



Court Interpreter Services
U.S. District Court, Central District of California

Orientation for Contract Court Interpreters
PRE-SENTENCE INVESTIGATION AND REPORT

PRE-SENTENCE INVESTIGATION INTERVIEW

Once a defendant has been convicted of an offense, the probation office of the court will make a pre-sentence investigation and report to the court before the imposition of sentence. A United States probation officer will contact interpreter services to request an interpreter for the “probation interview.” The interpreter will be assigned by interpreter services and asked to meet the probation officer at the location specified by the probation officer, usually a detention facility. In some instances, when the defendant is free on bond pending sentencing, the interview may take place in the probation office. The defense attorney is usually present during the interview, and may direct the client not to answer some of the probation officer’s questions.

According to Rule 32 of the Rules of Criminal Procedure, the pre-sentence report must contain information for the sentencing judge regarding: “**A**) any prior criminal record of the defendant, **B**) a statement of the circumstances of the commission of the offense and circumstances affecting the defendant’s behavior, **C**) information concerning any harm, including financial, social, psychological, and physical harm, done to or loss suffered by any victim of the offense, and **D**) any other information that may help the court in sentencing, including the restitution needs of any victim of the offense.”

Pre-sentence reports are not public documents. Anything discussed during the pre-sentence report interview is confidential and cannot be divulged by the interpreter.

During the pre-sentence report interview with a probation officer, it is the probation officer who is to conduct all phases of the interview with the *interpreting* assistance of the court interpreter. At no time is the interpreter to take over the interview by asking the questions and writing down the responses, particularly the financial portion of the report, *even if asked to do so*. The interpreter is strictly limited to interpreting what is asked and what is answered.

On occasion, a probation officer will ask for the interpreter’s opinion regarding the defendant’s mental state, level of education, whether the defendant is being truthful or not, etc. The interpreter should refrain from giving any opinions other than those directly related to linguistic or semantic issues. To do otherwise would constitute a breach of the interpreter’s code of professional



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responsibility and could expose the interpreter to sanctions imposed by the court for willful violations.

READING OF THE PRE-SENTENCE REPORT

The prosecutor, the defendant, and defense counsel should receive a copy of the pre-sentence report at least 35 days before sentence is imposed. The parties then have 14 days to object to it, and must give their objections to the probation officer in writing. The probation officer may meet with the parties to discuss the objections, conduct further investigation, and revise the pre-sentence report. The report has to be submitted to the court at least 7 days before the sentencing hearing. Any unresolved objections to the report must be set forth and discussed in an addendum to the report.

In cases where an interpreter is needed, defense counsel will contact interpreter services to place a request to have an interpreter present while reviewing the pre-sentence report with the defendant. By order of the court, the defense attorney must be present at all times while the pre-sentence report is being sight-translated to the defendant. Any questions or comments that the defendant may have regarding the report must be interpreted to the defense attorney and any replies by the defense attorney are to be interpreted to the defendant. Remember to stay within your role as an interpreter - do not allow yourself to be turned into a witness by offering opinions unrelated to your area of expertise.

The pre-sentence report can be a lengthy, single-spaced document containing narrative paragraphs along with specialized terminology relating to the sentencing guidelines. It should take an average of 3 minutes to sight-translate one page of the report. The report will consist of a cover page containing case information, sentencing date, name of the judge and attorneys, etc. The body of the report is divided into several parts, starting with a guideline summary, description of the offense and offense level computation. The defendant's criminal history and offender characteristics will be discussed and various sentencing options will be indicated. The report usually concludes with sections that describe factors that may warrant departure under the guidelines and factors that



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may warrant a sentence outside the advisory sentencing guidelines (sometimes called a variance.)

All interpreting service provided during the pre-sentence report interview or during the reading of the report is billed on the court's form. Be sure to ask the probation officer or defense counsel to sign the back of your claim form.

The attached glossary contains terms frequently encountered in pre-sentence reports. Researching them ahead of time will help you stay within the 3-minutes-per-page estimate.



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GLOSSARY

Acceptance of responsibility
Addendum to the report
Adjusted offense level
Adjustment for obstruction of justice
Administrative Office of the United States Courts
Aggravating circumstances
Aliases
Alimony/child support
Assessment of (ability to pay, financial condition, etc.)
Attorney General of the United States
Base offense level
Career offender
Cash advances/bonuses
Charge and conviction
Co-defendants
Co-payments
Commissions (all non-employee earnings as an independent contractor)
Community service hours
Consensual relationship
Continuing criminal enterprise
Contempt of court
Co-operation with authorities
Course of conduct
Credit check information
Criminal history computation
Criminal history points
Custody sentence



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Dependents

Detainers

Disposition of case

Dividends

Drug or alcohol abuse

Drug trafficking offense

Early disposition program departure

Earned leave

Education and vocational skills

Electronic monitoring

Enhancements

Factors that may warrant departure

Fail to pay the fine

Federal, state, or local crime

Felony violation of Section 11352(a) H & S

Field Supervision Officer

Financial support

Finding of the court

Fraudulent application for legal status

Gratuities/tips

Guidelines manual

Guideline provisions

Home confinement rules

Illegal re-entry of deported alien

Intermittent/community/home confinement

Joint spousal income

Judgement of the court

Jurisdiction retained by the court



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Knowingly and illegally possess

Legal status

Liquidate assets

Local authorities

Low end of the sentencing guideline range

Mental and emotional health

Mental disorders

Mid-range of the guidelines

Mitigating circumstances

Monitor compliance with rules

Monthly cash flow statement

Mortgage loans

Multiple-count convictions

Narcotics conspiracy

Offender characteristics

Objections to the pre-sentence report

Obstruction of justice

Offense behavior/conduct

Offense level computation

Pace maker

Payment schedule

Penal or correctional institution

Pending charges

Pensions/annuities

Personal and family data

Physical condition

Possess a firearm or dangerous weapon

Probation revoked



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Probation/parole violation

Release status

Release from custody

Relevant conduct

Repetitive or ongoing behavior

Represented by legal counsel

Restitution

Role in the offense

Scars, tattoos, or other identifying marks

Sentencing Reform Act of 1984

Sentencing table

Significant other

Social Security payments

Special assessment

Specific offense characteristics

Standing 5 feet 5 inches tall

Statutory provisions

Substance abuse

Subtotal criminal history score

Supervised release

The instant offense was committed

Trust income

Underlying counts

United States Bureau of Prisons

Upward or downward departure

U.S. Immigration and Customs Enforcement (ICE)

U.S. Probation

Utilities (water, power, gas)



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Victim impact statement
Vocational skills
Voluntary surrender
Waiver of appeal and collateral attack
Warrant was issued
Whereabouts of the defendant
Written plea agreement
Wrongful conduct