



CRIMINAL SENTENCING COMMISSION

Presentence Investigation Report Guide

Does the Court need a Presentence Investigation Report (PSI) in every case?

No, only a defendant convicted of or plead guilty to a felony **MUST** have a PSI report to be placed on community control. [R.C. 2951.03(A)(1)]

Can a PSI report be waived?

Yes, Defendant and state may waive, **HOWEVER** a court may still order a PSI.
[R.C. 2951.03(A)]

What **MUST** be in a PSI report?

Officer making the report **SHALL** inquire:

Circumstances of the offense, criminal record, social history, present condition of the defendant, prior adjudications as a delinquent child and dispositions, any other matters specified in Crim. Rule 32.2.

What matters are specified in C.R. 32.2?

Rule 32.2 has been amended and no longer contains any content to be included in the PSI report.

Are there other inquiries that the officer may make?

Yes, when officer thinks advisable **MAY** get a Physical Examination, which can include a Drug Test – Chemical analysis of blood or urine specimen **OR** a mental examination.
[R.C. 2951.03(A)(1)]

Does the victim have to make a statement for the PSI report?

No, If the victim wants to make a statement for the PSI report, then the officer shall include the statement and comply with R.C. 2930.13 – may make written or oral statement.

What may the victim include in the statement for the PSI report?

[R.C. 2930.13(C)] The victim/victim representative may include:

1. Explanation of nature and extent of physical, psychological or emotional harm;
2. Property damage or economic loss;
3. Restitution needs and if victim has applied for or been compensated; and
4. Recommendation for appropriate sanction.



Who may access or receive a PSI report? (R.C. 2951.03(D)(1))

1. The court;
2. Appellate court;
3. Authorized probation officers;
4. Investigators;
5. Court personnel;
6. Defendant/defendant's counsel may read at a reasonable time before sentencing, EXCEPT:
 - Any recommendation as to sentence;
 - Any diagnostic opinions that, if disclosed, the court believes might seriously disrupt a program of rehabilitation for the defendant;
 - Any sources of information obtained upon a promise of confidentiality; and
 - Any other information that, if disclosed, the court believes might result in physical harm or some other type of harm to the defendant or to any other person.
7. Prosecutor who is handling the prosecution and victim per Marsy's Law [R.C. 2930.131]; and
8. Authorized personnel of institution to which defendant committed.

Does the court have to grant access to the PSI report to anyone?

No, if Court believes PSI should not be disclosed, SHALL state orally or in writing a summary of the factual information that will be used at sentence. [R.C. 2951.03(B)(3)]

What can the defendant do if they disagree with the contents of a PSI report?

Prior to sentencing – Defendant (Counsel) may comment on PSI, may introduce testimony or other information regarding alleged factual inaccuracies. [R.C. 2951.03(B)(2)]

What should the court do if Defendant alleges factual inaccuracies?

Court SHALL either:

1. Make a finding as to the allegation; or
2. Make a determination that no finding is necessary because the factual matter will not be taken into account when sentencing.

[R.C. 2951.03(B)(5)]

Can either party appeal the summary or withholding?

No, court's decision as to (B)(3) summary or withholding (B)(1)(a),(b),(c),(d) shall be considered within discretion of court. [R.C. 2951.03(C)] No appeal can be taken from either of those decisions – neither is the basis for reversal of sentence imposed.

Are PSI reports public records?

Yes, contents of report are confidential/not a public record. [R.C. 2951.03(D)]



What happens to the PSI report after sentencing?

[R.C. 2951.03(D)]

1. Immediately following sentence, the PSI is returned to the court by the defendant, defense counsel and the prosecutor. No copies permitted.
2. Report held under seal, unless being used for authorized purpose.

NOTE: PSI report forwarded to institution per R.C. 2951.03(A)(2).

What happens to PSI report if the defendant is sent to an institution?

The report shall be sent with entry of commitment to the institution. [R.C. 2951.03(A)(2)]

What elements has the Ohio Criminal Sentencing Commission suggested be included in a PSI report, but are not required:

- Case information (i.e. attorneys, case number);
- Defendant information (i.e. address, demographics);
- Jail credit;
- Charges;
- Registration requirements (sex offender/violent offender/arson offender);
- License violation;
- Family history (parents, children, relevant history);
- Education;
- Physical and mental health history;
- Drug and alcohol assessment;
- Military history;
- Adverse childhood experience;
- CBCF referral;
- ORAS score;
- Victim impact statement and information;
- Protection orders;
- Summary of instant offense;
- Defendant statement;
- Criminal history (adult/juvenile);
- Detainers/charges pending;
- Pretrial release information;
- Residency status;
- Employment history;
- Tools (Static 99, VASOR);
- Supervision history;
- Financial condition; and
- Security threat group.

NOTE: Ohio Department of Rehabilitation and Correction (ODRC) has created a template that 43 counties accepting ODRC grant funds use. The template is also a global document in the Ohio Community Supervision System (OCSS). https://dam.assets.ohio.gov/image/upload/drc.ohio.gov/Forms/PSI_Template_7-1-25.pdf