAL CONDITIONS
   1. I will obey all State and Federal laws and local ordinances.
   2. I will report to my Probation Officer as directed: AS DIRECTED BY THE PROBATION OFFICER
   3. I will obtain permission from my Probation Officer before leaving the State.
   4. I will not change residence or employment without prior approval of my Probation Officer.
   5. I will immediately notify my Probation Officer if I am arrested for any reason.
   6. I will cooperate with and be truthful with my Probation Officer in all matters.
   7. I will comply with any additional requirements imposed by the Probation Officer.
   8. I will not use drugs or alcohol unless prescribed for me by a physician.
   9. I will submit to any request for drug/alcohol testing at my own expense.
  10. I will comply with all institution/program rules.

II. SPECIAL CONDITIONS. -- I will abide by the following special conditions set forth in my sentence:

   1. To attend and successfully complete non-violence education program.
   2. To attend the Violence Impact Panel.
   3. To not commit any acts of violence against anyone.

III. FIREARM REGULATION
    I understand that under the Federal Gun Control Act, any person who has been convicted as a felon cannot lawfully own, use or possess a firearm until the conviction is expunged, set aside, pardoned, and until permission is granted by the Department of Alcohol, Tobacco, and Firearms.

IV. CIVIL DISABILITY
    When a person is convicted of a felony either by plea of guilty or verdict, or placed under supervision on a Stay of Adjudication, certain civil rights are immediately lost. Rights lost include:
    1. The right to run for or hold public office.
    2. The right to vote.
    3. The right to serve on a jury.

V. WAIVER OF EXTRADITION
    I do hereby waive extradition to the State of Minnesota from any jurisdiction in or outside the United States where I may be found.

I fully understand this probation agreement. I understand that if I am alleged to be in violation of any of the above conditions, a Hearing may be held to determine if my probation will be revoked. If the court finds that I am in violation of the conditions it has the authority to restructure my probation or incarcerate me.

I accept the privilege of being on probation and will comply with all these conditions. I have read and/or have had read to me the above conditions and fully understand them and have received a copy.

______________________________  ______________________________
Probationer                      Probation Officer

(218) 726-2633

____________________________
Date

AF-01 1 08/96
Attachment 6

Referral to DAIP

A probation officer completes this referral form when an offender is ordered into a nonviolence education program. A probation officer sends the form to program staff along with the offender’s probation contract. This form informs program staff of the probation officer’s sentencing recommendations, and the category assigned to the offender using the sentencing recommendation matrix.
**Assigned Category:**

**Other Recommendations:**
- Take medications if necessary
- Individual counseling
- Psychiatric evaluation
- Parent groups
- CD assessment/behavioral
- DAPI Program for offender

**Recommended Offender Rehabilitation:**

**Victim Safety Measures:**
- Victim's Voice Impact Panel
- Sentence to serve (manual labor) additional community service hours
- RandomLab test
- Types of contact with P.O.
- In person
- By telephone
- Scheduled probation report
- Type of contact with P.O.
- Frequency
- Number of contacts
- Number of days served
- Number of days served

**Recommended Offender Accountability Measures:**

**Recommendation to Court:**
- Initiate or participate in Emergency Response Team to strategize and provide community protection
- When victim of domestic violence
- Reert victim to advocacy program
- Advise victim of disposition of case
- Contact victim

**Probation Officer Action:**
- F.P.
- M.C.

**Miscellaneous:**

- Any prior criminal record involving violence you think the DAPI should be aware of (include OFP violations, violence)

**Relationship to Victim:**
- Age
- City/State/ZIP
- Phone

**Offender Name:**

**Domestic Abuse Intervention Project Referral:**
(please attach to probation agreement)