



<b>COMMUNITY INSTRUCTION</b>	<b>Pre-Sentence Report</b>
<b>COMMUNITY INSTRUCTION NO.</b>	<b>C24.1</b>
<b>SCOPE</b>	<b>Community Corrections</b>

## PURPOSE

To provide instruction to Community Corrections staff in relation to the preparation and completion of a Pre-Sentence Report (PSR).

## PROCEDURES

### 1. Registration and allocation

- 1.1 Requests for PSRs are made by the courts and emailed to the Sentence Administration Section (SAS). The courts should also provide the Criminal History (CH), Statement of Facts (SOF) and any other information relevant to the sentencing matter.
- 1.2 The SAS will enter the PSR task in the offender management system and allocate the task to a Team Leader (TL) in line with the *CI - Business rules for registration and allocating a Court or SAB Report*.
- 1.3 A TL will allocate a PSR to a Community Corrections Officer (CCO) at the 'Preparing' stage'.
- 1.4 The allocated CCO will determine if an existing offender file is in the Community Corrections office, if not they will generate the *File Action Request* form in the offender management system and email it to [SSACTRecordServices@act.gov.au](mailto:SSACTRecordServices@act.gov.au).

### 2. Gathering information

- 2.1 It is the responsibility of the allocated CCO to review the offender management system to determine if a further appointment is recorded. If not, the CCO can generate the form *2.2.2 Direction to Attend Report Interview* and send it via post to the offender's nominated residence or contact the offender via telephone and direct them to report.
- 2.2 If the offender is in custody, the CCO can email [AVLAMCBookings@act.gov.au](mailto:AVLAMCBookings@act.gov.au) to arrange an Audio Visual Link (AVL) appointment or [amcexecsupport@act.gov.au](mailto:amcexecsupport@act.gov.au) to arrange a face to face visit at the Alexander Maconochie Centre.
- 2.3 Prior to the first interview with the offender, the CCO should prepare by familiarising themselves with the CH, SOF, Service records and any other relevant information available.
- 2.4 If the CCO is meeting the offender for the first time, they should attempt to verify their identification. Identification can be verified by sighting available identification documents and/or by asking the offender to state their name, date of birth (DOB) and address.
- 2.5 When undertaking the PSR interview with the offender, the CCO should explain the purpose of the report and complete the *Offender Intake Data Form* (either hard copy or electronic) and the *2.1.4 Consent to Obtain and Release Personal Information Form*.

- 2.6 The CCO must seek contact details from the offender for any contacts required to verify information provided by the offender, including but not limited to employers, support persons and family members.
- 2.7 The CCO must seek information from Canberra Health Services in relation to past or present involvement with the offender. This can be done by emailing [ROIMHJHADS@act.gov.au](mailto:ROIMHJHADS@act.gov.au) and outlining the following:
- a. offender details (name/DOB)
  - b. purpose of requested information
  - c. specific information requested dependent on the individual and pertinent to sentencing options and ongoing case management
  - d. reference to the legislative basis for the request, namely section 43 of the *Crimes (Sentencing) Act 2005*.
- 2.8 As per section 17B (2) of the *Victims of Crime Act 1994*, the CCO must seek and consider the victim's concerns about the need for protection from violence or harassment by the offender. The Australian Federal Police will instigate the initial communication with the victim. If the victim wishes to contact the CCO, the CCO should use the *Victim Contact form* to guide the discussion and case note the details in line with the *Case Note Policy*.
- 2.9 As per section 46C of the *Crimes (Sentencing) Act 2005*, during a COVID-19 emergency, the court may order that an intensive correction assessment be included in a PSR. If this is requested, the CCO must consider the additional information in table 46D when assessing the suitability for this sentence.
- 2.10 When interviewing the offender, the CCO should be mindful of information required, both for the preparation of the PSR and for the scoring of the Level of Service Inventory – Revised (LSI-R).

### **3. Verifying information**

- 3.1 It is the responsibility of the CCO to verify as much of the information provided by the offender as possible.
- 3.2 All sources of information must be noted within the PSR.
- 3.3 If information is confirmed via telephone, the CCO must case note the contact according to the *Case Note Policy*, outline the details of the contact person and state whether the information was verified or discredited.
- 3.4 For ease of vetting, the CCO must check the verified information boxes on *the Offender Intake Data Form*.

### **4. Drafting the report**

- 4.1 When drafting the PSR, the CCO will generate the *1.1.1 Full Pre-Sentence Report - 26 Sep17* form in the offender management system. This template highlights the relevant information to be provided to the court and provides descriptions of the details to be included.
- 4.2 During a COVID-19 emergency, the CCO will generate the *Pre-Sentence Report COVID-19* form which includes items noted in 2.9.

