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## Adult Investigative Report

### 506.1 PURPOSE AND SCOPE

To set forth the guidelines and procedures for preparing an investigative report for the Court. This policy applies to all field services staff.

### 506.2 AUTHORITY AND REFERENCES

- Executive Committee;
- California Penal Code §§: 1191, 1203, 1203(c), 1203d, 1203.1, 1203.10;
- California Judicial Council and Local Rules of Court.

### 506.3 POLICY

An investigative report for the Court shall be prepared in accordance with Rule 4.411.5 of the Rules of Court set down by the California Judicial Council; shall satisfy the requirements of Sections 1191, 1203, 1203.1 and 1203.10 of the Penal Code and the Presiding Judge; and shall be filed, unless otherwise waived, within the time limits prescribed by statute.

### 506.4 ADULT COURT REPORT

- (a) A probation officer's presentence investigative report shall include at least the following:
1. Legal & case-related information;
  2. Defendant's demographics & social history;
  3. Circumstances of the offense(s);
  4. Defendant's criminal and sustained, non-sealed juvenile delinquency record;
  5. Defendant's statement;
  6. Victim information, including the amount of the victim's loss and whether or not it is covered by insurance;
  7. Defendant's custody status;
  8. Collateral information:
    - (a) Including:
      - i. Defense counsel statement;
      - ii. Prosecuting counsel statement;
    - (b) But may also include statements or information from:
      - i. Other probation or parole officers or jail personnel who have prior experience with the defendant;
      - ii. Interested persons, including, but not limited to family members;

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9. Factors relating to disposition:
    - (a) Probation eligibility (Rule 4.413);
    - (b) Probation suitability (Rule 4.414)
    - (c) Mandatory supervision criteria (Rule 4.415);
    - (d) Circumstances in aggravation (Rule 4.421);
    - (e) Circumstances in mitigation (Rule 4.423);
    - (f) Discussion of the defendant's ability to make restitution and pay fines and penalties;
  10. Probation officer's statement;
  11. Credit for time served;
  12. Recommendation; and
  13. Terms and conditions (as applicable).
- (b) The unit supervisor, or designee in their absence, shall review and come to consensus on the recommendation proposed by the deputy probation officer preparing a report prior to submission to the Court. Upon completion of the adult court report, the deputy shall submit the report on or before the draft due date, unless otherwise approved by the unit supervisor. The report shall be proofread and signed by the deputy, and referred to the appropriate supervisor, for review and signature. If the supervisor is not available, the deputy shall refer the report to a designee. The designee shall be a senior probation officer or above and shall only be utilized in extenuating and articulable circumstances, and only after management has been advised. The name of the designee shall be printed and signed above the supervisor's name on the report.
- (c) The report shall be delivered to the court and legal counsel as prescribed by statute. Unless otherwise specified in the minute order, statute or by request of counsel, the report shall be delivered to the court and legal counsel five (5) days prior to the sentencing hearing.

Date(s) revised:

07/18/2016

12/01/2005

12/01/1998

07/10/1992

Created: 07/01/1986

Attachments: None