

Presentence Investigation

The pre-sentencing investigation refers to the investigation conducted by the Probation Office into the history of the convicted person. This investigation can include interviews with the defendant and their family, friends and/or employer. This investigation occurs before sentencing to determine if there are aggravating or mitigating circumstances for the judge to consider before a sentence is imposed.

PHASE: Sentencing/Sanctions

Pre-sentence Report

- The report created by the Probation Officer in charge of the pre-sentencing investigation into the defendant.
- A pre-sentence report contains background information on the defendant such as:
 - Their criminal record
 - Any medical or psychiatric reports
 - Any time the defendant spent in custody awaiting trial

Sentencing

The judge will review the pre-sentence report before sentencing a defendant. The judge will also consult the “**sentencing guidelines**” to determine the minimum jail/prison sentence for the crime committed.

- Most often, sentences are at the judge’s discretion; however, in Pennsylvania there are a number of mandatory minimum sentences that must be imposed if a defendant is convicted of a crime.
- The judge may also consider **different alternatives**, such as:
 - A fine
 - Probation
 - Community service
 - A sentence to jail or prison
 - A combination of the above
- The judge must also order the defendant to make **restitution** to any victims who have suffered financial harm.
 - The restitution process involves advocates that will help you tell the court what your losses are and how much money needs to be paid back to you by the person who committed the crime.

Additional Sources:

<https://pcv.pccd.pa.gov/available-services/Pages/The-Sentencing-Hearing-is-Held.aspx>



Points of Intervention:

- Engage with defense counsel to see if any external support is needed and offer alternative treatments (e.g. forensic hospital placement).
- Initiate an introduction with the social worker assigned to the individual. Please note that this person may have different names in the justice system, including but not limited to prison social worker, caseworker, or Regional Re-entry Administrator.
- Request to be a part of Department of Corrections treatment team.

For more information about these and other justice system procedures, visit the **ASERT Navigating the Justice System page**.