- 4.3 Section 40A of the *Crimes (Sentencing) Act 2005* outlines the matters that must be covered in a PSR, these include:
- a. the offender’s age
  - b. the offender’s social history and background (including cultural background)
  - c. the offender’s medical and psychiatric history
  - d. the offender’s educational background
  - e. the offender’s employment history
  - f. the extent to which the offender is complying, or has complied, with any sentence
  - g. the offender’s financial circumstances
  - h. any special needs of the offender
  - i. any courses, programs, treatment, therapy or other assistance that is available to the offender and from which the offender may benefit
  - j. any risk assessments made of the likelihood that the offender will commit further offences or of things (including circumstances) that may make the offender more likely to commit further offences
  - k. whether the offender:
    - (i) is addicted to, or misuses alcohol, or a controlled drug; and
    - (ii) has been assessed, treated or monitored by the court alcohol and drug assessment service under section 40B
  - l. the opinion of the assessor preparing a pre-sentence report for the offender in relation to an offence, and the basis for the opinion, about the following:
    - (i) the offender’s attitude to the offence
    - (ii) the need to protect victims of the offence from violence or harassment by the offender
    - (iii) anything that may make the offender more likely to commit further offences; Examples— dependence on alcohol or a controlled drug, a gambling addiction, association with particular people
    - (iv) the likelihood that the offender may commit further offences
    - (v) whether it would be appropriate to refer the offender for restorative justice under the Crimes (Restorative Justice) Act 2004.

4.4 A PSR must address each matter noted by the courts in the request for a report. The CCO must ensure that the charge number/s match the charge description/s, as per the Integrated Court Management System (ICMS) or the Statement of Facts.

- 4.5 As all PSRs authored by CCOs can be subject to cross examination, CCOs will state clearly if they are:
- a. noting an opinion
  - b. providing unverified information.

**5. Community Service Work Suitability**

5.1 When assessing an offender’s suitability for a Community Service condition the CCO must consider the indicators outlined in table 90 of the Crimes (Sentencing) Act 2005 as below:

Column 1 – Item	Column 2 – Matter	Column 3 – Indication of Unsuitability
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1	degree of dependence on alcohol or a controlled drug	major problem with alcohol or a controlled drug
2	psychiatric or psychological condition	major psychiatric or psychological disorder
3	medical condition	potential unfitness to perform community service work
4	criminal record	serious criminal record
5	employment and personal circumstances	potential impracticability of regular reporting for community service work

- 5.2 The CCO must explain the content of the Community Service Work Condition Health Declaration form to the offender and seek their signature if appropriate. If the offender cannot sign the form due to physical/mental illness or alcohol and/or other drug use, the CCO must record the reason and explain that this may result in them being found unsuitable for a community service condition.
- 5.3 If the CCO has any concerns regarding the suitability assessment, they will consult with their TL or the Community Service Work Coordinator.

## 6. Vetting

- 6.1 All PSRs must be vetted by a TL or Manager to ensure accuracy and consistency of information provided to the courts.
- 6.2 PSRs should be provided to the TL for vetting at a minimum of five (5) days prior to the report's due date. If this is not possible the CCO must contact the TL to negotiate a shorter period.
- 6.3 The vetting process may include a review and approval of the LSI-R assessment if an existing LSI-R is not yet approved, or its validity has expired.
- 6.4 Best practice is for the author of the report and their respective TL to sign the completed PSR. In the circumstance where those officers are unavailable, the PSR may be signed on behalf of the author/approver by another delegated officer/TL.
- 6.5 The TL may case note the approval of the LSI-R and PSR and must ensure any actions in respect to their completion are recorded in the offender management system.

## 7. Providing the PSR to the Court

- 7.1 Once the PSR has been signed, it must be scanned and sent via e-mail to the court. The scanned copy must be uploaded into the offender management system.
- 7.2 Reports for the Magistrates Court are sent to:
- [MCChamberAssociates@act.gov.au](mailto:MCChamberAssociates@act.gov.au)
  - [PPUAllocations@act.gov.au](mailto:PPUAllocations@act.gov.au)
- 7.3 Reports for the Supreme Court are sent to:
- [SCAssociates@act.gov.au](mailto:SCAssociates@act.gov.au)
  - [PPUAllocations@act.gov.au](mailto:PPUAllocations@act.gov.au).
- 7.4 The CCO must case note that the completed PSR has been sent to the requesting court.

- 7.5 After the PSR has been sent to court it is the responsibility of the CCO or TL to close the task in the offender management system with the correct completion reason no later than the court date. If the task is closed after the court date, it should be backdated.
- 7.6 All paperwork completed during the preparation of the PSR should be placed in the offender file.

**RELATED DOCUMENTS AND FORMS**

- Crimes (Sentencing) Act 2005
- Victims of Crime Act 1994
- Case Note Policy
- File Action Request
- CI - Business rules for registration and allocating a Court or SAB Report
- 2.2.2 Direction to Attend Report Interview
- 2.1.1 Offender Intake Data Form - E-Form - 18 Jan16
- 2.1.2 Offender Intake Data Form - Hardcopy Form - 18 Jan16
- 2.1.4 Consent to Obtain and Release Personal Information Form
- Community Service Work Condition Health Declaration
- Victim Contact Form
- 1.1.1 Full Pre-Sentence Report - 26 Sep17
- Pre-Sentence Report COVID-19
- Level of Service Inventory – Revised (LSI-R)

Bruno Aloisi  
 A/g Assistant Commissioner  
 ACT Corrective Services  
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