

Statutory Authority

Rule 32 of the Federal Rules of Criminal Procedure provides that the probation officer shall conduct a presentence investigation and submit a report to the Court at least seven days before the imposition of sentence, unless the Court finds that there is sufficient information in the record to enable the meaningful exercise of sentencing authority. The probation officer must conduct an investigation and submit a report if the law requires restitution. There will be no presentence report prepared for defendants sentenced under 18 U.S.C. § 3593(c) or 21 U.S.C. § 848(j).

Following the defendant's entry of a guilty plea, or upon a guilty verdict following a trial, the Court may order the probation officer to conduct a presentence investigation and submit a presentence investigation report.

A presentence investigation may be initiated prior to entry of a guilty plea or nolo contendere, or prior to the establishment of guilt, but the report may not be disclosed to the Court, the defendant, the attorney for the defendant, and the attorney for the government, unless the defendant consents in writing to disclosure of the report to the court prior to conviction pursuant to Rule 32.

Before or after receipt of a presentence report, the Court may order a study and report of the defendant if the Court desires more information than is otherwise available to it as a basis for determining the sentence pursuant to 18 U.S.C. § 3552(b). This statute provides that the study and report are to be conducted in the community by qualified consultants, unless the Court finds there is a compelling reason for the study to be conducted by the Bureau of Prisons or there are no adequate professional resources available in the local community to perform the study. If the Court is specifically interested in additional information regarding the mental condition of the defendant, the Court may order a psychiatric or psychological examination and report under the provisions of 18 U.S.C. § 3552(c). The Court may order the examination before or after receipt of the presentence report.