

STATE OF SOUTH DAKOTA
THIRD JUDICIAL CIRCUIT COURT
314 Sixth Avenue, Brookings, South Dakota 57006

DAVID R. GIENAPP
Presiding Judge
(605) 688-4202

ANTHONY W. BENNING
Administrator
(605) 688-4621

Counties
*Beadle, Brookings, Clark
Codington, Deuel, Grant
Hamlin, Hand, Jerauld
Kingsbury, Lake, Miner
Moody and Sanborn*

THIRD CIRCUIT POLICY – 04-05-P

PSI Preparation and Distribution

The following Circuit Policy shall not change, limit, or modify the statutes pertaining to Pre-Sentence Investigations and reports set out in SDCL 23A-27-5 et seq, in general, and SDCL 23A-27-7, in particular. Further, it shall not override any records retention policy established by the Unified Judicial System.

It is the policy of the Third Circuit that:

PSI Preparation: Prior to the completion of a court-ordered Pre-Sentence Investigation (PSI) the court services officer shall have in their working file a signed Order for Pre-Sentence Investigation (UJS 500).

PSI Distribution: Upon completion of a Pre-Sentence Investigation (PSI) by a court services officer, the officer shall make such report available to the court, the state's attorney, the defendant and his counsel, if the defendant is represented, by personally serving upon the state's attorney, the defendant's counsel, or in the alternative mailing to the states attorney and counsel for the defense, a copy of the Pre-Sentence Investigation **at least 72 hours** before the time set for sentencing.

If the defendant is not represented, the defendant shall be notified by Court Services that the PSI is completed and that the defendant may come to the Court Services Office to review the same. If the defendant is incarcerated, the court services officer shall personally review the PSI with the defendant prior to sentencing.

PSI Collection: It shall be the responsibility of the state's attorney and defense counsel to return, immediately following sentencing, their copy of the PSI to the court services officer who prepared the report without making additional copies of the PSI or otherwise marking or making notations on their individual copy.

Should the defendant's attorney fail to return the PSI immediately following sentencing or if it is found that additional copies of the Pre-Sentence Investigation were made by counsel, the attorney shall no longer be entitled to the privileges afforded by this policy, and the attorney shall only be allowed to inspect the PSI in the presence of the court services officer who prepared the report. In such cases the attorney shall be allowed to make notes as to the substance and information contained in the PSI.

The original Pre-Sentence Investigation shall be filed with the Clerk of Courts in the county of prosecution immediately following the sentencing hearing. Court Services shall place the PSI in a manila envelope, seal it, and in some fashion, clearly mark or label the outside of the envelope as a "Sealed File" prior to taking it to the Clerks' office. If the defendant being sentenced does not receive a penitentiary term, one of the copies shall be retained in the Court Services working file per the current records retention schedule and the other shall be destroyed. If the defendant is sentenced to the penitentiary, one copy is retained in the Court Services working file per the current records retention schedule and another is sent to the warden of the South Dakota State Penitentiary. Any other copies shall be destroyed.

Either the clerk of courts or court services are directed to provide a copy of the filed PSI to all federal and state probation agencies and the board of pardons and parole upon request and without further court order.

Dated this 9th day of June, 2011.



David R. Gienapp
Presiding Judge
Third Judicial Circuit

Affirmed 7/04

Amended 6/2011

Amended 6/9/2011