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UTAH: Presentence Investigation

A pre-sentence investigation (PSI), also referred to as pre-sentence report (PSR), is the defendant's chance to explain their circumstances, point of view, and concerns regarding their sentencing. A PSI will give the judge a more in-depth understanding of the defendant's personal life history leading up to the current time, as well as the defendant's point of view regarding the case, the defendant's life circumstances, and any other factors that may contribute to the case or effect A sentencing. The judge will then consider the information gathered in the PSI process and factor it into their decision for the defendant's sentencing.

How will I know if I need a Pre-Sentence Report?

Pre-sentence investigations are court-ordered by a judge on a case-to-case basis. If the judge does not feel a pre-sentence report to be necessary for the case, they will not order the defendant to attain one. If the defendant is unsure if they were ordered to attain a PSI, they can contact their attorney assigned to the case. In summary, if there is no court order for a defendant to acquire a PSI, there is no need for the defendant to attain one.

What to expect with a pre-sentence investigation?

A pre-sentence investigation (PSI) begins when a defendant enters a guilty

plea. Whether to order a PSI for the case is the judge's decision. If ordered, it will give the court more background information on the



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defendant's personal life history leading up to the current time, as well as the defendant's point of view regarding the case, the defendant's life circumstances, and any other factors that may contribute to the case or effect its sentencing.

The PSI process will begin with the defendant filling out a briefing packet that details the defendant's point of view and personal life circumstances; and participate in an interview conducted by Adult Probation and Parole (AP&P).

The information gathered from the PSI interview and briefing packet will then be brought together and put into a document called a pre-sentence report (PSR). This PSR will be sent to the judge. The judge will then consider the information gathered in the PSR and factor it into their decision for the case's sentencing.

Read below to learn more about the PSI process and how to prepare.

How and where to get started?

When the defendant has been ordered to obtain a PSI, **the defendant will need to contact** Adult Probation and Parole (AP&P) **within 48 hours of the order**. If a defendant does not contact AP&P in the allotted time frame, the judge can order the defendant to be taken into custody.

From there, the defendant will need to obtain a briefing packet from AP&P. Oftentimes, this means the defendant going to the AP&P building and attaining it themselves. This packet must be **filled out completely before the interview**. The briefing packet will contain information regarding the defendant's personal life history leading up to the current time, as well as the defendant's point of view regarding the case, the defendant's life circumstances, and any other factors that may contribute to the case or effect its sentencing. If there are any questions or concerns in filling out the packet, please contact the attorney assigned to the defendant's case.

The defendant should be certain to check what AP&P region the case allows for the defendant to be able to acquire a packet from and h
interview with. If the defendant is unsure, they should contact the attorney,



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assigned to their case.

Contact Adult Probation and Parole (AP&P) [here](#).

What kind of questions will I be asked in the interview?

A PSR goes in-depth into the defendant's personal history. The interviewers, from the AP&P region you contacted, can ask questions regarding the defendant's current or previous personal history, including questions about:

- Childhood
- Criminal record
- Relationships
- Substance abuse history
- Mental, emotional, and physical health
- Employment history
- Education
- Financial situation
- Community status
- AP&P will have access to any previous reports on the defendant's record and will include any applicable notes in the PSR on the defendant's willingness to talk about these events as well as any pertinent behavior during those events or in the interview. The judge responsible for sentencing will factor those notes into their decision for sentencing. It is advisable for the defendant to be open and honest during the interview. The interview is the defendant's chance to explain their circumstances, point of view, and concerns regarding their sentencing.



The defendant should understand that AP&P may contact family members,

past relations, the defendant's doctor(s), law officers who had interactions with the defendant, any of the defendant's associates (past or present), or employers as a part of the interview process. To obtain their point of view on the situation as well.

What materials will I need to have for the interview?

The defendant will need to bring to the interview a fully filled-out briefing packet from the appropriate AP&P office. This is the only **required** material.

Although not required, it may be beneficial to include documentation of employment history, any volunteer work, any doctor notes, if the defendant has been attending any classes (such as Alcoholics Anonymous, the defendant could include their attendance), or any other documents that may solidify the defendants' account.

If a defendant has any further questions regarding the packet, they may call their assigned attorney.

Who will have access to my Pre-Sentence Report?

AP&P will create the report and send it to the attorney assigned to the case. The defendant, the case attorney, the judge, and the prosecutor will see this information. No one else should see this document.

What are my rights if I don't want a PSI?

The defendant does not have that option. Getting a PSI is a court order, meaning the defendant is required to obtain one.

If a PSI has been ordered and the defendant does not acquire one, the judge will order the defendant to be taken into custody.

Why do I need to "waive my right" when getting a Pre-Sentence Report?

In Utah, a defendant has the right to be sentenced within two to forty-five days. However, a PSR can take up to six weeks to receive. Because a PSR is court-ordered, a defendant is **required** to get one. With the six weeks approaching so close to the forty-five-day timeline, it is not feasible



court and the state of Utah to proceed with only two days to finish the case's sentencing.



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