

PSI Presentence Report

New Jersey Criminal Sentencing

Although the offense someone is charged with plays the biggest role in the judge's determination of your sentence, there are numerous other factors to be considered. The majority of the information used in determining what type of sentence is appropriate for you is found in a **Presentence Report**.

A presentence report is an investigative report provided to the judge that includes a wide array of information. The presentence investigation is typically done by a probation officer and may include the following:

- Criminal History
- Employment
- Family support
- Alcohol/Drug history
- Mental health evaluation
- Medical history
- Personal habits
- Finance history

Ref: NJ [§2C:44-6](#)

Arguably the most important piece of information on the presentence report is the court investigating officer's recommendation. The officer will make their recommendation on the belief on the likelihood of your success on probation or whether they believe you would be best served by incarceration.

The judge is not required to follow the recommendation of the presentence report, though they will likely give the investigating officer's professional opinion some consideration.

The following is the statute dealing with pre-sentence reports

2C:44-6 Procedure on sentence; presentence investigation and report.

a. The court shall not impose sentence without first ordering a presentence investigation of the defendant and according due consideration to a written report of such investigation when required by the Rules of Court. The court may order a presentence investigation in any other case.

b. The presentence investigation shall include an analysis of the circumstances attending the commission of the offense, the defendant's history of delinquency or criminality, family situation, financial resources, including whether or not the defendant is an enrollee or covered person under a health insurance contract, policy or plan, debts, including any amount owed for a fine, assessment or restitution ordered in accordance with the provisions of Title 2C, any obligation of child support including any child support delinquencies, employment history, personal habits, the disposition of any charge made against any codefendants, the defendant's history of civil commitment, any disposition which arose out of charges suspended pursuant to N.J.S.2C:4-6 including the records of the disposition of those charges and any acquittal by reason of insanity pursuant to N.J.S.2C:4-1, and any other matters that the probation officer deems relevant or the court directs to be included. The defendant shall disclose any information concerning any

Investigation Presentence Psi Report

Daniel F McAuley



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